



Understanding supervised time in family law parenting matters

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Navigating the complexities of family law can be emotionally challenging, especially when it involves decisions about spending time with children after a separation. The Family Law Act 1975 (Cth) provides the legal framework for determining parenting arrangements, with the child's best interests always taking top priority. Sometimes, it is necessary for the protection of the child, or any of the parties, for one parent's time with the child or children to be supervised.

What is supervised time?

Supervised time is a parenting arrangement in which a parent can spend time with their child, but only in the continual presence of another adult. This adult may be a professional supervisor or an agreed family member or friend who is responsible for ensuring that the child is safe and that the time spent together is positive.

Supervised time might be ordered by the court if there are concerns about the child's well-being or safety in the care of one parent. This may be due to [family violence](#), high conflict, a history of drug or alcohol abuse, or mental health concerns.

Supervised time isn't always permanent. It can be a temporary arrangement used while a parent is addressing certain issues. The goal is often to gradually transition to unsupervised time, but only if it's safe and in the best interests of the child to do so.

Who can supervise time spent with children?

There are several factors which need to be assessed when determining what type of supervision should occur between the parent and the child or children.

If there is a severe risk to the children, then the best option is usually a contact centre. A contact centre is a specifically designed space with professional supervisors present to facilitate the time spent between the parent and child in the most child-focused, risk-free way possible.

The second-best option after a contact centre is to facilitate supervision in an agreed place by a professional supervisor. This option offers more freedom whilst still having the safety of a professional supervisor present. An example would be the supervised parent seeing the child or children in a local playground with a professional supervisor present for the duration of the time.

If the parties agree that professional supervisors are not required or practical due to cost, location of services, or waitlists, then the parties can agree on a family member or friend to be a supervisor. The supervisor is briefed on the seriousness of their duty and must make assurances that they will remove the child if they are at risk of any harm due to the conduct of the other parent.

Choosing the right supervisor is an important aspect of making sure supervised time is successful. A good supervisor is someone who is trustworthy, reliable, and neutral. They need to be comfortable in their role and committed to ensuring the child's well-being during the visits.

How long does supervised time last?

Supervised time is often seen as a temporary solution. The court may order it for a set period or until certain conditions are met. For example, the parent may need to attend counselling, complete a drug rehabilitation program, or demonstrate that they can maintain a stable living environment.

Once the court is satisfied that it is safe for the child to spend time with the parent unsupervised, the parenting orders may be altered to reflect this change. However, in some cases, supervised time may continue for an extended period. In rare cases, supervised time will continue indefinitely.

Who pays for the supervisor when engaging in supervised time with children?

Who pays for supervised time will be determined either in negotiations between the parties or as ordered by the Court. Some parties may agree to equally share the costs of the supervision. In other instances, the costs of supervision will be borne entirely by the party who requires the supervision.

Applying for supervised time

If you believe supervised time is necessary in your case, it's crucial to seek legal advice early on. The court takes allegations of risk very seriously. You will need to present evidence to support your concerns. This can include police reports, medical records, or testimony from professionals involved in the family's life.

Alternatively, if you are the parent who has been ordered to have supervised time, it's important to understand the reasoning behind the order and to take steps to address the court's concerns. By demonstrating your commitment to making positive changes, you can work towards a situation where unsupervised time becomes a possibility.

Get help from a family lawyer

Supervised time may feel like a difficult step in the parenting journey, but it is ultimately designed to ensure the child's safety while allowing both parents to maintain a relationship with their child. Under the *Family Law Act 1975* (Cth), the court's decisions are always guided by what is in the best interests of the child.

If you find yourself in a situation where supervised time is being considered or ordered, it's essential to seek legal advice to understand your rights, responsibilities, and the steps you can take to work towards a positive outcome for your child.

Contacting E&A Lawyers

For more information or to arrange a consultation with a lawyer, you can call or email us.

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