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Media Release: New family law Critical Incident List to help make arrangements for children during a time of crisis

The Federal Circuit and Family Court of Australia has established a fast-tracked process to help families who need to make appropriate arrangements for children where no parent is available as a result of death, critical injury, or incarceration relating to family violence.

The new process will be known as the *Critical Incident List* and will commence on 6 June 2022. It will be accessible for people in every state and territory other than Western Australia*. The List will be managed by a dedicated, specialist Division 1 Judge, Justice Jacoba Brasch, who will manage these matters on a national basis.

The Courts' Family Violence Committee has worked with the Queensland Homicide Victims Support Group (QHVSG) to establish a way for people to have faster access to listing dates before the Court in circumstances where no parent is available to care for the child or children as a result of death (including homicide or suicide), critical injury, or incarceration relating to a family violence incident.

Court orders are often needed during these times of crisis. The Federal Circuit and Family Court of Australia can make orders about where children live, as well as orders for parental responsibility which will enable non-parent carers to make appropriate arrangements for children, including enrolling children in school and organising and consenting to medical treatment.

The Chief Justice of the Federal Circuit and Family Court of Australia, the Hon Will Alstergren, said that establishing the Critical Incident List is a small, but hopefully effective, way to help families during a time of crisis.

"Family violence is a national disgrace, and far too often, results in the death of a parent at the hands of their partner or former partner. Australia has witnessed too many situations in which children are left without the care of their biological or legal parent following the murder of one parent and the death or incarceration of the other.

"It is an extraordinarily tragic and stressful time for the children involved, and the extended family members who are suddenly left to pick up the pieces and care for the children and make arrangements for their health and education.

"The Court has established the Critical Incident List following consultation with the QHVSG, and we thank them for their assistance and work in providing support to victims of crime."

Mr Brett Thompson, QHVSQ Chief Executive Officer said that the establishment of the Critical Incident List by the Federal Circuit and Family Court of Australia displays an understanding from the victim's perspective. It is a progressive and trauma informed process, which will assist in establishing genuine support and greater certainty for children, in the most abhorrent of circumstances.

'The impact upon children when a parent is lost through family violence is immeasurable, and our society must ensure that appropriate support is able to put in place as an absolute priority. The energy and focus needs to be on the welfare of the children, and not on how to navigate the right to support them in the most basic of ways every day.

"We sincerely thank the Chief Justice for his support in its establishment, and for the victims of homicide who have shared their stories to demonstrate why this change is so important."

More information:

The Practice Direction on the Critical Incident list is available from the Court website: [Family Law Practice Direction: Critical Incident List | Federal Circuit and Family Court of Australia \(fcfcoa.gov.au\)](#)

*Family law matters in Western Australia are heard in the Family Court of WA.