



# COVID AND PARENTING FACT SHEET

*This brochure is a guide. It is not legal advice. Women's Legal Service is providing legal advice to women during the pandemic. If you need advice please call our Helpline on 1800 957 957 (Mon - Fri 9am to 3pm) to make an appointment.*

## **Can I leave the house if there is domestic violence? Even if I have covid? Even if I am in isolation? Even if one of the family members has covid?**

Yes.

You can leave home to escape a risk of harm related to domestic/family violence or sexual violence.

You can leave home to get support from a domestic violence service.

[Public Health Direction \(Isolation for Diagnosed Cases of COVID-19 and Management of Close Contacts Direction \(No.6\)\)](#)

**Consider safety!** Domestic violence can get worse around separation.

**If you are in immediate danger call police or ambulance on 000.**

**Access Support** – Contact DVConnect 1800 811 811 or 1800RESPECT 1800 737 732 to make a plan to separate safely.

If you are in isolation with your abuser and you don't have privacy to talk, some services have a webchat function that may be safer. 1800RESPECT 24hr webchat link  
<https://chat.1800respect.org.au/-/welcome>

**Emergency Accommodation** - Call DVConnect 1800 811 811 to access refuge or emergency accommodation. Even if you are COVID positive or in isolation you will still be assisted if you are at risk.

**Tech safety** – Avoid using a shared computer or device to plan your separation. When searching for DV services or accommodation options online use “private browsing mode” and close web pages after your search. Avoid using bank accounts that your partner can access eg, bond deposits.

## **Do I need the other parent's agreement before vaccinating the children?**

Usually, yes.

Unless you already have a court order that gives you 'sole parental responsibility' or 'sole responsibility in relation to medical decisions', you should endeavour to obtain the other parent's agreement to vaccinate the children.

## ***I WANT to get the children vaccinated, but the other parent disagrees. What can I do?***

1. **Write to the other person** – tell them that you want to vaccinate the children, tell them why you say it is important. Refer them to the [ATAGI recommendations on Pfizer COVID-19 vaccine use in children aged 5 to 11 years](#). Ask them to respond in writing. Tell them that if they do not respond, you will assume they have no objection and will proceed with the vaccination. Tell them that if they do not agree they should tell you. Tell them that if they do not agree you may make an application to the Court. Tell them the orders that you would be asking the court to make.
2. **Try to resolve the problem** - You must try to resolve the problem through a dispute resolution process (eg: mediation or family dispute resolution). The court will ask you for a certificate from the dispute resolution service to show that you tried. The dispute resolution service can give you this certificate if you tried, but the other person refused to attend, or you could not resolve the problem. (This is called 'Dispute resolution')

You do not need to do this if:

- The problem is **urgent**
- There has been **violence**
- There has been **child abuse**
- There is a **risk of violence**
- There is a **risk that a child could be abused** if things were delayed
- You cannot participate in a dispute resolution process properly, for example, if you have an incapacity or you are too physically remote from a dispute resolution service.

(The court will ask you for a written statement about why you say one of these exceptions applies to you.)

3. **Court application** – if you could not resolve the problem or it was not safe to try, you can make a standard application to the Court for a Judge to decide. More information is available on the [Family Court website](#). This process can take a number of months.

If it is urgent to get them vaccinated (for example because your child has health issues or because you have health issues, or because you won't send them to school without a vaccination) you can make an urgent application to the Court for a Judge to decide through a special court program called the 'National Covid-19 List'. More information is available on the [Family Court website](#). If your case is urgent, then the court can give you a hearing date within a number of days.

