



FAMILY

This sheet is intended to provide **general legal information** about the law in Queensland. **This information is not legal advice.** If you have a particular legal problem you should contact a solicitor for legal advice. At the end is a list of agencies that might be able to assist you, including legal agencies.

What are my parents' responsibilities?

It is expected that your parents will care for you until you reach 18. Your parents are able to make decisions for you BUT as you get older, you have the right to have a say in decisions about you and their role should become more about giving advice.

The law says that when you are under 16 your parents or carer must:

- provide you with food, clothing, and shelter
- protect you from risk to your personal safety and health
- ensure you go to school
- ensure you are not left unsupervised for an unreasonable length of time if you are under 12.

If your parents do not look after you properly and Child Safety Services believes you are at risk of harm, then they may ask a court to grant a Child Protection Order.

If the court does this then Child Safety Services can become your carer or guardian.

Parents can discipline you, but they could be charged by the police if they go too far; for example, if they hit you anywhere hard enough to leave bruises or if they hit you anywhere on the head. Also, if discipline causes injuries or psychological damage then Child Safety Services may also want to apply for a Child Protection Order.

Who is my legal guardian?

Your birth parents are usually your legal guardians until you reach 18, even if you leave home, unless:

- there is a Family Court Order about who is your legal guardian
- you have a Child Protection Order (then your parents or Child Safety Services may be your legal guardian)
- you are adopted (then your adoptive parents are your legal guardians)
- your birth father is not named on your birth certificate, then only your mother is your legal guardian.

What if my parents split up?

If your parents separate, they should come to an agreement about where you will live and who you will spend time with as well as other specific issues, such as: who is responsible for your day-to-day care or your long-term welfare and development; sometimes where you will go to school; or who will be your doctor. They can do this by a written agreement (a Parenting Plan or Consent Order). Consent Orders need to be approved by the Family Court or Federal Magistrate's Court and can be enforced by the law.

If your parents cannot agree then the court will have to decide these things and make a Parenting Order. The court will consider what you want to happen and look at what is best for you. Sometimes this may be done through a solicitor called an Independent Children's Lawyer. Independent Children's Lawyers are appointed by the court. Their role is to tell the court your wishes and also to tell the court what they think is best for you after collecting information about your situation from a variety of people.

Who pays maintenance if my parents split up?

If your parents are separated, maintenance is now generally done through the Child Support Agency.

The money is paid to the parent or adult with whom you are living. It is not possible for you to claim maintenance from the Child Support Agency. If you have issues about claiming money to support yourself from a parent where your parents have separated, you may be able to go to court. See a solicitor for advice.

Can my parents cut me out of their will?

You have the right (no matter what your age) to apply to a court for money out of your deceased parent's estate. You can exercise this right if your parent has not left you anything or has not organised things so that there is enough money for your general living expenses. If you previously relied on them for this

and if the court is convinced that you continue to require this financial support, you should apply to the court within nine months of your parent's death. See a solicitor for advice.

Can my parents spend money left to me in a will?

Until you are 18 years of age you are not able to make decisions about anything left to you in a will. Usually, your parents are given the job of looking after this property until you are 18 years old. It is not your parents' property to use as they want. It must be used for your benefit.

If you are having hassles about what your parents are doing you should contact a solicitor. They may be able to investigate what is happening for you. It is also possible to ask the Supreme Court to make an Order that someone else look after your property. You would need to get legal help to do this.

Adopted

If you were adopted and you are over 18, then you can apply to the Department of Child Safety-to find out the identity of your birth parent(s). You apply by filling in a form or by phoning the Adoptions number below. You can get details about your birth parents including full names and dates of birth. You will only get their addresses if your birth parents say this is ok. You can then contact your birth parents. Remember you can get into trouble if you harass, annoy or threaten them. To get this information contact the state government adoption services in the Department of Child Safety . If your birth parent has said they do not want their details to be given out to you and do not want any contact with you, you will not get the information you asked for. If they are prepared to have the details given to you but do not want to be contacted, then you will get the information you wanted.

If you are under 18, you can apply for your birth parents' names, date of birth and last known address along with what your name was before you were adopted. To get this information you will need both your adoptive parents and birth parents to say that it's ok.

When can I change my name?

You may use any name you wish as long as you don't intend to defraud anyone (eg. try to get more money from Centrelink). If you are under 18, you should get your parents' agreement. It is not necessary to register your change of name with the Registry of Births, Deaths, and Marriages. It is enough just to use the new name.

However, the Passport Office or Queensland Transport will want evidence of your change of name with the Registry of Births, Deaths and Marriages explaining why your name is different to that on your birth certificate.

If you are under 12 you must get your parents' consent to change your name. If you are aged 12 to 17, your parent(s) must have your consent to officially register you under a changed name. If you are under 18 you can usually only change your first name once before you turn 18 but your second name can be changed once every 12 months or more often if there is a real need to change. Once you turn 18 you may apply yourself to register a new name. There are different rules if you are born overseas, and you should talk to a solicitor about that.

Who can help?

Youth Advocacy Centre (YAC) www.yac.net.au	3356 1002
Hub Community Legal www.hubcommunity.org.au	3372 7677
YFS Legal www.yfs.org.au	3826 1500
Legal Aid Queensland www.legalaid.qld.gov.au	1300 651 188
Aboriginal & Torres Strait Islander Legal Service www.atsils.org.au	3025 3888 or (free call) 1800 012 255 (24hrs 7 days a week)
Translating & Interpreting Services (24hrs)	131 450
Kids Help Line	1800 551 800
Immigrant Women's Support Service www.iwss.org.au	3846 3490
Domestic Violence Telephone Service	1800 811 811 (Women) 1800 600 636 (Men)
TTY (National Relay Service)	133 677

<i>Adoptions (Identifying Information)</i>	3097 5100 or 1800 647 983 (free call)
<i>Public Trustee (Trust Management Enquiries)</i>	1300 360 044
<i>Child Safety After Hours Service (24hrs) (DOC) www.communities.qld.gov.au</i>	3235 9999 or 1800 177 135 (free call)
<i>Women’s Legal Service</i>	3392 0644 or 1800 957 957
<i>Aboriginal & Torres Strait Islander Women’s Legal & Advocacy Service</i>	372 9089 or 1800 442 450 (free call)
<i>Registry of Births, Deaths and Marriages</i>	1300 366 430
<i>Community Legal Centres (CLCs) see www.nalc.org.au for your nearest CLC</i>	

This sheet was last reviewed and updated in November 2023. The Youth Advocacy Centre does not accept responsibility for any action or outcome as a result of anyone relying on the information provided.