

THE ROLE OF LAWYER FOR THE CHILDREN

When a relationship breaks up and a dispute arises about the arrangements for the children which cannot be resolved between the parents or at mediation it is inevitable that an application will be made to the Court for resolution of the dispute. A Family Court Judge will then, most likely, appoint a lawyer to represent the child or children involved in the dispute.

Lawyers who are appointed to act as counsel for children are specially qualified for the work they undertake. Their essential duties are to explain to the children in simple terms how the Family Court procedures work and at the end of the Court proceeding talk to the children about the decision made by the Judge. The lawyer for the children attends the Court hearing and makes certain that the children's interest are put to the Judge for consideration. The presiding Judge decides what emphasis should be attributed to the children's wishes and opinions but the Judge is required to take the children's views into account in making the decision.

The lawyer for the children usually sees the children without either parent in attendance. They also have discussions with the parents and anyone else who has been a major part of the children's lives. They are required to follow guidelines from legislation but in all cases the overriding consideration is the welfare and best interests of the children.

Family Court Judges will often meet with children who are the subject of the proceedings to get a first-hand insight into the children's wishes and views about their futures. Judges of the Family Court have expertise in dealing with children in those circumstances, and many have acted as lawyer for the children during their legal career prior to being appointed as a Family Court Judge. They are also very adept at asking appropriate questions of the children and reading between the lines with some of the responses.

Discussions between children and their counsel are confidential and details of the talks must be treated accordingly unless the children agree otherwise, or counsel has reason to believe that the children are in an unsafe environment. If domestic violence is an issue it must be dealt with urgently.

A Lawyer for the children plays a vital role in a family dispute and their input at a hearing or mediation is invaluable. It is essential that their role continues for the foreseeable future.

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