

Women's Legal Service Queensland

YOUNG MUMS HAVE RIGHTS



Acknowledgements

Together with Micah Projects, Women's Legal Service Queensland would like to thank the brave young women who attend the Caboolture Young Mothers for Young Women group and the staff and peer workers who support them. Together, with input from Caxton Legal Centre we produced this resource. This project was funded through Legal Aid Queensland's Community Legal Education Collaboration Fund.

Our Service strives to respect and embrace the Elders, holders and keepers of the traditional authorities. We are committed to assisting and supporting all First Nations women.

Together with Micah Projects, Women's Legal Service Queensland would like to thank the brave young women who attend the Caboolture Young Mothers for Young Women group and the staff and peer workers who support them. Together, with input from Caxton Legal Centre we produced this resource. This project was funded through Legal Aid Queensland's Community Legal Education Collaboration Fund.



Disclaimer: This booklet contains general information only. It does not constitute legal advice. If you need legal advice please contact a solicitor. Last updated April 2020.

We spoke to Young Mums about their experiences and compiled the most commonly asked questions and discussion in this booklet.



TO FEEL SAFE IN ALL PARTS OF YOUR LIFE

TO SPEAK CONFIDENTIALLY WITH:

- YOUR GP
- YOUR LAWYER
- YOUR SUPPORT WORKER

TO MAKE DECISIONS ABOUT:

- YOUR BODY
- YOUR PREGNANCY
- THE BIRTH OF YOUR CHILD

YOU HAVE RIGHTS AS A YOUNG MUM!

TO

PRIVACY
PRIVACY

TO CREATE YOUR OWN BOUNDARIES

To experience care & consideration in

pregnancy & motherhood

TO
FEEL RESPECTED
TO HAVE YOUR VOICE HEARD

TO

PROTECTION

FROM

DISCRIMINATION

TO AN EDUCATION

What are my rights if I am pregnant or breast-feeding?

You can't be treated differently to someone else just because you are pregnant or breast feeding. This could be discrimination. It is also discrimination if there is a standard rule that is fine for most people, but would cause you serious problems because you are pregnant, parenting or breastfeeding.

For example, you can't be excluded from school because you are pregnant, parenting or breast feeding. You may also be entitled to ask your school to be more flexible so you can meet your responsibilities to your baby, as well as your schoolwork.

You should speak to your teachers about continuing your education during pregnancy and the types of support that you may need.

Once you have had the baby, school should support you to continue your education and be a parent. It is not always easy to work out what you need, but you and your baby have rights and your education is important.

If you have concerns, you should talk to a discrimination or human rights lawyer as soon as possible as there can be time limits if you want to take legal action.

"I'm worried about having to feed my baby in public"

What are my rights in the birth suite?

You can decide who you want to be with you. If you do not want anyone else with you except for hospital staff, that is okay. No one can demand to be there. Talk to your midwife about a birth plan and/or hospital staff about your wishes.

If there has been domestic and/or family violence (DFV), you may want to consider applying for a domestic violence order (DVO) with conditions that stop an abuser from coming near you at any place.

DVO conditions can also stop someone from going near your home, work, school or hospital. You should get legal advice about this. See page 7 for types of behaviours considered to be examples of domestic and family violence.

"My partner's mother says she is going to be at the birth and I don't want her there."

Birth certificates – what are my rights?

You must register your baby's birth with the Registry of Births, Deaths & Marriages within 60 days of the birth.

It's free and you can do it online. You have to pay for a paper copy.

You will need the birth certificate to access healthcare and other government services for your baby.

If the father refuses to sign then you can still lodge the registration and complete the details for the father. The Registry may contact the father directly and provide a further opportunity for him to sign the registration. If the father does not sign the registration, it will eventually be processed in the usual way.

It is okay for your baby to have your surname, your partner's surname or a combination of both. It is best to try and agree about this. If you can't agree or you are separated, both signatures are still needed on the registration - even if only one parent is applying.

The Registry may contact the other parent to ask why it isn't a joint application and whether they agree to the baby's name.

When you can't agree, either parent can apply to a Magistrates Court to make the decision about the baby's name. You should get legal advice about this first.

