



Australian
Human Rights
Commission

Megan Mitchell

National Children's Commissioner

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PRIVILEGING THE VOICE OF CHILDREN IN FAMILY LAW

Albury/Wodonga Family Law Pathways Network

14-year-old Rani's views



I don't think there is a 'too young'. I mean, even when I was three, I had pretty clear ideas of what I wanted and what I didn't, and even if they were based on completely stupid things, they should at least be considered.

I know if I got a judgment that I wasn't completely happy with, but I had an active role in the process, I might not have resented it so much, because I would have felt, OK at least my voice was properly heard.

11-year-old Nick says that kids should tell their story



Sometimes, lots of people don't listen to a kid because they are just a kid you know? But I think if there's a proper court where you go to court for the children's say, I think it would be much better. Then people would see it from the children's side, you know the other story.

P Parkinson and J Cashmore, *The Voice of a Child in Family Law Disputes* (2008), p 161.

Emma says she wants to be heard



I think that it's important for [children] to have a say because it's their lives and they're going to have to deal with it and it's a choice I think personally is up to them.

P Parkinson and J Cashmore, *The Voice of a Child in Family Law Disputes* (2008), p 68.

Fortin's Ladder

J Fortin, *Children's Rights and the Developing Law* (2nd ed, 2003), p 212.



11-year-old Sarah thinks judicial interviews may work

I think maybe they should because then the judge knows how the children would feel about the decisions, so yes.

P Parkinson and J Cashmore, *The Voice of a Child in Family Law Disputes* (2008), p 161.



A young child talks about being included in mediation

It helped to have someone listen to what I said, for it to be confidential, but also he would pass on to the parents what I wanted them to know.

J McIntosh and C Long, *Children Beyond Dispute*, La Trobe University (2006), p 94.



Max says that kids need a say to tell adults what they want



If you give me a say ... you know what I want. But if you don't give me a say ... you might end up with something I don't want.

R Fitzgerald, *Children having a say: a study on children's participation in family law decision making*, PhD thesis, Southern Cross University (2009), p 210.

Article 12

Convention on the Rights of the Child



States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

The first duty of love is to listen.

Paul Tillich

