



# What is “decision making responsibility” in family law?

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In Australia, parents have responsibilities for their children, not automatic rights. One key responsibility under the *Family Law Act 1975* is decision making responsibility. This refers to who is responsible for making major long-term decisions for a child, such as decisions about education, health care and religion. This is separate from a child's living arrangements, including how much time they spend with each parent.

## What decisions fall within decision making responsibility?

Decision making responsibility applies to major and long-term issues, including but not limited to:

- education, including what school(s) a child attends;
- health care decisions, including major medical procedures;
- religion and cultural upbringing;
- any changes to a child's living arrangements that may significantly impact their time with a parent, [such as relocation](#);
- the issue of passports;
- change of name.

Day-to-day decisions, such as routines, meals, clothing and activities, are otherwise made by the parent with whom the child is spending time.

# Shared decision making responsibility

Generally, provided that it is safe to do so, parents will share decision making responsibility. This means they must consult each other and make a genuine effort to come to a joint decision on major long-term issues. This does not mean equal time. A child may primarily live with one parent, but both parents share decision making responsibility.

# Sole decision making responsibility

Sole decision making responsibility means that one parent has the legal authority to make major long-term decisions without requiring agreement from the other parent. This arrangement may be ordered where shared decision making may expose a child or parent to unacceptable risk, or where one parent has been uninvolved or unable to participate in decision making.

Situations that may lead to sole decision making responsibility include:

- family violence, coercive control or threats;
- significant conflict and an inability to communicate safely and effectively;
- [serious substance misuse](#) or mental health concerns affecting parenting capacity;
- situations where one parent refuses to participate in decisions or acts in a way that is harmful to the child.

# Family violence and decision making responsibility

Where there is family violence, the safety of the child and the affected parent is the paramount consideration. The law recognises that expecting ongoing cooperation and communication between parents may not be safe or workable where there has been violence or coercion. In these cases, sole decision making responsibility may be ordered.

The Court may also put conditions in place, such as communication being limited to certain platforms or supervised changeover arrangements.

# How the Court decides

When making decisions about parenting arrangements and decision making responsibility, ultimately, the Court must consider [the best interests of the child](#).

Other general considerations include:

- what arrangements promote the safety of the child and each parent;
- any views expressed by the child;
- the developmental, psychological, emotional and cultural needs of the child;

- the capacity of each parent to meet the child's needs;
- the benefit to the child of being able to have a relationship with both parents, where it is safe to do so.

Safety is a primary consideration. Where protection from harm conflicts with other factors, safety will prevail.

## Do parents need to go to Court to decide this?

Most parents do not need court orders. Parents may reach agreement themselves or with the help of mediation, lawyers or family support services.

Agreements can be documented by way of a [Parenting Plan or Application for Consent Orders](#). If parents cannot agree, the Court can decide. Before filing Court proceedings, most parents must attempt [Family Dispute Resolution](#) unless an exemption applies, such as where there is family violence or urgency.

## Practical tips for decision making after separation

Separated parents who share decision making responsibilities may find these strategies helpful:

- Keep communication child-focused and polite;
- Share key information such as school reports and medical updates;
- Document important discussions in writing;
- Use parenting communication platforms where necessary, such as AppClose or Our Family Wizard;
- Seek advice early if there are any concerns about safety.

Where communication is unsafe or not possible, structured arrangements or court orders may be required.

## Frequently asked questions

### Does decision making responsibility decide who the child lives with?

No. It only relates to major long-term decisions. Living arrangements and time spent with each parent are separate considerations.

### Do parents have to agree on every decision?

Only major long-term issues require joint decision making if parents share responsibility. Routine daily decisions are made by the parent caring for the child at the time.

## Can decision making responsibility change later?

Yes. Orders and agreements can be reviewed if circumstances change.

## What if we disagree on a major decision?

Parents should try to negotiate or attend Family Dispute Resolution. If agreement is not possible, an application can be made in the Federal Circuit and Family Court of Australia.

## What if there is family violence?

Safety comes first. Sole decision-making responsibility or protective orders may be appropriate.

## Get help from a family lawyer

Decision making responsibility is a key part of parenting arrangements in Australian family law. It ensures major long-term decisions are made in a way that supports a child's well-being and safety. For many families, shared responsibility works well. For others, particularly where there has been family violence, sole responsibility or structured arrangements may be required.

Understanding how the law works and seeking early legal advice can help separated parents navigate decisions in a way that protects children and supports long-term stability.

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