



## **Children and family law – a new era begins**

By Jillaine Duve, Associate Solicitor

Ninety-five percent of family law matters settle by way of amicable agreement between the parties. But if your relationship has broken down and you can't reach agreement with your former partner about the future living and contact arrangements for your children, you may find yourself in the Family Court trying to resolve the issues before a Judge. From 1 July 2006, all cases throughout Australia involving parenting disputes will automatically enter the Court's new Children's Cases Program, which began as a pilot study in March 2004 in Sydney and Parramatta.

The CCP is an innovative, intensive, less adversarial approach to assisting parents to reach agreement in relation to their children. Rather than approaching the proceedings (or the contest) with the aim of 'winning', the program is very much centred on helping the parties to focus on the needs of their children, and what is in their best interests. Each matter which comes before the Court is assigned to a Judge, who remains attached to the case the entire way through until its resolution. The Judge plays a very active part, in collaboration with the parties, in trying to assist them to reach agreement focussed on the needs of their children. If, in the end, an agreement cannot be reached, then the Judge has the power to make Court Orders which best suit the needs of the children.

The Family Court has high hopes for the success of the CCP and the positive effect this will have on the children, who are all too often at the centre of emotional, traumatic and expensive Court proceedings.

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