

[Incomplete consent | Australian Passport Office \(passports.gov.au\)](#)

What if not everyone consents to a child passport?

If there isn't full consent, the only way to guarantee that we'll issue a passport is to show us an [Australian court order](#) that permits the child to have an Australian passport, travel internationally or live or spend time with a person outside Australia.

You'll need to show us originals of all orders that relate to the child (not just the most recent order) and complete a [B7 form \(PDF 0.5 MB\)](#) to declare that there are no other court orders or further legal proceedings.

What if I don't have full consent or an Australian court order that permits the child to travel?

We'll consider whether [special circumstances](#) apply.

What are special circumstances?

If you don't have either:

- consent from everyone with parental responsibility for the child, or
- an Australian court order that permits the child to have an Australian passport, travel internationally or live or spend time with a person outside Australia,

then we'll consider issuing a passport under the special circumstances in subsection 11(2) of the [Australian Passports Act 2005](#)(link is external) and section 10 of the [Australian Passports Determination 2015](#)(link is external).

Special circumstances can include, but are not limited to:

- the existence of child welfare orders
- an inability to contact the non-consenting person for a reasonable period of time
- the absence of contact with the non-consenting person for a substantial period
- a court order from a country that has signed the [Hague Convention on the Civil Aspects of International Child Abduction](#)(link is external) permitting a child to have a travel document, travel internationally or to have contact with a person outside the country where the order was made.

How do I claim special circumstances?

In addition to the passport application form, you also have to complete:

- a [B8 form \(PDF 1.5 MB\)](#) if the child's birth certificate only names one parent and there's no Australian court order that relates to parental responsibility or guardianship for the child, **or**
- a [B10 form \(PDF 0.5 MB\)](#) if there's a court order from an Australian state or territory court transferring parental responsibility or guardianship under child welfare law, **or**
- in all other situations, a separate [B9 form \(PDF\)](#) for each person with parental responsibility who doesn't consent.

You need to attach any evidence that supports your claim to special circumstances. Depending on the situation, examples of evidence could include [family violence orders](#), [foreign court orders](#), medical or police reports, or statements from government agencies.

You also need to show us originals of any Australian court orders that relate to parental responsibility or guardianship for the child (not just the most recent order). Unless you're completing a B10 form, you need to accompany the court orders with a [B7 form \(PDF 0.5 MB\)](#) to declare that there are no other court orders or further legal proceedings.

Will you contact the other parent if I apply under special circumstances?

In assessing a special circumstances case, we may seek to contact a non-consenting parent or other persons for further information.

What if there are pending legal proceedings?

If there are legal proceedings under way that may affect parental responsibility for the child, the issuing of a travel document to the child or the child's ability to travel internationally, there are limits to the special circumstances we can consider. You may therefore wish to seek the court's direction on passport issue before lodging the application.

If I claim special circumstances, does that guarantee my child will get a passport?

No.

When we consider a child passport application under the special circumstances provisions, there's no guarantee we'll issue a passport.

The delegate assessing the case can decide to:

- issue a passport, or
- refuse to issue a passport because special circumstances don't exist, or
- refuse to exercise their discretion to issue a passport because the matter should be dealt with by a court.

Of these possible outcomes, only one – a decision to refuse to issue a passport because special circumstances don't exist – is a reviewable decision.

[Child alert requests | Australian Passport Office \(passports.gov.au\)](#)

Child alert requests

How can I stop my child being taken overseas without my consent?

The only way to stop a child being taken overseas is through the [Family Law Watchlist](#)(link is external).

If the child is already overseas, contact police or border authorities in that country.

How can I stop my child getting a new passport without my consent?

If you request a child passport alert, we will give special scrutiny to any passport application for the child.

To request an alert, you must have [parental responsibility](#) for the child.

A child alert does not guarantee that we will refuse a passport to the child. If we determine that the child is entitled to a passport by law, we will issue a passport even if there is a child alert.

If the child already has an Australian or foreign passport, a child alert will not cancel the passport or stop travel.

The only way to prevent a child from being taken overseas is through the [Family Law Watchlist](#)(link is external).

How can I request a child passport alert?

The steps are:

- read all the information on this page about what a child passport alert can and cannot do
- obtain a Child Alert Request form from a [passport office](#)⁶⁷, your nearest [Australian diplomatic or consular mission](#)⁶⁸ or by calling us on 131 232
- complete the form and sign it
- attach a statement to explain why you're requesting the alert
- attach copies of any court orders relating to the child
- lodge the completed form.

