



FAMILIES AND THE LAW

Family is different for everybody. Some young people live with their parents (biological or adoptive). Others live with their grandparents, aunts and uncles, cousins or older siblings. Sometimes young people live with adults who they are not related to.

If you need help with a family matter, call the **Legal Helpline** on **1300 366 424**.



When the court decides where you will live or how much time you will spend with each parent, the court will consider what is in your best interests. This is the most important factor.

Working out what is in your best interests can be hard. It does not necessarily mean you will get what you want, although the court will consider your views. The court will also consider your safety, your needs and your relationship with your parents.

Can I decide who I want to live with?

There is no rule about how old you have to be to choose who you want to live with. However, parents usually decide where young children will live.

If the court is deciding where you will live, it will consider your views as well as many other things such as the ability of your parents to care for you.

What happens to me if my parents go to court?

If your parents go to court to sort things out, a temporary (short term) decision may be made about where you will live.

You may be able to speak with a counsellor or other professional about what you want and how you feel about the situation.



If parents cannot agree, they may need to go to mediation. **Mediation** is where another person tries to help your parents come to an agreement. If they still cannot agree, they may need to go to court.



How can I have a say in what happens?

You may meet lots of different people as your family goes through the court process. This may include a Court Child Expert, social workers and medical professionals. Reports may be written about your family. If you have an opinion about where you would like to live or other decisions affecting you, let these people know.

Independent Children's Lawyer

The court may ask an independent children's lawyer for help. The lawyer's job is to work out what is in your best interests and let the court know. The lawyer will speak with you and other people in your life, like your teachers or doctor. They will listen to what you want but will form their own view about what is in your best interests.

An independent children's lawyer is not your lawyer but you can ask them questions about the court process.

Abuse and neglect

Child abuse includes physical, sexual and emotional abuse. This may be yelling, insults or threats. It may be physical touching that hurts or injures you. It may be touching a part of your body without your consent.

Neglect occurs when a child or young person does not have their basic needs met by their parent or carer. It can include regularly being left alone for long periods of time, not being given medical treatment when needed, going without food, or being ignored.

It is really important to feel safe at home. If you think you or someone you know may have been abused or neglected, tell someone you trust, like a teacher or a sport coach. You can call the police on 131 444. If it is an emergency, call 000. You can also call the Kids Helpline on 1800 55 1800.

Some people — like doctors, nurses, teachers and police — must tell the Child Abuse Report Line if they think that a young person is being abused or neglected.

For free and confidential information and advice about separating parents, living arrangements, or child abuse and neglect, call the Legal Helpline on **1300 366 424**. If you would prefer to

text, visit our website at lsc.sa.gov.au and click on the Legal Chat icon in the bottom right-hand corner.



Contact us!

Would you like more information, resources, or a free visit to your school, organisation or group?
Email cle@lsc.sa.gov.au

To apply for legal aid online, visit www.lsc.sa.gov.au

Acknowledgments:

The Legal Services Commission gratefully acknowledges the assistance of Victoria Legal Aid and the National Children's and Youth Legal Centre in allowing the Legal Services Commission of South Australia to use and adapt existing content.



Legal Services
Commission South Australia

Disclaimer: The material in this factsheet is a general guide only. It is not legal advice. For legal advice about your own particular situation we encourage you to call the Free Legal Helpline on 1300 366 424. The legal information was correct at the time of publishing, however may change without notice.

Call our free Legal Helpline:

1300 366 424