



## Family Court of Australia and Federal Circuit Court of Australia expand COVID-19 List to help families impacted by pandemic

The Courts are proud to announce the expansion of a highly successful initiative implemented during the height of the COVID-19 pandemic in order to continue to assist Australian families during this challenging time.

This year has presented a range of unprecedented situations for families, particularly for those who are separated and sharing the care of children.

To assist families directly impacted by the pandemic, the Courts established the COVID-19 List in April, which received wide-spread support and praise from community legal and support services, advocates for victims of domestic violence, and the legal profession.

With growing community concerns of increased family violence incidents and financial stress, the Courts are pleased to announce the expansion and continuation of the COVID-19 list. This has been facilitated by Commonwealth Government funding and provides for additional Senior Registrar and Registrar resources.

As the extent and nature of the pandemic changes, the Courts have and will continue to adjust their services. Changes to the criteria for the list provide for a broader range of circumstances, including for financial matters and medical issues such as parental disputes over vaccinations, for example.

Since commencement in April 2020, the Courts have received more than 430 applications for the COVID-19 list. The overarching majority of these applications have been accepted and heard by a Judge or Registrar within three business days of being assessed. Applications have been received from every major Registry, as well as from regional locations such as Albury, Dubbo, Mackay and Wollongong. One of the benefits of the national list has been the ability to have them heard electronically from any location.

The Chief Justice of the Family Court of Australia and Chief Judge of the Federal Circuit Court of Australia, the Hon Will Alstergren said that the COVID-19 list has been extremely successful in terms of providing a responsive, national approach designed to quickly identify and deal with the cases that need urgent attention due to the impact of the COVID-19 crisis.

“The continuation and expansion of the COVID-19 list will provide families that are experiencing family law disputes as a direct result of the pandemic, with an avenue to have that specific issue heard and resolved.

“We are preparing for the likely increase of urgent applications following the holiday period which is a time that often places additional emotional and financial stress on families. This is likely to be further exacerbated as government financial support measures are lifted.

“The Courts have demonstrated this year that they have the ability to respond to a changing environment and to deal with these types of matters quickly and on a national basis.



“This initiative is one of a number of critical projects that have and will continue to be implemented that aim to reduce waiting times for litigants. In the New Year, the Courts will announce further measures, such as a national contraventions list, to better support and assist litigants,” Chief Justice Alstergren said.

Applications that meet the COVID-19 criteria will be given a first return date before a National Registrar, Senior Registrar or a Judge within 3 business days of being considered by the National Registrar if assessed as urgent, or otherwise within 7 business days if priority but not urgent.

The acceptance of applications into the expanded COVID-19 list are at the discretion of the National Registrar or Judge assessing the application. However, the following are examples of applications that may be considered suitable for filing in the COVID-19 List:

**Family violence:** where there has been an escalation or increase in risk due to family violence associated with the COVID-19 pandemic.

**Suspension of parenting orders due to a family violence order:** where either parenting orders or a parenting plan have been suspended by an ex parte family violence order made during the COVID-19 pandemic and a party seeks that the Court make further parenting orders.

**Medical:** the parties cannot fulfil the parenting obligations due to a party and/or child testing positive for COVID-19 or medical complications from having contracted COVID-19, or due to concerns about infection or quarantine requirements.

**Vaccinations:** dispute about a child being vaccinated against COVID-19.

**Travel arrangements or border restrictions:** the parties live in different States or Territories and there are difficulties or anticipated difficulties with the child travelling between the parties’ residences, or a party is planning international travel.

**Urgent or priority financial and maintenance issues:** a party is experiencing financial distress related to the impact of COVID-19 and requires urgent court orders, for example, an application for occupation or sale of a property.

**Failure to resume time in accordance with parenting orders or a parenting plan:** where parties agreed to suspend parenting orders or a parenting plan due to COVID-19 restrictions, but there has been a failure or refusal to resume compliance with those parenting orders or that parenting plan following the easing of COVID-19 related restrictions.

**COVID-19 related employment:** a party is a front line health worker or engaged in other employment connected with COVID-19 that is impacting parenting arrangements or compliance with orders.

**Supervised contact:** the current parenting arrangements involve supervised contact, and the contact centre is closed or the supervisor is unable to perform their role, and the parties cannot agree on an alternative arrangement.