

I have a recovery order – what now?

A recovery order is a court order for the return of a child to a person responsible for the child's care.

Recovery orders often require Federal and State police to recover and return a child to a person named in the order (usually the Applicant).

Recovery orders may also contain an order prohibiting the person who took the child (usually the Respondent) from again taking the child. If the person again takes the child, they could be arrested without warrant.

A recovery order does not expire when a child is recovered. It is valid for 12 months from the date of the order unless otherwise stated. During this time the police have the power to recover the child multiple times if necessary.

Once you have obtained a recovery order directing the police to recover and return a child to you, you will need to liaise with the Australian Federal Police.

1

Complete a Recovery Order Information Sheet

This form is available from <https://www.afp.gov.au/what-we-do/crime-types/family-law-kit> and most Family Law Registries. It is helpful to attach a recent clear photograph of the child/ren the recovery order relates to.

2

Fax or email the completed Recovery Order Information Sheet and copy of the court orders made to the Australian Federal Police (Operations Coordination Centre)

GPO Box 401, Canberra, ACT, 2601

Fax: 02 6148 9600

Email: AOCC-Family-Law@afp.gov.au

Please note that some Registries will do steps 1 and 2 for you. You should check with the court staff once the order is made to see if they will notify the Federal Police on your behalf.

3

Contact the Federal Police:

Contact the Federal Police on (02) 5127 0016 to confirm they have received the documents. The Federal Police should then tell you which police station will be enforcing the court orders.

4

Contact the relevant police station:

- Provide them with your contact details (including mobile phone number) and let them know that when they recover the child you are able to accompany them, either to the place they intend to recover the child, or to a nearby location (limiting the amount of time the child is in the care of the police is less distressing for the child).
- The local police station should make arrangements with you about recovering and returning the child to you.

- Once the order is made it is extremely important that you can be contacted AT ALL TIMES until the child is returned to you.

5 Notify the Registry:

Once the child is returned to your care, you must notify the Registry where the court order was made as soon as possible.

6 If the child is found interstate, you will need to make your own travel arrangements to collect the child and return with them. The Federal Police will not do this for you.

7 In most circumstances, your case will have been given another court date. You must attend Court, whether or not the child has been returned to you.

For more information, see:

- Australian Federal Police 'Family Law Kit' available from www.afp.gov.au/what-we-do/crime-types/family-law-kit
- Legal Aid NSW Resource Kit 'My ex-partner has taken our children without my permission...What can I do?' available from www.legalaid.nsw.gov.au/publications/factsheets-and-resources/my-ex-partner-has-taken-our-children-without-my-permission2.-what-can-i-do/

This fact sheet is intended as a general guide to the law. It should not be relied on as legal advice and it is recommended that you talk to a lawyer about your particular situation. At the time of writing, the information shown is correct but may be subject to change. If you need more help, contact LawAccess NSW on 1300 888 529.

Family Law Early Intervention Unit: 1800 551 589 • Legal Aid NSW www.legalaid.nsw.gov.au