You can lodge your completed form by:

- taking it to a [passport office](#)⁶⁷, participating Australia Post outlet or [Australian diplomatic or consular mission](#)⁶⁸;
- mailing it to Passport Operations (PC9), GPO Box 9807, in your capital city; or
- scanning it and emailing it to the passport office in your capital city at:
 - adelaide.alerts@dfat.gov.au⁶⁹
 - brisbane.alerts@dfat.gov.au⁷⁰
 - canberra.alerts@dfat.gov.au⁷¹
 - darwin.alerts@dfat.gov.au⁷²
 - hobart.alerts@dfat.gov.au⁷³
 - melbourne.alerts@dfat.gov.au⁷⁴
 - perth.alerts@dfat.gov.au⁷⁵
 - sydney.alerts@dfat.gov.au⁷⁶;
 - overseas.alerts@dfat.gov.au⁷⁷ (if you are not in Australia).

Remember to include attachments (in pdf or jpg format).

Do child passport alerts expire?

A child passport alert that is not supported by court orders is valid for up to 12 months.

If there is a court order, a child passport alert is valid until the child turns 18 or legally marries, or as directed by the court, whichever comes first.



Australian Government
Department of
Foreign Affairs and Trade

Australian Passport

Child Alert Request

PASSPORT WEBSITE
www.passports.gov.au

Australian Passport
Information Service
(APIS)

131 232
passports.australia@dfat.gov.au

Find your nearest
**AUSTRALIA POST
OUTLET**
www.auspost.com
137 678

Find your nearest
Australian diplomatic
mission or consulate
www.dfat.gov.au/missions

You can make a **Child Alert Request** if you are a person with parental responsibility for the child named on this form.

A Child Alert Request is a warning to the Department of Foreign Affairs and Trade that there may be circumstances to be considered before an Australian passport or other travel document is issued to your child. However, this Child Alert Request **does not guarantee** that your child will not be issued with a passport or other travel document if they are entitled to be issued one under the *Australian Passports Act 2005*.

Preventing travel

This Child Alert Request will not stop your child from travelling if they already have, or are legally entitled to, a travel document issued by Australia or another country. To prevent your child from travelling, you should contact the Australian Federal Police Family Law Unit in your state or territory to place your child's name on the Family Law Watch List. If your child is already overseas, you should contact local border/police authorities in the country where your child resides.

Validity

This Child Alert Request will remain valid for a maximum period of 12 months. Where a court order is provided, this Child Alert Request will remain in force until your child is 18 years of age, legally marries, or as directed by the court.

Notice about the collection, use and disclosure of your personal information

The *Australian Passports Act 2005* authorises the Australian Passport Office of the Department of Foreign Affairs and Trade to collect the personal information you provide with this request to create or withdraw an alert for the child named on this form. Without this information we are unable to take appropriate action to create or withdraw an Alert.

We do not collect information from anybody else in relation to this request. The information you provide will be recorded in the passports database.

We may disclose the information in this request to specified organisations, such as family law courts, for family law and related matters.

For information on how to access or correct personal information and how to complain about a breach of privacy, please refer to the 'Protecting your Privacy' brochure available at www.passports.gov.au or phone APIS. The department's privacy policy is available at www.dfat.gov.au/privacy.html.

Further information

If you have questions about this form or about how to get an Australian travel document, or if you wish to comment on our service, offer suggestions for improvement or register a complaint, visit our website, contact APIS or write to the following address:

Executive Director
Australian Passport Office
Department of Foreign
Affairs and Trade
R.G. Casey Building
John McEwen Crescent
Barton ACT 0221

Form PC9 (03/11) (Page 1 of 2)

Your checklist

Lodging your form

Lodge this form and all supporting documents:

- ☐ in person at a participating Australian Post outlet
- ☐ by mail to: Passport Operations (PC9), GPO Box 9807, In your capital city
- ☐ with your nearest Australian diplomatic mission or consulate.

Supporting documents

- ☐ Provide a certified copy of any court order reflecting parental responsibility for the child named on this form. Note: court orders which could affect parental responsibility include:
 - a **residence** order
 - a **specific issues** order for long term or day-to-day care, welfare and development
 - an order for **custody** or **guardianship**.
- ☐ Accompanying statement (if necessary).

