

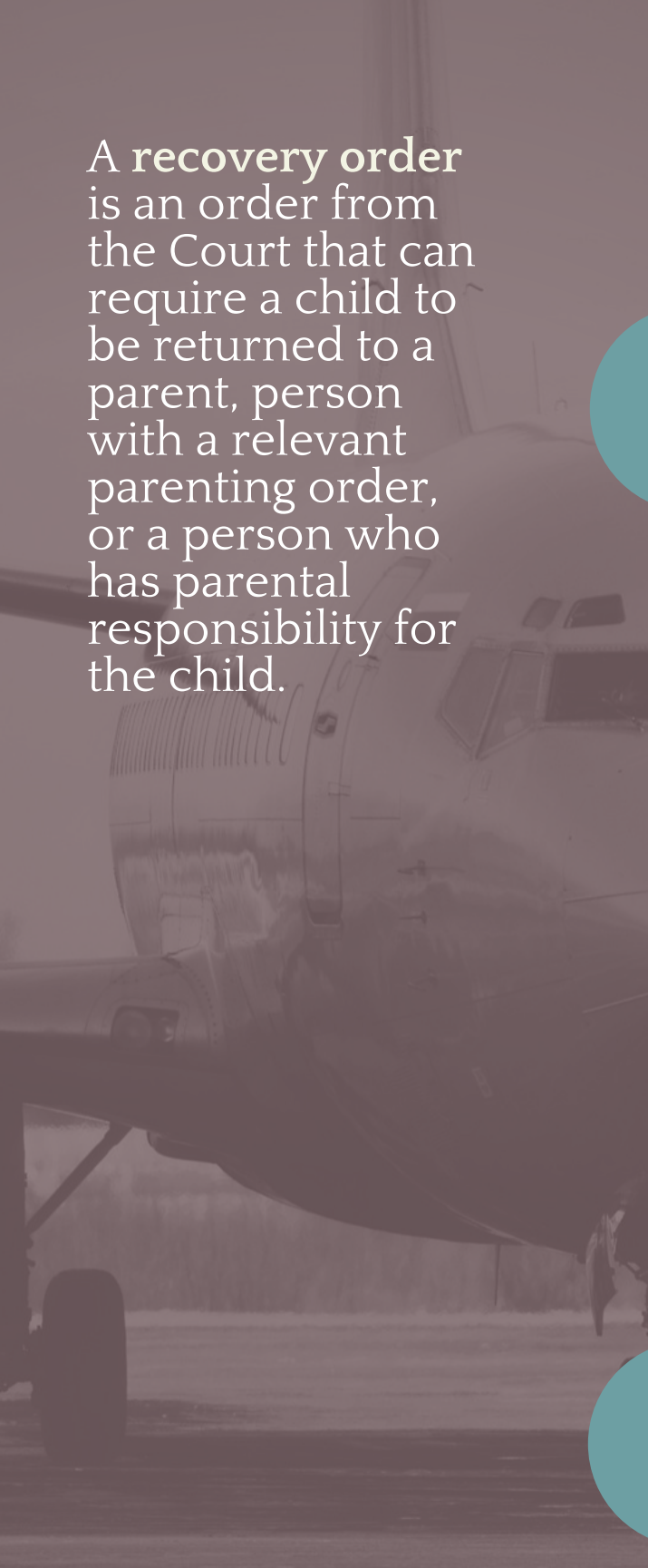
CHILD RECOVERY

IF YOUR FORMER PARTNER HAS
TAKEN YOUR CHILDREN AND HAS
NOT RETURNED THEM, THIS CAN
BE STRESSFUL AND SCARY.

IT'S VERY IMPORTANT THAT
YOU OBTAIN LEGAL ADVICE TO
ASCERTAIN WHAT YOU SHOULD DO.

A photograph of a young child from behind, wearing a denim jacket, holding the hand of an adult whose arm is also in a denim sleeve. They are walking towards a background of many bubbles. The image has a soft, warm, and slightly hazy aesthetic.

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A **recovery order** is an order from the Court that can require a child to be returned to a parent, person with a relevant parenting order, or a person who has parental responsibility for the child.

CHILD RECOVERY

Here are the answers to the most common questions we get asked about the recovery of children:

1

How do I seek a recovery order?

An application for a child recovery order is filed with the Federal Circuit Court, or, if you currently have a Parenting Case there, the Family Court.

When you lodge a child recovery order, there are a number of pieces of documentation that need to be filed.

For example, you will need to include an affidavit detailing the history of the relationship between your former partner and the child, as well as that of the other parent.

Other requirements include details of the children's existing living conditions and any previous court agreements that have already been made as part of this process.

2

What factors will the courts consider when making this order?

The Court's ultimate consideration will be what is in the best interests of the children, and will decide a course of action accordingly.

The Court will also take into account, the disruption the children might have experienced to their primary care and whether or not there is a risk of harm to the children.



3

What happens if I am successful and a child recovery order is made?

If successful and you and your former spouse are present at the hearing, a recovery order from the Family Court will usually set a date at which point the children will need to be returned to you.

If your former spouse is unwilling to return the children, the Australian Federal Police and any relevant state authorities will be called upon to locate and return the children.

If the child is at risk of being taken overseas, there are other options open to you which can be discussed in further detail with your lawyer.

If you need to speak to a lawyer about a child recovery order, or any family law matter, contact us on 02 9569 3000.

At Gowland Legal our commitment is to provide much needed support and reputable legal guidance to our clients and their families.

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