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Parenting Plans and Children's Orders

When setting out arrangements for children, separated parties have the option of obtaining parenting orders (by agreement if possible) or entering into a less formal parenting plan.

A parenting plan can address a range of issues including who the child lives with, who the child spends time with, allocation of parental responsibility, arrangements for special days such as birthdays and holidays as well as procedures for making long-term decisions regarding the care, welfare and development of the child. It is also advisable to include procedures for varying the plan and resolving any disputes about the terms of the plan.

If parents or carers cannot agree on arrangements for the care of children, and family dispute resolution has not worked or is not appropriate, then they can apply for a parenting order from a family law court.

The key principal that the Court will consider is what is in 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.

The family law courts will look at many different factors, including:

- protecting children from family violence and child abuse
- maintaining their relationships with important people in their lives.

If it is important for an issue to be sorted out is urgent, 'interim' (temporary) parenting orders can be made. These can be altered at any time by the court before or at the final hearing.



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