Australian Passports Act 2005

Division 2—Reasons the Minister may refuse to issue an Australian travel document

Subdivision A—Children

11 Reasons relating to child without parental consent or court order for travel

- (1) The Minister must not issue an Australian travel document to a child unless:
 - (a) each person who has parental responsibility for the child consents to the child having an Australian travel document; or
 - (b) an order of a court of the Commonwealth, a State or a Territory permits:
 - (i) the child to have an Australian travel document; or
 - (ii) the child to travel internationally; or
 - (iii) the child to live or spend time with another person who is outside Australia.
- (2) Subsection (1) does not prevent the Minister from issuing an Australian travel document to a child if:
 - (a) circumstances specified in a Minister's determination as special circumstances exist; or
 - (b) the Minister is satisfied that the child's welfare (physical or psychological) would be adversely affected if the child were not able to travel internationally; or
 - (c) the Minister is satisfied that:
 - (i) the child urgently needs to travel internationally because of a family crisis; and
 - (ii) if there is a person who has parental responsibility for the child and who has not consented to the child having an Australian travel document—it is not possible to contact that person within a reasonable period; or
 - (d) in the case of a child who is outside Australia—the child departed Australia less than 12 months before the application for the Australian travel document was made and the Minister considers that an Australian travel document should be issued to enable the child's return to Australia.
- (3) If the Minister refuses to issue an Australian travel document to a child, the Minister may declare that he or she is refusing to exercise the discretion under subsection (2) because the matter should be dealt with by a court.
- (5) For the purposes of this section, a person has *parental responsibility* for a child if, and only if:
 - (a) the person:
 - (i) is the child's parent (including a person who is presumed to be the child's parent because of a presumption (other than in section 69Q) in Subdivision D of Division 12 of Part VII of the *Family Law Act 1975*); and
 - (ii) has not ceased to have parental responsibility for the child because of an order made under the *Family Law Act 1975*; or

Australian Passports Determination 2015

Part 2 Australian Travel Documents

Division 2 – Reasons the Minister may refuse to issue an Australian travel documents

Subdivision A – Children

10 Special circumstances in which the Minister may issue an Australian travel document to a child

- (1) For paragraph 11(2)(a) of the Act, each of the circumstances mentioned in subsection (3) is a special circumstance in which the Minister may issue an Australian travel document to a child even though a person who has parental responsibility for the child (the *non-consenting person*) has not consented to the child having an Australian travel document.

Note: *Parental responsibility* has the meaning given by subsection 11(5) of the Act.

- (2) Subsection (1) does not apply if the Minister has been provided with court documents demonstrating that there are proceedings before a Commonwealth, State or Territory court that may affect:

(aa) the issue of an Australian travel document to the child; or

(a) the rights of the child to travel internationally; or

(b) who has parental responsibility for the child.

- (3) The circumstances are the following:

(a) the Minister has not been able to contact the non-consenting person for a reasonable period;

(b) the non-consenting person is either or both of the following:

(i) missing;

(ii) presumed dead;

(c) the non-consenting person is medically incapable of providing consent;

(d) there has been no contact between the child and the non-consenting person for a substantial period before the application is made;

(e) the non-consenting person:

(i) is not an Australian citizen; and

(ii) is separated from a person who has parental responsibility for the child and has consented to the child having an Australian travel document; and

(iii) has not had contact with the child since the child arrived in Australia;

(f) a family violence order has been issued against the non-consenting person;

(g) if the child is outside Australia—there is evidence of family violence;

(h) an order of a court in a convention country (within the meaning of the *Family Law (Child Abduction Convention) Regulations 1986*) permits any of the following:

(i) the issue of a travel document to the child;

(ii) the child to travel internationally;

(iii) contact between the child and another person outside the country where the order was made;

(i) if the child is outside Australia—the Minister considers that there is a need for the child to travel internationally or the child requires a travel document to continue to legally reside overseas;

(ii) an order of a State or Territory court, made under a child welfare law, grants parental responsibility or guardianship of the child to:

(i) a parent of the child other than the non-consenting person; or

(ii) a person other than a parent of the child.

- (4) In this section, the following expressions have the same meaning as in the *Family Law Act 1975*:

(a) *child welfare law*;

(b) *family violence*;

(c) *family violence order*.

Alerts

Alerts are an internal notification of information that might affect entitlement to an Australian travel document (ATD). They **do not prevent travel**.

An alert is an **internal warning** or notification placed on a client's record to draw attention to a matter that may affect the person's entitlement to be issued an ATD at their next application.

Alerts can be placed on a client's record for a wide variety of reasons. If an individual does not have a passport record, one can be created for the purpose of adding the alert.

If an alert has been placed on a person's record and the person applies for a travel document, the alert warns the officer processing the application that certain information must be considered or that a travel document must not be issued.

Alerts must be actioned or resolved before an ATD may be issued.

