Interim Hearings – What are They and Will I Need a Family Law Lawyers Assistance?

Date : August 26, 2020

An interim hearing can be described as Court event that gives the parties a temporary or short-term outcome until all the evidence can be considered, tested and evaluated at final hearing with the help of your family law lawyers. The Court typically takes a conservative approach at the interim hearing, generally taking a path that is least likely to cause harm to the child. Any order made on an interim basis with the assistance of your family law lawyers may be changed once the matter has been heard on a final basis.

The decision of *Saif & Saif* highlights the interplay between the considerations in interim hearing, including:

1. The best interests of the child;
2. Issues of risk;
3. Importance of continuing a child's relationship with each parent.

The question before the Court was whether the mother could relocate with the children from Sydney, where the father resided, to Melbourne. The Court highlighted the inherent tension between enabling parent's freedom of movement after separation and on the other hand, to avoid obstructing a child's relationship with the other parent.

The Court confirmed that the scope of inquiry when making interim parenting orders is significantly contained and limited. Unlike a final hearing, where the evidence is contested (each party has a different version of events), the Court is unlikely to make a concluded finding of fact. The Court will generally be guided by less contentious matters and focus on the agreed facts and issues that are not disputed. The Court may have regard to the care arrangements prior to separation, the current circumstances of the parties and their children, and the parties' respective proposals for the future.

For advice about interim parenting proceedings contact one of our family law lawyers 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.