

Untying the Knot



PARENTING PLANS

What is a parenting plan?

A parenting plan is a voluntary agreement setting out parenting arrangements for your children. It can be changed if you both agree. To be a parenting plan under the Family Law Act, it must be in writing, signed and dated. It must also be made voluntary and free from duress, threat or coercion.

Who can make a parenting plan?

Under the Family Law Act 1975, a parenting plan must be made and signed by both parents of the child. However, other significant people taking on a parenting-type role can be included.

Is a parenting plan legally binding?

A parenting plan is not legally enforceable and is different from a parenting order, which is made by a court. However, you can choose to make your parenting plan into a consent order which is then legally binding and enforceable.

If one of you chooses to go to court later, the court must consider your most recent parenting plan and whether or not you have been following it. If you have a court order after 1 July 2006, you can agree to a variation of those orders by using a parenting plan.

If you want to rely on a parenting plan, as a legal document, you should get legal advice.

What do we put in our parenting plan?

The best parenting plans are those which are clear so that both parents can understand them and work from them.

There are many things you might want to include. The ones we see most often include:

- The time your children will spend with each parent
- Your children communicating with you when they are with the other parent
- How your children will move between households
- How school holidays will be shared
- How you will resolve any future disagreements

How do we know what arrangements will be best for our children?

Best interests of the child

Your children and their needs come first, before the needs of either parent. Children have the right to know both their parents and the right to be protected from harm.

Equal shared parental responsibility

Except where there are issues of violence or abuse, the law presumes that it is in the best interest of a child for the parents to have equal shared parental responsibility. This does not mean 'equal time' but means each of you having an equal role in making decisions about major long-term issues that affect your children.

If you agree to share parental responsibility, you need to agree about the major issues in your children's lives like what school they will go to. Day to day decisions like what they will eat or wear, are the responsibility of each of you individually when your children are with you.

We recommend including provisions in your parenting plan about how you will make decisions together about long-term issues.

Equal time

If it is in the best interests of your children and reasonably practicable, you might consider an arrangement for the children to spend equal time with both of you.

Reasonably practicable

Practicalities vary from family to family but you might think about how far you live from the other parent, your working hours and availability before and after school, the age and resilience of your children and how well you and the other parent communicate.

Substantial and significant time

If equal time is not suitable for your children then you could consider a 'substantial and significant time arrangement' which includes time on weekdays, weekends, holidays, special days like birthdays and for significant family, religious or cultural events.

Difficulties complying with a parenting plan?

If you have problems with your parenting plan and can't reach agreement, there are counselling and dispute resolution services which can assist you. You could return to mediation with Brisbane Family Dispute Resolution. Or you could contact the Family Relationship Advice Line on 1800 050 321 for information and advice, including referrals to services in your local area that can help, such as a Family Relationship Centre.

Need help to develop a parenting plan?

You can work with Untying the Knot to develop a parenting plan.

A range of other services are available to help parents reach an agreement about their children, such as counselling and dispute resolution. These services are offered by a range of organisations including Family Relationship Centres.