Do You Have Adult Children Living at Home?

Adult children often live with their parents. It may be due to a relationship breakdown or financial or housing difficulties, or they may never have moved out to begin with. Sometimes these living arrangements can be stressful, especially when your adult child is facing problems that may affect their behaviour, such as violence, mental health issues, drug/alcohol addiction, gambling issues, or unemployment and/or financial difficulties.

When adult children look to return to their parents' home, the request may be sudden and unexpected. On the other hand, sometimes your children have difficulty moving out, whether due to financial or social pressures. Having an adult child (and possibly their children too) sharing your house is not always easy and their behaviour may make things worse. Things may have been going well, but overtime, these situations can take a turn for the worse, and some people even end up afraid of their adult children.

If your child is or will be living with you, it is therefore often helpful to set some boundaries early on.

Setting Clear Boundaries

It is important to set clear rules and expectations early on. You may wish to have a formal, written agreement that you both sign and date. This means you always have something to refer to if there are any issues. Even if you do not wish to do this, having a conversation about rules and boundaries is important for ensuring that everyone is on the same page and enabling you to feel empowered in your own house.

No matter how old your children are, and whether or not they have children of their own, you will always be their parent. It is natural for you to want to do what you can to help them. But your needs and welfare are equally as important.

If you allow your adult children to live with you in your home, it is reasonable for you to expect to:

- Feel safe and secure at all times.
- Receive help around the house.
- Enjoy a quiet and/or tidy home.
- Be able to maintain your own routine and pursue your own interests.
- Receive reasonable contributions towards food, bills and/or rent.
- Maintain your own social activities, hobbies, and friends.
- Not have a constant stream of unwanted visitors.
- Not have anything happen at your house that is against your wishes.

What do I do if I want them to leave?

As the owner or renter of your home, you have a right to say who lives there. Even if you invited someone into your home, you have the right to change your mind.

However, there is no easy way to make someone leave your home if they refuse to go, especially when it is your child. Of course, you may want to maintain your relationship with them. You have a few options if you want your child to leave.

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1. Ask them
Have a conversation with your child. If possible, choose a time when neither of you is tense, angry or rushed for time. Be direct about why you want them to leave. Set a non-negotiable, but reasonable, timeframe for this to happen. Remember – this is your home.

2. Try mediation
If talking does not work, mediation service may be able to help. A mediation service can help people, including families, resolve disputes by talking to each other in a safe and informal environment. It is voluntary and people cannot be forced to attend. Relationships Australia or the Conflict Resolution Service provide mediation services in the ACT.

3. Legal Action
If mediation also fails, then you might have to take legal action against your child. The type of legal action you take will depend on your situation. You should talk to a lawyer about whether the law can help.

Tenancy
The law may regard your child as a tenant in your home if you have agreed to let them live in your property and your child has exclusive use of an area in return for them paying you consistent regular money or rent.

There are particular steps you need to take before you can legally remove a tenant from your property, even if it is your child. Your child may not be a tenant but an occupant, boarder or a lodger. In this case, you will have to take different steps to remove them from your home.

You should talk to a lawyer about whether your child is a tenant or not, and the steps you need to take to remove them.

Trespass
Your child will be trespassing if they come onto your property without your permission, or if they refuse to leave after you have asked them to, unless they have a legal right to be there. (They will have a legal right to be there if they are a tenant or a co-owner of the property).

If your child is trespassing, there are a number of things you can do. You can:

- Get legal advice from OPALS.
- Change the locks to your house.
- Talk to the police.
- Send a letter and 'Notice to Vacate' to your child from yourself or a lawyer.

Elder Abuse
Elder abuse is where harm or distress is caused to an older person (those who are 60 years or older with a vulnerability) in a relationship where there is an expectation of trust. The abuse can be physical, financial, emotional or psychological abuse or neglect.

Some forms of elder abuse are criminal acts. Abuse of an older person by a carer, failure to protect an older person by a person of authority or trust, and neglect of an older person can be, in some instances, criminal offences. Acts against any person that can be a crime include theft, fraud of assault, regardless of the victim's age.

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Abuse or Violent Behaviour

No matter the situation, if you are experiencing abuse or violence, there are always court orders you may apply for:

- **Family Violence Order (FVO):** This is a court order that prohibits or restricts your child's behaviour.
- **An FVO can also include an exclusion condition:** This means your child has to move out and may be prohibited from entering the property or coming near it.

Getting an FVO against your child is not a criminal matter and does not mean your child will get a criminal record. However, if your child disobeys a court order, it is a criminal offence, and they can be charged by the police. These orders can be made even if you child co-owns or co-rents the property with you. Legal Aid ACT can assist you with applying for an FVO.

Staying Safe

Your personal safety is more important than anything – all other problems can be dealt with later. If you are in danger or feel unsafe because of your child's abusive behaviour, call the police on **000.** They can help you in a number of ways, including removing the abuser and/or ensuring your immediate safety.

Useful Contacts

Legal Aid ACT
Monday to Thursday: 8:30am to 7:00pm
Friday: 8:30am to 5:00pm
www.legalaidact.org.au
Phone: **1300 654 314**

OPALS
opals@legalaidact.org.au
National Elder Abuse Hotline: **1800 353 374**
Carers ACT: **1800 422 737**
Conflict Resolution Service: **6189 0590**
Relationships Australia Seniors Service: **1300 364 277**