



Supervised time with children after separation

Date: Tuesday August 2, 2022

For certain separated families, it is appropriate for the time one parent spends with the children to be supervised by a third party. There are many reasons why supervised time is either requested by one parent, offered by one parent or [ordered by the Court](#).

When is supervised time with children considered?

Sometimes a parent who does not consider they are at risk to the children will still offer supervised time to avoid any allegations being made and alleviate any risk concerns of the other party.

Supervised time can be appropriate where there are allegations of any risk to the children if the time is spent with one parent alone. This risk can be a physical risk, as well as emotional, psychological or an allegation of lack of parental capacity. It will often include situations where there are [allegations of drug and alcohol use or family violence](#).

Types of supervised time with children in family law

Supervised time with children after separation can be done in many ways.

Supervised time can be:

- by a government-funded service, such as Relationships Australia or Anglicare;

- by a private service, such as Interrelate or Children in Focus (NSW-based) or Building Bridges or Perth Children's Contact Service (WA based);

by a family member or friend.

There are advantages and disadvantages to each form of supervision.

Government funded services

For government-funded services, they can have long wait lists, are limited to centres (like daycare centres) and families are often limited to the duration of time spent with the parent. For example, two hours for each fortnight. For older children, these services can be very limited in what the children and the parent do during the time.

The advantage is the low service costs, however, met with that can be significant delays and less time for the child and parent to spend together.

Private service providers

Private service providers are more expensive. They can be anywhere from \$80 per hour to \$200 per hour. The range is dependent on the days and times supervised contact is to take place and which service provider is selected.

The advantage of private services is flexibility. Depending on availability of a supervisor, supervision can occur in several locations, varying through the range of visits. This could include, for example, the parent's home, a park or an indoor playground. Locations are considered by taking into account the level of risk, location and capacity of the supervisor. This can be a significant advantage for both the parent and the child.

Supervision by family or friends

Supervision by a family member or friend clearly has the advantage of convenience and low cost. The difficulty with a family member or friend supervision is that no report is provided. This can cause issues in progressing beyond supervised time.

How does supervised time with children work in family law?

Supervision is where a third party supervises the time spent between a parent and the children.

The supervisor's obligation is to the children, not the parent.

The supervisor is required to always stay within hearing distance and sight of the children.

Where supervision is through a professional service, most commonly, the parent will spend 8 visits of supervised time with the child and then request a report.

The report sets out:

how each visit went;

the child's reaction to the other parent;

the parental capacity of the parent being supervised; and

any other matter which could assist either the Court or other parent to consider progressing beyond supervision.

The benefit of a professional supervision service, whether a government or private service, is the production of this report. Usually, a report is required to progress beyond supervised time with the children. With a family member or friend, there can be no end point as no report is published.

When to offer supervised time with children

One parent may require a period of supervised time with the children before unsupervised time can take place.

Offering to be supervised when spending time with your child

It is important that time with the children takes place as soon as possible after separation. Often this can result in one parent accepting time is supervised, just so they can see the children.

With the Family Court process, [parenting arrangements](#) can be lengthy. Before the Court has made a decision on supervised or unsupervised time (and whether this is necessary), the parent who is being asked to be supervised could have completed their 8 visits.

Parents who accept supervised time with their child (to ensure they get to see their child) without an admission as to the need, are not criticised by the Court for taking such steps. The delays with the Court and the desire of one parent to spend time with their children, regardless of their acceptance of risk, can be praised by the Court.

Requesting the other parent have supervised time with the children

If you are a parent who is seeking supervised time with the other parent, you need to communicate this with your former partner or arrange for your lawyer to do so on your behalf.

First and foremost, consider a proposal that works best for your family's needs, including:

the alleged risk;

the age of the children;

the wait times;

the financial means; and

the likely response from the other party.

Having a proposal that can be accepted by the other parent may expedite agreement reached and the time to be spent with the children.

If you consider such a proposal is best coming from a lawyer, arrange an appointment with a family lawyer to provide instructions for this correspondence to be sent.

Ultimately, if there is no response to correspondence, then you will need to engage in Family Dispute Resolution.

Seeking advice early to find a solution to meet the needs of your family is the best step forward. You can speak with a Meillon and Bright lawyer today to get the process started:

[08 6245 0855](tel:0862450855)

Get help from a family lawyer

There is a range of factors that affect the decision of offering or accepting supervised time with children after separation, which is unique to each family.

Meillon & Bright's team of experienced family lawyers can assist you with working through the negotiation of spending time with your child and assessing the best option for you to ensure time is spent with your child at the earliest opportunity.

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.