



# Hague Convention on the Civil Aspects of International Child Abduction

August 2015

## Information for Parents Returning to Australia

A number of sources of assistance are available to parents returning to Australia with children after a Hague Convention application. If you were the respondent in a Hague Convention application against you, and your child/ren have been ordered to return to Australia, the following resources may help you find support and assistance if you return to Australia with the child/ren.

### Visas

If you and/or the child/ren need to apply for visas to return to Australia, you should contact the Department of Immigration and Border Protection. Information about all visas available to enter and/or reside in Australia can be found at [www.border.gov.au](http://www.border.gov.au).

You can contact the Department for advice about visa eligibility by using its web-form, available at <http://www.border.gov.au/about/contact/make-enquiry/general>, or by calling 131 881 from within Australia. To contact the Department from outside Australia, contact an Australian embassy or consulate, or find your nearest immigration office at <http://www.border.gov.au/about/contact/offices-locations>.

### Airfares

If you are unable to pay for airfares for your child to return to Australia, the Attorney-General's Department will ask the person seeking the return of the child/ren (the applicant) to pay the airfares. If they are unable to pay for the airfares, they may be able to apply for Commonwealth legal financial assistance under the 'Overseas Child Abduction Scheme' administered by the Attorney-General's Department. More information about the scheme is available at <http://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Commonwealthlegalfinancialassistance/Pages/Overseaschildabduction.aspx>.

### Enforcement of orders and undertakings

The foreign court may have made other orders when it made the return order, about accommodation or financial support for you and the child/ren when you return, or about the applicant refraining from certain actions, or about interim parenting arrangements after the child/ren return. The applicant may also have made undertakings to the court about these things before the return order was made. Orders and undertakings made in foreign courts are not

automatically enforceable in Australia, which means that if the applicant does not comply with the orders or undertakings, you may not be able to enforce them after you or the child/ren return to Australia.

### **Registering your foreign court order in an Australian court**

If the return order includes conditions which must be met *before* the return takes place, these orders would not need to be registered in Australia.

If the return order includes conditions which must be met *after* the return, you may want to consider registering the return order in Australia so it is enforceable in Australia. You can contact the International Family Law Section of the Attorney-General's Department on +61 2 6141 3100 or by email [australiancentralauthority@ag.gov.au](mailto:australiancentralauthority@ag.gov.au) to discuss whether your order could be registered in Australia.

You may also wish to get legal advice in Australia about registering overseas orders, or about enforcement of registered orders. Read the 'Finding a lawyer' section to help you locate a lawyer or legal service in Australia.

### **Consent orders**

If your order cannot be registered in Australia, you may want to talk to the applicant about obtaining consent orders in Australia which reflect the undertakings or orders made in the foreign court, so they are enforceable in Australia. If you both agree, you can make an application for consent orders to the Family Court of Australia.

The Family Court of Australia website has a do-it-yourself kit for consent orders, which you may be able to use to prepare an application for consent orders reflecting the undertakings or orders made in the foreign court. You can access the kit at <http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/forms-and-fees/court-forms/diy-kits/kit-diy-application-consent-orders>.

If you need help preparing an application for consent orders, read the 'Finding a lawyer' section to help you locate a lawyer or legal service in Australia.

### **Non-consent orders**

If the foreign order cannot be registered in Australia, and the applicant is not willing to sign consent orders, you may want to seek legal advice from an Australian lawyer about applying to court for parenting orders. See the sections below about 'Resolving parenting disputes' and 'Finding a lawyer' for more information.

## Financial support in Australia

The Australian Department of Human Services administers Australia's social security (Centrelink), child support, and universal healthcare (Medicare) systems. You can find more information and application forms at [www.humanservices.gov.au](http://www.humanservices.gov.au), or by calling the phone numbers below.

### Social security payments

If you need financial assistance you should contact Centrelink on the numbers below:

- +61 3 6222 3455 (from overseas)
- 132 468 for the automated information service
- 136 150 for family and parenting payments
- 132 850 for information about payments available to job seekers, or
- 132 490 for information about payments available to students

Emergency crisis or special benefit payments may also be available from Centrelink by calling 132 850.

### Child Support

If you wish to seek child support from another parent of your child, you should contact the Department of Human Services - Child Support on 131 272 or +61 3 6216 0864 from overseas.

### Medicare

Medicare provides free and subsidised access to some healthcare and medical treatment for Australian residents and some visitors to Australia. You can call 132 011 for more information about Medicare and how to apply.

## Accommodation

### Public Housing

Public housing in Australia is operated by each State and Territory government separately. For information about public housing in the State or Territory you are returning to, or to make an application for public housing, visit the website for the housing authority in that State or Territory. See the list below for websites and contact details:

**ACT:** <http://www.communityservices.act.gov.au/hcs>, Phone: 133 427

**NSW:** <http://www.housing.nsw.gov.au/>, Phone: 1300 468 746

**NT:** <http://www.territoryhousing.nt.gov.au/>, Phone: (08) 8999 5511

**QLD:** <https://www.qld.gov.au/housing/>, Phone: 13 74 68 or (07) 3405 0985

**SA:** <http://www.sa.gov.au/topics/housing-property-and-land>, Phone: 131 299 or (08) 8207 0211

**TAS:** <http://www.dhhs.tas.gov.au/housing>, Phone: 1800 800 588

**VIC:** <http://www.housing.vic.gov.au/>, Phone: 13 11 72 or (03) 9096 0000

**WA:** <http://www.housing.wa.gov.au/>, Phone: 1800 093 325 or (08) 9222 4666

## Emergency/Crisis Assistance

If you find yourself homeless, or about to become homeless, the housing authority in the State or Territory you are returning to (listed above) may be able to help you find emergency or crisis accommodation. The services listed below may also help you locate emergency accommodation:

