



# DAWSON

FAMILY LAW

## AT WHAT AGE CAN OUR CHILD CHOOSE WHERE TO LIVE

We hear this question a lot. Many people think the magical age of 12 is when children can decide where they want to live. That simply isn't true and is another urban myth discussed at the neighbourhood BBQ.

The overarching principle to be considered when the Court decides parenting arrangements for children is what is in the best interests of the children.

Section 60CC of the Family Law Act outlines 6 considerations the Court must take into account when deciding what is in the best interests of the children. One of those is "any views expressed by the child."

The Court does not always take the views of the child or children at face value, but will determine what weight is to be placed on their views based on the evidence presented to the Court.

A common form of such evidence is often by way of written report from a Family Report Writer or Child Court Expert. These professionals are generally qualified Psychologists or Social Workers that have met with the whole family.

Their reports generally outline what views have been expressed and their assessment on whether the child's view is independent (i.e: their own) or if they may have been pressured into that view. The reports can also assess that child's maturity and whether they can understand the long-term impact of their view.

These reports can also be requested by parents outside of Court proceedings. Book an appointment with our office for advice specific to your circumstances.



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