If you do not know who the father is, that is okay. When you complete the registration, you leave that section blank and then submit the forms as usual. You will need to provide a copy of the Birth Certificate to Centrelink when claiming any benefits for you and baby.

You must provide details of the father if you know who they are. There are legal consequences if you do not do this. It is difficult to claim child support from the father if the birth certificate does not say who the father is. You should get legal advice about this.

If you would like information about how to apply for Centrelink Benefits or to speak to a Centrelink social worker, call **132 850**.

If you have safety concerns about naming the father, you can talk to a domestic and family violence counsellor or a Centrelink social worker. You should also get legal advice.



"The Dad is refusing to sign the birth certificate"

What are my rights if I'm parenting after separation?

When you separate from your partner, it can be difficult to work out arrangements about the children.

Both parents are responsible for the children and making long-term decisions about their name, health, education, religion and where they live.

Arrangements should be made that are in the 'best interests' of the children and these need to be safe for you and your child. You should get legal advice about this, especially if safety is an issue for you.

Generally, the court will not make orders for 50/50 custody for babies or young children as it's not in their best interest, however they will encourage the child having contact with the other parent.



"He says he wants
50/50 custody"

What can I do?

1. You can have an informal agreement with the other parent, as long as you are safe and the children are safe in their care.
2. You can have a written agreement about the children. This document is called a parenting plan. Both parents sign but it is not a legal document.
3. You can have a parenting order about the children by agreeing with the other parent. This is drafted in a legal way, lodged in court and called a consent order. It is legally binding and enforceable.
4. If you can't agree about the children, then you can start mediation. Mediation helps you talk to the other parent in a safe space.
5. If mediation doesn't work, then you may have to go to court where a judge decides what is best for your children.

You should get legal advice about these options.

What are my rights if there is violence, abuse or control?

Domestic and/or family violence (DFV) is not something that only happens to married couples. It can happen in any relationship, including same-sex, family, carer, boyfriend-girlfriend relationships, and even after you have separated from your partner.

Most of us think of DFV as being physical abuse but often it isn't.

It can include these types of behaviours:

He stopped me from seeing my family

He made my friends hate me

He told lies about me on Facebook

I found tracking software on my mobile... he just kept turning up wherever I was

He always puts me down in front of my friends

He called me names and said I was useless

He said I couldn't go to school because it was embarrassing

He said that if I really loved him I would have sex (even after just giving birth)

He sent naked pictures of me to his friends

He constantly told our child that I was a bad mother

He takes all my money

If any of these things have happened or are happening to you, you may be experiencing DFV.

Whether you want to remain in the relationship or not, there are steps you can take to increase your safety.

A safety plan sets out practical steps to increase your safety depending on your situation. You should prepare a safety plan in advance so you know what to do if the violence gets worse.

A domestic violence order (DVO) can help protect you, and your children. A DVO is made in the Magistrates Court. You can apply for a DVO yourself, with a solicitor, or the police can apply for one if they have been called out during an incident. A DVO is not a criminal matter, but breaking or breaching a DVO can become one.

You should speak to a DFV counsellor about making a safety plan and get legal advice about a DVO as soon as you can.

If you, a child or another person are in immediate danger, you should call the police now on 000. You can also call the police on 131 444 to report a crime after it's happened in Queensland. If you're experiencing DFV and need help call the 24/7 DFV Hotline, DV Connect on 1800 811 811 or 1800 RESPECT on 1800 737 732.

"He hasn't hit
me, but..."

What are my rights if Child Safety contact me as a young person or as a parent?

Child Safety is the state government body that looks after child protection in Queensland. They have to protect children and young people who have been harmed or who are at a risk of harm.

If Child Safety receives a notification about concerns for a child or young person (such as a phone call or report), they will investigate and decide if they should become involved.

First, they will check whether the young person or child is safe. Then they will investigate specific claims. They might contact you and visit you at home.

Who can report?

- A child or young person
- Family members
- Carers
- Members of the community or another professional
- People who are required by law to report, such as a police officer or a health practitioner.

You should as much as possible work with Child Safety and follow their recommendations and directions. You can have a solicitor present during any interviews.

