

## Having a grandchild in your care

### How family law applies to you

The law says that a child has a right to spend time with both their parents on a regular basis. This also applies to grandparents and other people significant to their care, welfare and development.

A court will always make decisions based on the child's best interests. The child's interests are more important than the interests of parents, grandparents or other relatives.

A grandparent does not automatically have the right to have their grandchild live with them, or even spend time with them.

### When you have a grandchild in your care

As a grandparent, you may find yourself looking after your grandchild if the parent/s of that child cannot care for that child. This may occur because the parents:

- Have mental health problems
- Have drug/alcohol problems
- Are in jail
- Are working/studying away from home
- Have had the child removed from their care.

A parent may wish to take a child back into their care, after you have been the primary caretaker for your grandchild.

### What you can do

#### Formal arrangements

If you are caring for a child, you may wish to have this relationship formalised. You may need this if evidence of care is required for Centrelink purposes or to consent to medical treatment on your grandchild's behalf.

#### Consent orders

Consent orders are one way of formalising an agreement. They can be filed with the Court. This option gives the parties some protection if the agreement is broken by one of them. The orders can then be enforced.

Consent orders may be used if you have any concerns about one of the parents sticking to the agreement you have with them about your grandchild.

#### Parenting Plans

Parenting plans put parents' agreements in writing. The plan states, in writing, the living and care arrangements for their child. Parenting plans can be changed by agreement if future arrangements for the child change.

You may prefer this option if you feel more comfortable having a written agreement with the parents about your grandchild's living and care arrangements.

## Having a grandchild in your care

### Verbal or Informal Agreements

When parents separate, they will often come to an agreement about how they will parent a child. This includes who the child will live with, how each parent will spend time with the child, and covers other areas of the child's life such as school and medical treatment.

This can be done informally, without signing any documents. It can also be done by going to court.

You may be able to come to an agreement with the parents of your grandchild about your involvement in the child's care arrangements. This option works well if everybody involved can talk well and trusts each other.

### Financial support

#### Government payments

##### Centrelink

Department of Human Services

[www.humanservices.gov.au/individuals/families](http://www.humanservices.gov.au/individuals/families)

Phone: **136 150**

#### Medicare benefits

##### Medicare

Department of Human Services

<https://www.humanservices.gov.au/individuals/medicare>

Phone: **132 011**

### Child support

It may be possible to get child support from your grandchildren's parents. It is important to get legal advice about this before you apply.

### Getting Legal Advice

The first step is to get legal advice about your individual circumstances. Contact Legal Aid ACT for free legal advice.

**Legal Aid ACT**

[www.legalaidact.org.au](http://www.legalaidact.org.au)

Phone: **1300 654 314**