



## Parenting Plans, Parenting Orders and Children's Issues

### NEGOTIATIONS

Negotiating parenting arrangements can be difficult. Nevertheless, it is important to try to keep dialogue open, to maximise the chances of reaching successful parenting arrangements that will endure in the future.

If you have tried your hardest to reach agreement on parenting, but have not succeeded, then your next step is to attend a mediation or Family Dispute Resolution. Although the mediator has no authority to make any binding decisions, the mediator's presence often facilitates a resolution. A Parenting Plan detailing the terms of the agreement can then be drawn up and signed. This can also be made into a legally enforceable Parenting Order by the Court later.

### PARENTING ORDERS IN CONTESTED PROCEEDINGS

If you and the other parent are unable to reach agreement through negotiations or mediation, you will need to consider making an Application to the Court for the Court to determine the terms of the Parenting Order. In order to make an Application you will need to have first attended the Family

Dispute Resolution mediation referred to above, and get a certificate of your attempt.

If proceedings must be issued, the key principal that the Court will consider in determining the terms of a Parenting Order will be the "best interests of the children". Under the *Family Law Act*, the best interests of children are met by:

- ensuring that children have the benefit of both of their parents having a meaningful involvement in their lives
- protecting children from physical and psychological harm from being subjected to abuse
- ensuring that children receive adequate and proper parenting to help them achieve their full potential, and
- ensuring that parents fulfil their duties, and meet their responsibilities, concerning the care, welfare and development of their children.

A Court will often order that a Family Report be prepared by a psychologist. The recommendations of the psychologist will be influential on the Court's decision.

JULY, 2014