



# Can a Family Court order be changed without going to court?

**Date: Sunday December 14, 2025**

Former partners often ask whether a Family Court order can be changed without going back to court. In Australia, some orders can be varied informally or through administrative processes, while others require either agreement between the parties or a fresh court application.

This article explains the options, the limits and when legal advice is important to avoid breaching an existing court order.

## Understanding Family Court orders

Family Court orders are legally enforceable directions about parenting arrangements, property settlement or financial support.

Once made, they must be followed. However, circumstances can change. Children grow older, parents relocate and financial situations change. The law recognises that circumstances change. Some orders can be updated without another court hearing.

The options available depend on the type of order and whether both parties agree to a change.

## Types of court orders in family law

The process for changing orders is different depending on the area of family law. The main categories are:

- [parenting orders](#);
- [property settlement](#) orders;

- [spousal maintenance](#) orders;
- [child support assessments](#).

Each category is governed by specific laws. Parenting and property orders fall under the *Family Law Act 1975* or the *Family Law Act 1997 (WA)*. Child support is administered separately under the *Child Support (Assessment) Act 1989*. Understanding this distinction helps determine whether a change can happen without going back to court.

## Changing parenting orders without going to court

[Parenting orders set out arrangements for children](#), such as living arrangements, time with each parent, travel, communication and decision-making. These orders can be changed without a court hearing in two main ways:

A parenting plan (which can then be converted into court orders); or

Consent orders.

### Parenting plans

A parenting plan is a written, signed and dated agreement between the parties about care arrangements for children. It offers flexibility. You can update it any time if you both agree.

A parenting plan:

is not enforceable like a court order;

is usually suitable where parents communicate well and feel confident to manage changes cooperatively;

allows the parties to adapt arrangements as children grow and circumstances evolve.

A parenting plan does not cancel existing court orders. A court will still consider any later plan if there is a dispute about parenting arrangements. If enforceability is important, the parties may prefer consent orders.

### Consent orders – parenting matters

If both parties agree on changed parenting arrangements and want them to be legally binding, they can file an Application for Consent Orders with the Federal Circuit and Family

Court of Australia (FCFCOA). Or, if you live in Western Australia, the Family Court of Western Australia. The court decides in chambers on the papers, without attendance, in most cases.

Consent orders are useful when:

parents agree on the changes but still want them formalised by the court;

there is a significant change to the previous arrangements;

stability and clarity are important;

one or both parents want enforceable obligations.

Consent orders have the same effect as orders made after a hearing, but they are reached without litigation.

You can read more in our earlier blog, [“Difference between parenting orders and parenting plans.”](#)

## Changing property settlement orders

Property settlement orders divide assets, liabilities and financial resources after separation. Once finalised, they are intended to be permanent. For that reason, changing them without going to court is more limited.

If both parties agree to change the terms of a property settlement, they can:

enter into a [binding financial agreement](#); or

apply to the court for amended consent orders.

### Binding financial agreements

A binding financial agreement (BFA) can be used to adjust property matters [after final orders](#), as long as both parties obtain independent legal advice. BFAs stay private. The court sees them only if disputed.

## Consent orders for property changes

If both parties prefer a court order, they can submit new consent orders to vary or replace part of the original settlement. This is only available if both parties agree. The court reviews the proposed orders to confirm they are just and equitable.

Without agreement, changing property orders is difficult. A party needs to satisfy strict grounds, such as miscarriage of justice from fraud, duress, failure to disclose, or significant hardship.

## Changing spousal maintenance orders

Spousal maintenance orders may be changed by:

agreement between the parties documented in a BFA; or

new consent orders filed with the court.

The court varies these on a significant change in circumstances, such as illness or loss of income. If both parties agree, however, court attendance is usually not needed.

## Changing child support without going to court

Child support does not require a court process to change conditions. Options include:

applying directly to [Services Australia for a reassessment](#);

entering into a [child support agreement](#);

- [ending or replacing an existing agreement](#) by mutual consent.

A change of assessment may be granted if circumstances such as income, special needs or care percentages have shifted. Services Australia handles this review process, not a judge.

## When you cannot avoid going to court

Some situations genuinely require court attendance and/or intervention.

There is no agreement between the parties, and negotiations have failed;

The proposed change is significant and may affect a child's welfare;

One party is not engaging in the process;

There are safety concerns, such as family violence;

Property orders are being challenged due to fraud, duress or mistake;

The change relates to [child relocation](#) that is strongly opposed.

New parenting applications usually need family dispute resolution first, unless exempt. If negotiation is not possible, a court application may be the only way to resolve the issue.

## Practical steps to change a Family Court order without going to court

Parties who want to change a Family Court order without returning to court can follow these steps:

Discuss the issue openly with the other party, if it is safe to do so;

Use [family dispute resolution](#) to assist with negotiations;

Consider a parenting plan for flexible, informal arrangements;

Choose between a BFA or consent orders if a binding agreement is needed;

Seek legal advice to ensure the proposed changes are clear and enforceable.

[GET ADVICE FROM AN EXPERIENCED FAMILY LAWYER: 08 6245 0855](#)

Reaching agreement outside the courtroom, and without the need to attend court, is often faster, less stressful and more cost-effective.

# Frequently asked questions

## Is a parenting plan enforceable?

A parenting plan is not enforceable like a court order. However, the court may consider it as evidence of the parties' intentions if a dispute arises later.

## Can one parent change a court order without agreement?

No. A party cannot unilaterally change a formal court order. Doing so may amount to a breach and result in penalties. You can read more in our earlier blog, [“Breaching Family court orders – what can I do?”](#)

## How long do consent orders take?

Consent orders are often processed within a few weeks, depending on the court's workload.

## Do I need a lawyer?

It is not mandatory to have a lawyer, but it is strongly recommended. Incorrect or incomplete documentation can cause delays or create uncertainty. Legal advice is particularly important for property, spousal maintenance and BFAs.

# Get help from a family lawyer

You can often change orders without the need to go to court if both parties agree. When you seek new consent orders, the court checks if they are proper in parenting matters or just and equitable in property matters.

Parenting plans, BFAs and consent orders offer practical pathways to adjust court orders as life evolves. Where agreement is not possible, or the change is significant, a court application for formal changes may still be necessary.

Legal advice helps ensure any change protects your rights and is in the best interests of the children.

---

*The information contained in this article is of general nature and should not be construed as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.*