



Changing your family law orders in the Northern Territory Local Court

If you are in the Local Court for a domestic violence order, and already have family law orders (like a parenting order), you may want to consider having your family law orders changed.

Why might I want my family law orders changed in the Local Court?

The Local Court makes and changes domestic violence orders. For the safety of your family, the court might need to make a domestic violence order that conflicts with your family law order (such as a parenting order). If the court does this, it can also change or remove the family law order, or put it on hold, to avoid confusion and safety risks.

For example, you may have a family law order that says that your child must see the other parent once a week. If that parent becomes violent, you may wish to seek a domestic violence order. If the court makes a domestic violence order stopping the violent parent from having any contact with your child, the court can also change the family law order, so that contact is not permitted under that order either, or rule that the family law order no longer applies.

Do I need to ask the court to change my family law order?

You or your lawyer can apply to the court to have a family law order changed, removed or placed on hold. The court can also do these things on its own. This means that the judge does not need to receive an application from you or your lawyer to make changes to your family law order.

Are there limits on what the court can do?

Yes. The court must not change or remove a family law order, or put one on hold unless:

- it is also making or changing a domestic violence order; and
- the court looks at new material that was not provided to the court that made the family law order in the first place.

Additionally, when making or changing an interim domestic violence order - that is, a domestic violence order that is not final - the court cannot remove a family law order entirely (known as revocation). It can only make changes to the family law order (known as variation), or put the order on hold (known as suspension).



A PILOT IS UNDERWAY IN THE LOCAL COURT OF THE NORTHERN TERRITORY IN DARWIN, WHICH INCLUDES THE COURT USING ITS POWER TO AMEND FAMILY LAW ORDERS.

THIS POWER IS USED TO MAKE SURE THAT FAMILY LAW PARENTING ORDERS ARE CONSISTENT WITH TERRITORY DOMESTIC VIOLENCE ORDERS MADE OR VARIED IN THE COURT'S CIVIL DIVISION.

THE PILOT IS HELPING TO DETERMINE WHETHER FAMILIES CAN HAVE MORE OF THEIR LEGAL NEEDS ADDRESSED IN THE ONE COURT.

THE PILOT IS RUNNING UNTIL THE END OF 2020.



What does the court take into account?

When making decisions about changing or removing a family law order, or putting one on hold, the court must consider:

- whether differences between the domestic violence order and family law order that provide for a child to spend time with a person can be resolved,
- whether family law orders that are in place do not expose people to family violence, and
- whether spending time with both parents is in the best interests of the child concerned.

If the court is making changes to a parenting order that conflicts with a domestic violence order that was already in place when the parenting order was made, then the court must also be satisfied that a person has been exposed, or is likely to be exposed, to family violence because of that family law order.

Does the court listen to the child's views?

The court can decide whether or not to consider the child's views when it is deciding what is in the best interests of the child. The court can take into account any factors (such as the child's maturity or level of understanding) that the court thinks are relevant to the weight it should give to the child's views.

What happens to changes made to a family law order if an interim domestic violence order expires?

If the court changes or puts on hold a family law order when it is making or changing an interim domestic violence order (that is, a domestic violence order that is not final), then the changes made to the family law order will only stay in place for either the period of time determined by the court, or until the interim domestic violence order expires.

Once the changes made to the family law order stop being in place, the order will operate as it did before it was changed. If the order was put on hold, it will come back into effect.

If the court puts a final domestic violence order in place before the interim domestic violence order expires, then the court can make more permanent changes to the family law order, or remove it entirely.

Can I appeal changes made to a family law order?

You cannot appeal decisions of a judge to change a family law order if the decision was made in interim domestic violence order proceedings.

If the decision was made in final domestic violence order proceedings, then you can appeal the decision.