

Supervised Time

This infosheet explains how supervised time, also known as supervised contact, works for parents and families. It has practical tips for people thinking about helping with supervision.

Safety

Ensuring the safety of a child is an important consideration of the Family Court in all cases.

Family law in Australia focuses on ensuring that the best interests of the child are met, including by ensuring their safety.

You should get legal advice if there has been abuse or family violence in your relationship with your ex-partner or something has happened that has made you worried about your child's safety or your safety.

What is supervised time?

Supervised time is when a responsible third party is present when a parent and child are spending time together.

Supervised time can occur when it is ordered by the court or by agreement between the parents.

It is important to get legal advice about whether supervised time is right for your situation.

What is supervised handover?

Supervised time can also occur for handover only, where a person or agency helps the child transition from the care of one parent to the other.

When is supervised time used?

Supervised time may be used in situations where:

- The child has not spent much time with a parent or has not spent time with a parent recently and needs to be reintroduced.
- A parent is concerned about their child's safety or whether the other parent is capable of looking after the child.
- The parents have a high-conflict relationship and need a safe and neutral space or person to facilitate time between the non-primary carer and child.

Who can supervise time?

The supervisor can be a person chosen by both parents, or someone approved by the court, or someone from a professional supervision agency. It is usually not appropriate for the primary carer to be supervising the other parent's time with the child. If chosen by the parents, it is best for the supervisor to be a trusted friend or family member.

There are two kinds of supervision agencies:

- Organisations such as Relationships Australia, Anglicare, Centrecare and Centacare that are government-funded to provide children's contact services. These agencies usually have subsidised costs but can have long wait times for supervision to start.
- Private agencies who charge clients for using their children's contact services. These agencies charge fees but have short wait times.

Each agency may have different requirements for whether they can assist with supervised time. It is a good idea to contact the agency to find out their processes, fees and wait times.

What do parents need to agree on?

If using a professional supervision agency, parents have to agree on:

- which agency to use
- when supervised time will start (this may depend on the agency's availability)
- how frequently visits will occur, whether weekly, fortnightly or on another schedule
- who will pay for the cost of the intake sessions and ongoing costs of visits
- when to request supervision reports (whether after each visit or after a certain number of visits)
- who will pay for the costs of the supervision report.

What does a supervisor do?

A supervisor must ensure the child is safe at all times when spending time with the parent.

A supervisor must always be present when the child is spending time with the parent, either in the same room, or if in a public space, nearby so they can see and hear what is happening.

A supervisor cannot leave the child and parent alone at any time, even if other people are there.

A supervisor should make sure the child always knows where they are in case the child needs them during the supervised time.

Supervisors should keep notes about their observations of the visits, the length of the visits, any concerns they noted and how the concerns were addressed, and whether the visit finished at the agreed time or was terminated by the supervisor. These notes may become evidence in court, so supervisors should keep them in a safe and private place.

Should I help with supervised time?

If the parents or the court has asked you whether you can supervise time, it is important to think about:

- do you understand the terms of the supervision being requested?
- do you support the supervised time? Do not agree unless you support the parent having contact with the child.
- are you prepared to give up your time for supervision? Time usually occurs for a couple of hours and may be a significant commitment across weeks or months, including on weekends and in the evenings if the parent works.
- do you feel comfortable and safe intervening to protect the child and setting limits with the parent, for example, to stop them doing or saying something which may hurt or upset the child or is inappropriate in any way?
- do you feel comfortable and safe terminating a visit if you have concerns for the child, for example, if a parent is not changing their behaviour at your request?
- are you prepared to monitor a parent's behaviour, including if they are affected by drugs or alcohol, or are suffering from mental illness and appear unwell, or are acting in a way that makes you feel concerned for the child's safety?
- are you prepared to speak to the Independent Children's Lawyer (ICL), if one has been appointed for the child?
- are you prepared to be a witness in court? You may have to give evidence about the visits in an affidavit and may be called to the witness stand to answer questions from lawyers and the judicial officer about the supervised time. If the time has not gone well, you may have to give evidence against the parent, which can strain relationships.

Think very carefully about agreeing to supervise time after considering the above. It may be difficult to act as a responsible supervisor if the parent is a relative or close friend.

What if something goes wrong during supervised time?

A supervisor must be prepared to monitor both the parent's and the child's behaviour, and intervene if the child is unsafe, or if the child is upset or scared and cannot be easily consoled.

The supervisor can ask the parent to change their behaviour or make a decision to end the supervised time, and remove the child from the situation.

You should tell the court or the ICL (if one has been appointed) if you are worried that:

- The child is not safe during supervised time.
- The child is so upset during supervised time that it is not in their best interests.

You can refuse to supervise any more time if you are concerned it is harmful for the child.

How long does supervised time go on for?

Supervised time is a temporary measure used by the court or by parents to evaluate a parent/child relationship. It is common for supervised time to occur for a limited time, whether that is a certain number of visits or a certain number of months.


Supervised time is not a permanent or long term solution. Usually the court or the parents will decide whether or not to progress the time to unsupervised after receiving positive reports or a recommendation from the supervision agency.


What if the parents cannot agree?

If the parents cannot agree on whether supervised time is appropriate, or whether supervised time should continue, they should attempt Family Dispute Resolution (FDR) if it is safe to do so.

If FDR is not successful or it is not appropriate to attempt FDR due to family violence concerns, either parent can make an application to the court, for the court to decide on parenting arrangements for the child. The court will make a decision about parenting arrangements, including about supervised time, based on the best interests of the child.

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