



## Grandparents seeking custody advice at 'astounding' rate with addiction a key factor

ABC Sunshine Coast By Kylie Bartholomew and Annie Gaffney

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**A Queensland community lawyer says grandparents are contacting her daily seeking custody of their grandchildren and requests for information are increasing.**

The chair of the Elder Law Committee of the Queensland Law Society and a lawyer with the Suncoast Community Legal Service, Kirsty Mackie, said she was "astounded" at the surge in the number of grandparents seeking help.

She said addiction was at the crux of the majority of cases.

"It's probably one or two a day that I'm advising on parenting issues for their grandchildren," Ms Mackie said.

"Unfortunately in every matter I've seen in the last month there's been an addiction, generally ice, of one or both of the parents and the grandchildren are being neglected and abused."

A report from Flinders University last year found that the number of people using crystal methamphetamine, or ice, in rural Australia was more than double the number of those using the drug in metropolitan cities.

She said the increasing demand for help from grandparents was little surprise given increasing ice use, particularly in regional areas.

"This was highlighted quite tragically with the event in Victoria with the mother and her two young boys," she said.

"The circumstances of that were frighteningly similar to the ones that I see and it's the ones that I see, that I've managed to help, for whom that is a potential consequence — that these children are harmed or potentially killed."

Ms Mackie said that by the time grandparents contacted her community legal centre for free advice they were "at the end of their tether" after exhausting avenues with the police and Department of Communities.

"They go down the domestic violence path because generally the parent is on ice and quite aggressive and abusive, so the grandparent has experiences of violence with their own child," she said.

"When they come to me they generally haven't had any luck through those two avenues."



**PHOTO:** Lawyer Kirsty Mackie is concerned at the steep rise in grandparents seeking custody advice. (ABC Sunshine Coast: Kylie Bartholomew)

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## No quick fix

Ms Mackie said for a grandparent to secure custody of their grandchild it was a complicated process that could take more than a year and involve multiple court appearances.

"It's a contested matter because you are seeking that you have care and control of your grandchildren over and above their parent," she said.

Ms Mackie said if the parent was actively engaged in the process it would take longer, but that was not the norm.

"What I'm seeing is that we prepare the document for the grandparent, we file them at court, there's one or two court appearances [and subsequently] the parent can't engage because they're just not capable due to their addiction," she said.

"[It's] then the orders are being made in favour of the grandparent."

*If you are needing advice in Queensland you can contact the community legal centre in your local area for advice, to understand your legal rights and assistance with filling out court forms.*

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Contact Kylie Bartholomew