

Family Court of Australia and Federal Circuit Court of Australia launch COVID-19 List to deal with urgent parenting disputes

The Family Court of Australia and the Federal Circuit Court of Australia (the Courts) are establishing a court list dedicated to deal exclusively with urgent parenting-related disputes that have arisen due to the COVID-19 pandemic. The list will commence on 29 April 2020.

The introduction of this list is in response to an increase in the number of urgent applications filed in the Courts over a four week period in March and April, with a 39 per cent increase in the Family Court of Australia and a 23 per cent per cent increase in the Federal Circuit Court.

In addition, the Courts have been advised by Women's Legal Services of an increase in the number of enquiries that they have received that relate to COVID-19 and parenting matters.

The Chief Justice of the Family Court of Australia and Chief Judge of the Federal Circuit Court of Australia, the Hon Will Alstergren said that the new list is designed to quickly identify and deal with the cases that need urgent attention due to the COVID-19 crisis. It will also support the work already being conducted by the judges.

"Applications that are eligible to be dealt with through the COVID-19 List, especially those involving issues of risk and family violence, will receive immediate attention and will be triaged by a dedicated Registrar who will assess the needs of the case and allocate it to be heard by a judge within 72 hours of being assessed.

"It is important that these urgent COVID-19 applications are closely managed on a national basis so that they can be heard as swiftly as possible given the unprecedented circumstances we are facing.

"I would also like the public to know that if they need to file an urgent application because they have been directly impacted by COVID-19, it will be heard electronically as quickly as possible by a Judge from any Registry of the Courts.

"Court staff and judges are working tirelessly to ensure that work can continue and Australian families are supported. The COVID-19 List is another example of the Courts responding to the needs of the community during these difficult and stressful times," Chief Justice Alstergren said.

The following are examples of applications that may be suitable for filing in the COVID-19 List:

- **Family violence:** There has been an increase in risk due to family violence resulting from the restrictions imposed on families during the COVID-19 pandemic.
- **Supervised contact:** the current parenting arrangements involve supervised contact, and the contact centre is closed or the supervisor is unable to perform their role, and the parties cannot agree on an alternative arrangement.
- **Border restrictions:** the parties live in different States or Territories and the child cannot travel between the parties' residences due to border restrictions.
- **Medical:** The parties and/or child have tested positive for COVID-19 and cannot fulfil the parenting obligations due to sickness or concerns of infection.

To expedite the urgent application, and to provide convenience to the parties, the process has been simplified and matters will be dealt with completely through electronic means—from filing via email through to conducting the hearing via Microsoft Teams. Details of the process will be available from the Court websites.

It is proposed that the COVID-19 List will operate initially for approximately three months, but this will be assessed.

Parties will still be expected to adhere with requirements to attend Alternative Dispute Resolution prior to filing an application with the Courts, if safe and appropriate to do so. The National COVID-19 Registrar may also make orders for parties to attend electronic mediation, if appropriate.

Further instructions and a Practice Direction will be available on the Court.

-ends-

Please note: This information relates to matters filed in the Family Court of Australia and the Federal

Circuit Court of Australia. It does not relate to matters that are within the jurisdiction of the Family Court of Western Australia.

Media enquiries: Denise Healy denise.healy@familycourt.gov.au or 0409 743 695.

Unless otherwise indicated in this document, it is Copyright of the Commonwealth of Australia and the following applies:

Copyright Commonwealth of Australia.

This material does not purport to be the official or authorised version. Reproduction and use of this material is subject to a [Creative Commons Attribution-NonCommercial-ShareAlike 3.0 Australia License](#).

You should make independent inquiries and obtain appropriate advice before relying on the information in any important matter.

This document has been distributed by LexisNexis Australia. All queries regarding the content should be directed to the author of this document.