Seeking a child custody lawyer to recover your child

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There are varying scenarios where a threat, removal or disappearance of a child can take place. A child custody lawyer will be able to advise you on the different responses required depending on the nature of relocation; whether it is international, interstate or within a state. Commonly, the scenarios listed can arise:

- Flight risk within Australia
- Unilateral relocation within Australia
- Disappearance by other party with child
- Overseas flight risk
- Child passport alert
- Overseas child abduction

If the respondent's whereabouts are unknown and every effort has been made to locate them then a child custody lawyer may advise the option of applying for a location order. This falls under s 67K of the *Family Law Act 1975.* This order will require an individual (e.g. family or friend) or a Commonwealth department (e.g. Centrelink or ATO) to provide the Court with any information they have or which they will have that may assist in locating the child. If there are no prior parenting orders in place or a party has commenced proceedings asking the Court to make parenting orders the requirements are as follows:

- An application in a proceeding
- An affidavit setting out the facts in support of the application for a location order

A child custody lawyer will advise that a location order requires the Secretary of a Commonwealth (Federal) Government department or an authority of a Commonwealth instrumentality to produce all records regarding a child's whereabouts (e.g. address). There are certain conditions that apply which are specified in s 67N(3) of the *Family Law Act 1975.* Usually a Commonwealth information order will stay in force for 12 months.

Another option to seek the return of a child is an application to the Court for a recovery order.

Applying to the Court can be a complex and difficult process if you don't have an adequate understanding of your rights and responsibilities. In the case of recovering or locating a child, it would be best to seek advice from a child custody lawyer.

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.