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## I want to apply for a Passport for my child. Do both parents have to consent?

A Passport Application for a child under the age of 18 requires the consent and signature of both parents, or the consent and signature of all people who may have parental responsibility for the child.

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## If I have sole Parental Responsibility, do I need the consent of the other Parent?

If you have sole parental responsibility granted by an Order of the Court then only you need to sign the passport application.

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## What happens if there is no Order of the Court and one parent refuses to consent?

The parent seeking the passport for the child has 2 options:

1. You can make an application to the Department of Foreign Affairs and Trade seeking an **exemption** which if successful, would do away with the requirement of obtaining the other parent's consent.

To obtain an exemption you must be able to show special circumstances which include, but is not limited to:

- a. An inability to contact the non-consenting parent for a reasonable period of time.
  - b. The absence of contact with the non-consenting parent for a substantial period of time.
2. You can make an application to the Federal Circuit and Family Court of Australia ('FCFCOA') for an Order that will negate the need to obtain the other parent's consent for a passport application.

To obtain an order you would first need to satisfy the pre-action procedures set out in Schedule 1 of the Family Law Rules, which includes making a genuine effort to resolve the dispute and attempting mediation with the other party.

### **Both options discussed above take time.**

If you are attempting to apply for a passport for your child or children and the other parent is refusing to sign the Application, you should seek legal advice as soon as possible.

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**O'Shea Dyer Townsville has experienced lawyers  
who practice exclusively in Family Law**

**Everyone's situation is unique.**

**We always recommend seeing an experienced family lawyer so you can discuss your situation and obtain customised advice about how this process specifically applies to you.**

**We offer first appointments with experienced family lawyers for \$220 - a low fixed fee so that everyone can afford to obtain advice about their situation.**

**We are here to help you.**

**Call us on 4772 5155 to make an appointment.**