Alerts relate only to the issue of an ATD. They have no relevance to a person's movements in or out of Australia. They cannot prevent travel where a person already holds a valid Australian or foreign travel document or is able to obtain a foreign travel document.

Most alerts have an expiry date. When alerts are created, a period of time must be specified. For example, a child alert that is not supported by a court order will expire after 12 months. A child alert that is supported by a court order will expire at the time specified in the order or, if no time is specified, when the child turns 18.

Information on child alert requests is also available on the passports website.

Note: A child alert relates only to the issue of an ATD, it **does not prevent travel**.

Compass - policy | DFAT

Children and consent

A child application should include the written consent of each person who has parental responsibility for the child or an Australian court order that permits the issue of an Australian travel document (ATD) to the child.

Under subsection 11(1) of the Australian Passports Act 2005 (the Passports Act), the Minister (or delegate) **must not** issue an ATD to a child unless:

— each person who has parental responsibility for the child consents to the child having an ATD

or

— an order of an Australian court permits the child to have an ATD, travel internationally or live or spend time with a person outside Australia.

Alternatively, a person with parental responsibility may request that a child application be considered under the special circumstances provisions set out in subsection 11(2) of the Passports Act and section 10 the Australian Passports Determination 2015. Certain delegates may consider applications without full consent or an Australian court order under these legislated special circumstances only.

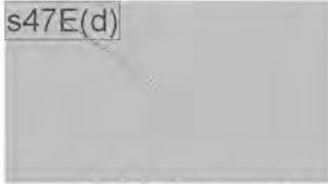
Even when considered under special circumstances, there is no guarantee that a child application without full consent or an Australian court order will be approved. The delegate assessing the case may decide to issue, not to issue (because no special circumstances exist) or to refuse to exercise their discretion to issue under special circumstances because the matter should be dealt with by a court.

Child passport applications without full consent or an Australian court order generally take six to eight weeks to process. Normal turnaround times do not apply. If an ATD is not issued the application fee is generally not refunded.

Information on applying for a child passport is also available on the passports website, as well as supplementary forms and publications relevant to certain types of child applications.

The issue of an ATD to a child, even under special circumstances, does not equate to permission for the child to travel internationally.

s47E(d)



Child Alert - relates to the issue of an Australian Travel Document only (not travel)

This alert will not prevent travel or the issue of an Australian travel document (ATD) to a child who is legally entitled to one.

- A child alert is a warning to the department that there may be circumstances that need to be considered before issuing an ATD to a child.
 - **A child alert does not prevent travel.**
 - Depending on the circumstances, if the child is legally entitled to an ATD, an ATD may still be issued.
 - If it is appropriate and necessary, the person who raised the alert will be contacted during processing of the application.
- The Australian Federal Police maintain the Family Law Watch List. Having a child's name on this list can prevent a child from leaving Australia even if they have a valid travel document.
- If the child is already overseas, clients should contact local police or border authorities to prevent travel.

s47E(d)



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s47E(d)

Lodging a child alert

1. A person who wishes to lodge a child alert must do so in writing by lodging a PC9 (Child Alert Request) form.
2. A PC9 form can be obtained by:
 - a. Calling APIS (APIS will mail a form to the client or forward the client's details to CCM who will email a form to the client);
 - b. Collecting a form in person at an Australian Passport Office (STO); or
 - c. Calling or collecting a form in person at an Australian diplomatic mission or consulate overseas.

s47E(d)

s22(1)(a)(ii)

6. Under no circumstances is a child alert to be raised on the basis of a telephone call alone.

s47E(d)



Request to withdraw a child alert after lodgement

10. The parent who requested the child alert must complete a PC9 form, marking "Withdraw an existing alert" in the appropriate box.

11. The signed PC9 form may be lodged by email, mail or in person as above.

s47E(d)



Details of person requesting a child alert

13. The person requesting the alert must provide:

- a. Their full name and address;
- b. Contact details (both business and after hours telephone numbers);
- c. Relationship to the child against whom the alert is to be raised;
- d. Reason for raising the alert; and
- e. Copies of any relevant court orders.

s47E(d)



No guarantee child alert prevents passport issue or travel

15. There is no guarantee that acceptance of the child alert will prevent a passport being issued to the child nor will it prevent a child leaving Australia if he/she already has a passport or is entitled to obtain a passport from another country.
16. People seeking to use the passport alert system must also be made aware of the Family Law Watch List operated by the Australian Federal Police (AFP) and should be advised to contact the AFP Family Law Unit in their state or territory for details.
17. The information on the back of the PC9 form should be brought to the attention of the person lodging the alert request.

s47E(d)

s22(1)(a)(ii)

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