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# Family law and the children

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WHAT is considered when making decisions about children?

The Court considers a number of factors as set out in the *Family Law Act*.

The factors are useful guidelines for individuals to consider when trying to reach an agreement privately or through court.

The main concern of the court is what is in the best interest of the children.

There are primary factors a court must consider:

a) Whether the child/ren will benefit from having a meaningful relationship with both of their parents;

b) The need to protect the child/ren from physical, psychological or emotional harm or neglect. Greater weight is given to the protection of the child/ren.

Additional factors a court must consider include: the views of the child; the nature of the relationship the child has with each parent and other significant people; the likely effects of any change in the child/ren's circumstances; the extent

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to which each of the parents has fulfilled or not fulfilled their obligation to maintain the child (e.g. paid child support); the practical issues, such as distance and expense involved in the child/ren spending time and communicating with a parent; how well each parent is able to look after the child/ren; as well as other factors.

The court will particularly look at what has happened since the parties separated.

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