How a child support lawyer can navigate through a child vaccination dispute

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Seeking advice from a child support lawyer in the midst of a global pandemic can add another layer of complexity to your legal proceedings. Medical developments remain ongoing as awareness of health advice heightens. As a result, it is difficult to navigate what actions are mandatory or optional. A particular area of uncertainty surrounds the vaccination status of children between the ages of five to eleven.

A recent decision passed in the Federal Circuit and Family Court of Australia explores this issue. As well as the relationship between law-making and law-enforcing authorities. A child support lawyer can inform you of Australia's powers and their separation into three arms. More importantly each is a distinct authority tasked with specific roles; therefore they cannot influence one another. For example, parliament has the power to make and change laws. Whereas, the judiciary (the courts) is responsible for passing judgments on the law.

In *Dacombe & Padison* [2021], an interesting argument was put forward by the father. The case involved a child support lawyer and an appeal against an order allowing the mother to vaccinate their child against COVID-19. The father claimed that under s 51(xxiiiA) of the Australian Constitution, parliament makes laws about the provision of medical services but does not authorise civil conscription. The term ‘civil conscription’ means making the performance of particular medical services compulsory. In the context of COVID-19, the question of if this applies to vaccinations was raised. However, the Court found that the concept was not relevant to the legislative power to make such orders.

When it comes to orders about the medical treatment of children, the provisions of the Family Law Act grant discretionary power to the Court. The child support lawyers raised the issue of if the father had given consent to vaccinate his child. However, despite this potential area for debate, the court found a vaccination decision for a child is broken by an argument favoring the ‘child’s best interests.’

The law continues to develop in response to contemporary events. Seeking a child support lawyer is useful as they will be able to advise you of your legal options.

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