

FACTSHEET



Best interest of the child

Australian family law encourages separated parents to consult each other about major long-term issues in relation to their child and make decisions in the best interests of their child.

Major long-term issues are issues to do with the care, welfare and development of the child, that are of a long-term nature, and include issues about the child's education, religious and cultural upbringing, health, name and significant changes to the child's living arrangements.

Most separated parents successfully agree on their own arrangements for the care of their children, including:

- who is to make decisions for the child, and
- who they should live with and spend time with.

However, some parents need help to make these arrangements and to put them in a document called a Parent Plan. When it comes to deciding what's in a Parenting Plan, the first consideration is what's best for a child. The child's well-being is the most important thing to consider and our role is to encourage people to think about what's best for the child by looking at certain factors laid out in the law.



These factors include:

- Making sure the child is safe from harm, including family violence.
- Listening to what the child thinks and feels.
- Thinking about what the child needs to grow up healthy and happy.
- Seeing if the people looking after the child can meet their needs.
- Understanding how having a relationship with both parents (and other important people like grandparents) is good for the child, as long as it's safe.
- Considering anything else important for the child's situation.

If the child is Aboriginal or Torres Strait Islander, our role is also to parents and care givers to think about how their Parenting Plans can help the child connect with their culture.

Keeping a child safe means protecting them from family violence, abuse, neglect, or anything else harmful. The law has clear definitions for things like abuse and family violence, making it clear what behaviours are not okay, like hurting someone physically or emotionally, or exposing children to violence at home.