## ***I DON'T want the children vaccinated, but the other parent wants to get them vaccinated. What can I do?***

1. **Read** – You should read these documents:
  - a. [ATAGI recommendations on Pfizer COVID-19 vaccine use in children aged 5 to 11 years](#)
  - b. [ATAGI Expanded Guidance on temporary medical exemptions for COVID-19 vaccines](#)
2. **Medical advice** – You should speak with your child's treating medical practitioner. If the child has a medical condition that contra-indicates vaccination, a legally qualified medical practitioner can provide the child with a medical exemption form and register it on the Australian Immunisation Register. If the child is issued with a medical exemption, you should provide a copy to the other parent.
3. **Write to the other person** – Tell them that you do not agree to them vaccinating the children and tell them why. Provide them with the expert evidence that you are relying upon. Ask them to confirm in writing that they will not take any steps to vaccinate the children. Tell them that if they do not respond, you may make an application to the Court. Tell them the orders that you would be asking the court to make.
4. **Try to resolve the problem** - You must try to resolve the problem through a dispute resolution process (eg: mediation or family dispute resolution). The court will ask you for a certificate from the dispute resolution service to show that you tried. The dispute resolution service can give you this certificate if you tried, but the other person refused to attend or you could not resolve the problem. (This is called 'Dispute resolution')

You **do not need to do this if**:

- The problem is **urgent**
- There has been **violence**
- There has been **child abuse**
- There is a **risk of violence**
- There is a **risk that a child could be abused** if things were delayed
- You cannot participate in a dispute resolution process properly, for example if you have an incapacity or you are too physically remote from a dispute resolution service.

(The court will ask you for a written statement about why you say one of these exceptions applies to you.)

5. **Court application** – if you could not resolve the problem or it was not safe to try, you can make a standard application to the Court for a Judge to decide. More information is available on the [Family Court website](#). This process can take a number of months. You will need to provide evidence to the Court to support your case – if for example, you have concerns about the safety of the vaccine, you would need to provide expert medical evidence. If for example, you say that vaccination is contra-indicated because your child has a medical condition, you

would need to attach a medical exemption form that has been registered by the doctor on the Australian Immunisation Register.

If the situation is urgent, you can make application to the Court for a Judge to decide through a special court program called the 'National Covid-19 List'. More information is available on the [Family Court website](#). If your case is urgent, then the court can give you a hearing date within a number of days.

***There was a COVID case at my work so the other parent is not allowing me access to the children. What can I do?***

If it is safe, send the other parent an email. Inform them that by law, you are not a close contact just because someone at work had COVID. Refer them to the [Queensland Government website that explains](#) what is and what is not a close contact. Ask them to re-commence the previous parenting arrangements. Or you can propose that you get extra time with the children later on to make-up for the lost time.

***My child is immuno-compromised, so I don't feel comfortable sending them to the other parent (e.g. they frequently have friends over, they work a lot, they are unvaccinated etc)***

1. **Medical advice** – You should speak with your child's treating medical practitioner and ask them to provide a written opinion about risks to your particular child and steps that should be taken to mitigate those risks.
2. **Write to the other person** – If you have medical advice suggesting certain risk minimisation, tell them about the concerns for your children, and tell them why. Give them a copy of the medical expert evidence that you are relying upon. Suggest actions that they could take to reduce the risks to the child. Ask them to provide you with a response within a few days.
3. **If you have reasonable grounds to believe it is necessary to suspend the time with the other parent, in order to protect the health or safety of the child** – you can suspend the arrangement temporarily.
4. **Court application** – if it is urgent, you can make an application to the Court to request that a Judge decide through a special court program called the 'National Covid-19 List'. More information is available on the [Family Court website](#). If your case is urgent, then the court can give you a hearing date within a number of days. If it is not urgent then you can make a standard court application - more information is available on the [Family Court website](#).

## *My child is immuno-compromised, so I don't feel comfortable sending them back to school*

1. **Medical advice** – You should speak with your child's treating medical practitioner and ask them to provide a written opinion about risks to your particular child and steps that should be taken to mitigate those risks.
2. **Write to the other person** – If you have medical advice suggesting a delayed return to school, tell the other parent about your concerns for your children, and tell them why. Give them a copy of the medical expert evidence that you are relying upon. Suggest actions that they could take to reduce the risks to the child. Ask them to provide you with a response within a few days.
3. **Court application** – if it is urgent, you can make an application to the Court to request that a Judge decide through a special court program called the 'National Covid-19 List'. More information is available on the [Family Court website](#). If your case is urgent, then the court can give you a hearing date within a number of days.

## *I have other questions*

There is a [Question and Answer page](#) on the Family Court website that may be useful.