

**What do I do if the parent/guardian is about to leave the country with the child(ren) without my consent?**

- Seek legal help from the Legal Aid Commission as soon as possible.
- You need to confirm when the parent/guardian is planning to leave the country, so that your lawyer can file the necessary papers in court to stop him/her from leaving the country with your child(ren).
- Once necessary papers are filed and orders are given, then these papers need to be served on the Immigration Department and the other party.
- The Court will give another date in which both parties have to be present to hear this matter.
- If the parent/guardian already has obtained court's leave (permission) to take the child(ren), then he/she can leave the country. Before leaving the country he/she must make arrangements with you for future contact and forwarding of addresses.

**(Footnotes)**

<sup>1</sup> See pamphlet on *Service*

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COMMISSION

**RESIDENCE / CONTACT**

**(Where a child lives and who has a right to visit or be in touch)?**

### What is Residence?

- Residence is where and with whom the Court says which parent or guardian the child(ren) should live with.

### What is Contact?

Contact is when the Court allows the parent or guardian who does not live with the child(ren) to spend some time with the child(ren).

### Who can apply for Residence/Contact?

- Any person who has cared for the child(ren). This means a parent, grandparents, aunts, uncles or other relatives who love and want to take care of the child(ren).

### How do I apply for Custody / Access?

- Pick and fill an *Application Form* (FORM 12) and an *Affidavit* (FORM 23) from a Family Court Registry nearest to you.
- If you are married, get a copy of your marriage certificate.
- If the child(ren) are under 18 years, get a copy of the child(ren)'s birth certificate.
- If there is a police case because of family violence, assault or problems at home, bring a copy of the police report or tell your lawyer.
- If you had a medical check because of family violence or assault, bring a copy of the medical report or tell your lawyer.
- Take all of these to the nearest Legal Aid office and they will help you fill in the forms.

### What happens once I have completed all the Forms?

- Make 2 photocopies of each form you have filled and file it at the Family Court Registry.
- You will have to pay filing fees to the Family Court Registry.
- If you cannot afford that filing fees, Legal Aid may be able to help you make other arrangements.
- You will be given a date by the Family Court Registry to appear in court.
- You have to give a copy of the Application Form to the other party.<sup>1</sup>
- If you have not given a copy to the other party you MUST appear in court on the date given by the Family Court Registry. The court may send you to a counselor before hearing your case if the other party do not agree with your request for residence/contact.

### What I need to do if I have been given a Final Order (FORM 9)?

- You need to fill out a *Response to Final Orders* (FORM 10) and file it. You will be required to pay filing fees to the Family Court Registry.
- If you cannot afford the filing fees, Legal Aid may be able to help you make other arrangements
- You must also give a copy of the form to the other party and whether you have given a copy or not you MUST still go to Court.

### What does the Court need to know in my Residence/Contact case?

- The Court looks at what is **“best for your child(ren)”** so you have to explain to the

Court why you think the child(ren) should live with you.

- You need to tell the court where the child(ren) will go to school, where they will live, who will look after the child(ren) if you work and if you have money to meet the needs of the child(ren).
- If your partner has a history of violence, alcohol or drug abuse, neglect or provides an unstable home life the Court needs to know this as well. Any police or doctor's report you may have may be helpful to prove this.
- The Court needs to know if your child(ren) is still breast feeding.

### Can I cancel or change an order?

- **YES.** You can do this if the situation has changed since your last court date, and you think it is affecting the child(ren) in a way that the Court needs to know.

### I am afraid of the other parent/guardian, but I have been ordered to give them Contact. What can I do?

- If there are a lot of arguments over the child(ren), the Court can arrange for contact to be done at the nearest Police Station or in front of someone else.
- If you do not feel comfortable taking your child(ren) to the police station, think of a safe place where you can meet, and tell the Court where this is.