A child custody Lawyer details interim parenting applications

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A child custody lawyer understands the growing importance of interim parenting applications in the Federal Circuit and Family Court of Australia. This is due to the ever increasing delays in the Courts, processing and finalisation of matters.

What is the expected wait time?

Depending on which registry a matter is filed, some parenting matters before the FCFCOA may take up to 3 years before a matter reaches a final hearing. This means that interim parenting orders govern the parenting arrangements between the parents and the children until a judgment is delivered or an agreement is reached between the parties.

Purpose and role of an interim order

It is devastating for a parent who wishes to spend time with their children but doesn't have the liberty to do so. A delay in achieving a final order can have damaging ramifications on the relationship between parents and their children.

An Interim parenting order is a temporary measure which is made by the Court. This order can be made either by consent or after the hearing of submissions by the parties. A child custody lawyer will present submissions to the judge which propose what parenting arrangements should be in place from the time of the interim hearing until judgement is delivered after a final hearing.

How does an interim hearing run?

An interim hearing is done "on the papers"; meaning that the Court will consider the competing applications of the parties. Affidavits, expert reports and submissions are all factored in. These will contribute to the court's determination of parental responsibility and the s 60CC factors that consider the best interests of the child.

The Court will take a conservative approach in assessing what is in the best interest of the children. The evidence in an interim hearing is limited. In other words, the Court will not make findings on disputed facts and issues. However, the Court can and may make findings on 'uncontroversial matters'.

Consulting a child custody lawyer to ensure proper preparation

Generally, a Judge will only have a short amount of time to consider an interim application. Being adequately prepared for an interim parenting hearing is critical considering the delays mentioned. Seeking legal assistance from a child custody lawyer will ensure that the affidavits

are drafted properly and all relevant documents are collated for Court. This will ensure that the process before the court and the interim hearing itself runs with ease and efficiency.

Contact us on 1800 300 170 or email us at famlaw@matthewsfolbigg.com.au

Disclaimer

Family law situations can be complex and sometimes they can involve serious issues. Information outlined is proposed to provide general guidance only. Due to the seriousness of legal matters as well as the uniqueness of your individual situation, professional advice should be sought. For advice, please contact one of our Family Lawyers.