Australia-wide

- The St Vincent De Paul Society: <https://www.vinnies.org.au/findhelp>
- The Salvation Army: 1300 371 288

**ACT:** First Point Homelessness Service: 1800 176 468, or <http://firstpoint.org.au/>

**NSW:** The City of Sydney Homelessness referral service (Link2Home): 1800 152 152 (24 hour service), or [www.housing.nsw.gov.au/GHSH](http://www.housing.nsw.gov.au/GHSH)

**NT:** Dawn House in Darwin: (08) 8945 1388, or [www.shelterme.org.au](http://www.shelterme.org.au)

**QLD:** Homeless Persons Information Queensland: 1800 474 753, or <https://www.qld.gov.au/housing/emergency-temporary-accommodation/>

**SA:** South Australian emergency or crisis accommodation: 1800 003 308, or <http://www.sa.gov.au/topics/housing-property-and-land/housing/emergency-shelter-and-homelessness/accessing-services>.

**VIC:** Victorian crisis accommodation referral service: 1800 825 955 (24 hour service which redirects you to the closest service to you), or <http://www.housing.vic.gov.au/crisis-and-emergency-contacts>

**WA:** Homeless Advisory Service: 1800 065 892, Crisis Care: (08) 9223 1111 or 1800 199 008 (24 hour service), or [www.shelterwa.org.au](http://www.shelterwa.org.au).

## Domestic Violence Support

If you return to Australia with your child and you are concerned about your personal safety upon your return, the following resources may assist you to find information about what protections are available. If you are in immediate danger, call 000.

Australia-wide

- National Sexual Assault and Domestic Violence Hotline: 1800 RESPECT (1800 737 732)  
24 hour service

**ACT:** Domestic Violence Crisis Service: (02) 6280 0900 or <http://www.dvcs.org.au/>

**NSW:** Domestic Violence Line: 1800 656 463 or <http://www.domesticviolence.nsw.gov.au/>

**NT:** Domestic Violence Counselling Service: (08) 8945 6200 or Dawn House: (08) 8945 1388

**QLD:** DV Connect Womensline: 1800 811 811, Mensline: 1800 600 636, or  
<http://www.dvconnect.org/>

**SA:** Domestic Violence Crisis Service: 1300 782 200

**TAS:** Family Violence Response Referral Line: 1800 633 937 or  
<http://www.safeathome.tas.gov.au/>

**VIC:** Family Violence Response Centre: 1800 015 188 or <http://www.safesteps.org.au/>, Men's Referral Service: 1800 065 973

**WA:** Women's Domestic Violence Helpline: 1800 007 339 or Men's Domestic Violence Helpline: 1800 000 599

## Resolving parenting disputes

Once you have returned to Australia with your child/ren, you and the other parent may still disagree about who the children should live with, or what access arrangements should be in place.

The Family Relationship Advice Line is a national telephone service established to assist families affected by relationship or separation issues. The Advice Line provides information on family relationship issues and advice on parenting arrangements after separation. It can also refer callers to local services that can provide assistance. The Family Relationship Advice Line is available on 1800 050 321 from 8 am to 8 pm, Monday to Friday, and 10 am to 4 pm on Saturday (local time), except national public holidays.

Family Relationships Online also provides information about family relationships and separation, and can be accessed at <http://www.familyrelationships.gov.au>.

If you cannot resolve parenting disputes amicably, you might need to apply to a court for parenting orders. You should contact a lawyer for advice if you are considering applying for parenting orders. Please note that in most cases in Australia, the parties are required to attempt family dispute resolution before making a court application for parenting orders.

## **Finding a lawyer**

When you return to Australia you may need legal advice about making parenting arrangements for your child/ren, if you and the other parent can't agree. You can contact a lawyer, a State or Territory Legal Aid Commission or a community legal centre for legal advice. The following websites may help you find a lawyer or legal service:

- <https://www.familylawsection.org.au/links>
- [http://www.naclc.org.au/need\\_legal\\_help.php](http://www.naclc.org.au/need_legal_help.php)
- <http://www.nationallegalaid.org/>

You can also call the Family Relationships Advice Line for referrals to family law services near you, on 1800 050 321 (or +61 7 3423 6878 from overseas).

## **Other services and support**

If you need additional support when you return to Australia, the following resources may help:

- Emergency services (police, fire or ambulance): 000
- Non-emergency police assistance: 131 444 (In Victoria, call your local police station)
- Lifeline: 131 114
- Kids Helpline: 1800 551 800
- International Social Service Australia: provides mediation, counselling and other services to people affected by separation of families across borders: 1300 657 843, or visit [www.iss.org.au](http://www.iss.org.au)
- Translating and Interpreting Service (TIS): Free telephone interpreting to help you contact other organisations or services: 131 450 (or +613 9268 8332 from outside Australia).
- National Relay Service (NRS): Telephone assistance for people who are deaf or have a hearing or speech impediment, to help you contact other organisations with assistance. Visit <http://relayservice.gov.au> or call 1300 555 727 or 133 677 (for TTY users) from within Australia.

## Calling Australian numbers from overseas

The Australian country code is +61.

Some numbers in the format 13 xx xx or 1300 xxx xxx can be accessed from overseas by adding your country's international dialling code and then 61 before dialling the number. Numbers in the format 1800 xxx xxx cannot generally be accessed from overseas.

Australian landline phone numbers are in the format (0x) xxxx xxxx, where the x in the brackets is the 'area code'. To dial a landline number from overseas, add your country's international dialling code and then add 61 at the start, and drop the zero in the bracket. For example, if calling from the United States the number would be 011 61 x xxxx xxxx.