If Child Safety contacts you, or you have received legal or court documents, you should get legal advice as soon as possible.



What is financial abuse?

If your current or ex-partner is making decisions about your money without you knowing, without your permission, or because you are too frightened to say anything, you may be experiencing financial abuse.

If they are preventing you going to work or study, taking loans out in your name or controlling the household expenses, you may be experiencing financial abuse.

If you have debt or are experiencing financial problems, you should see a financial counsellor and get legal advice.

What can I do?

Try to get a clear picture of your financial situation. If it is safe to do so, obtain/keep copies of your financial information, including:

- Bank statements
- Any credit card debt
- Centrelink benefits
- Rental property documents
- List all your daily expenses.

If your partner has your sign in (pin) details for any of your personal accounts, you should change them, but only if is safe to do so.

If you are worried about your financial situation and safety, support is available. If you are in immediate danger, call the police on 000 or speak to DV Connect on 1800 811 811 about safety planning and for 24-hour crisis assistance.

If you are not in immediate danger, call the National Debt Helpline on 1800 007 007 for debt advice.

PENDA

PENDA is a free and simple to use mobile app combining financial tips, safety and legal information and referrals for women who are or have experienced domestic and/or family violence. If it is safe to do so, you can download it free from your App Store. It is also available in some other languages.

The free app was developed by Women's Legal Service Queensland - who also wrote this booklet.



'He spent all of my Centrelink money and now I don't have anything'

Who can help me?

For Domestic and Family Violence (DFV) support

If you, a child or another person are in immediate danger, you should call the police now on **000**. You can also call the police on **131 444** to report a crime after it's happened in Queensland.

For 24-hour crisis assistance call DV Connect - **1800 811 811**

For support, safety planning and counselling call 1800RESPECT - **1800 737 732**

Queensland Domestic Violence Services Network - <https://qdvsn.com/services/>

To find a private solicitor call Queensland Law Society - **1300 367 757**

For Aboriginal and/or Torres Strait Islander Women

Aboriginal and Torres Strait Islander Legal Hotline - **1800 012 255**

Queensland Indigenous Family Violence Legal Service - **1800 88 77 00**

Women's Legal Service Legal Advice Helpline, Monday to Friday 9am to 3pm - **1800 957 957**

Indigenous Information Line - **1300 650 143**

For Sexual Violence Support

For 24-hour assistance call 1800RESPECT - **1800 737 732**

Queensland Sexual Assault Helpline - **1800 010 120**

For Mediation

Relationships Australia - **1300 364 277**

South Queensland Dispute Resolution Centre - **1800 017 288**

Legal Aid Queensland - **1300 65 11 88**

For Legal Advice including DFV

Women's Legal Service Legal Advice Helpline, Monday to Friday 9am to 3pm - **1800 957 957**

Women's Legal Service Rural, Regional and Remote Legal Advice Helpline, Tuesday 9:30am to 1:30pm - **1800 457 117**

For discrimination and human rights legal advice call Legal Aid Queensland - **1300 65 11 88**

To find a community legal centre for free legal help call Community Legal Centres Queensland - **07 3392 0092**

For Financial Abuse and Debt Advice

To find a financial counsellor near you call the National Debt Helpline - **1800 007 007**

Legal Aid Queensland - **1300 65 11 88**

Caxton Legal Centre - **07 3214 6333**

Women's Legal Service Legal Advice Helpline, Monday to Friday 9am to 3pm - **1800 957 957**

Other questions

Kids Helpline - **1800 55 1800** or www.kidshelpline.com.au

Parentline - **1300 301 300**

Queensland Registry of Births, Deaths & Marriages - **13 74 68**

Family Relationship Advice Helpline - **1800 050 321**

Factsheets and Resources

- Women's Legal Service - <https://wlsq.org.au/information-sheets/>
- Queensland Law Handbook - <https://queenslandlawhandbook.org.au/>
- Legal Aid Queensland - <http://www.legalaid.qld.gov.au/Find-legal-information>
- Queensland Human Rights Commission - <https://www.qhrc.qld.gov.au/resources/factsheets>

**STRONGER
Than you
know**

