

FAMILY LAW MATTERS

PARENTING PLANS



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What is a Parenting Plan?

As a result of amendments to the *Family Law Act* ("the Act"), effective 1 July 2006, the Act now places far greater emphasis on separated parents making arrangements for children between themselves without having to go to Court.

A Parenting Plan ("the Plan") is an agreement which sets out the parenting arrangements for children. It may take any form however to be recognised by a Court it must be in writing, dated and signed by both parents. It must also be made free from any threat, duress or coercion.

The Plan can deal with all issues regarding children including the day to day responsibilities of each parent together with the practical considerations of the children's daily life such as which parent the children will live with and which parent they will spend time with. It can also deal with long term issues such as religion, education standard and which schools the children will attend.

Because the Plan is agreed jointly, it means separating parents are able to avoid having the parenting regime imposed on them by the Court.

How does the Plan work?

The Plan allows parents to arrive at their own decisions regarding suitable parenting arrangements. It is voluntary and can be changed at any time as long as both parents agree.

Unlike a Court Order, the Plan is not a legally enforceable agreement. If, however, there is a dispute between the parents regarding the parenting issues which leads to an Application to the Court, the Court is required to consider the terms of the Plan when making any Orders. The Court will certainly consider the extent to which both parents have complied with their obligations set out in the Plan.

What is included in the Plan?

The Plan can deal with any aspect of the care, welfare and development of the children. The kinds of issues that may be covered in the Plan include:

- Who the children will live with;
- What parenting time the children will spend with each parent;
- What time the children will spend with other people, such as grandparents;
- How the parents will share parental responsibility, such as deciding on schools;
- How the children will communicate with the other parent or other people;
- What arrangements need to be made for special days such as birthdays and holidays;
- What process can be used to change the plan or resolve any disagreements about the plan;
- Any other issues the parents want to include.

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This document has been prepared in an attempt to clarify issues discussed at our initial consultation. It is a very brief summary of the issues and is intended as a guide only. For more detailed advice please contact our office.