



PARENTING PLANS

If parents reach an agreement in relation to parenting arrangements, there are two ways in which the agreement can be formalised – either by way of Court Orders made by consent or by entering into a Parenting Plan.

A Parenting Plan is simply a written agreement about children that is signed and dated by the parents of the children, which deals with one or more of the following issues:

- Who the children are to live, communicate or spend time with;
- Sharing of parental responsibility;
- Maintenance of the child;
- The process to resolve any disputes about the operation of the plan;
- The process to change the plan to take account of the child's changing needs or circumstances;
- Any aspect of care, welfare or development of the child.

Parenting Plans are not enforceable in Court if they are breached; however the Court will take account of a Parenting Plan if Court proceedings are commenced after you have signed a Parenting Plan. For an agreement to be a Parenting Plan, it must be made free from any threat, duress or coercion.

Parenting Plans can deal with Child Support but they must comply with the formalities for a Child Support Agreement to be effective in relation to child support.

Advantages of Parenting Plans:

Parenting Plans suit situations where both parents are on relatively amicable terms and readily able to reach an agreement regarding the children – whether or not with the assistance of a Family Dispute Resolution practitioner such as at a Family Relationship Centre. They are particularly useful in situations where children are very young and the care arrangements are therefore likely to change significantly over a relatively short period of time. They are more flexible than Consent Orders and can be changed easily with minimal expense.

Disadvantages of Parenting Plans:

There are not the same potential penalties for breach of a Parenting Plan as there are if Court Orders are breached. Court Orders may therefore provide greater certainty.

If you obtain Court Orders regarding parenting matters, then you later sign a Parenting Plan which conflicts with any of the Orders, the Parenting Plan will override the Consent Orders to the extent of the inconsistency – this can cause confusion and undermine the enforceability of the Orders.

If you would like further advice regarding Parenting Plans, or if you have a Parenting Plan that you wish to use as the basis of proposed Consent Orders, please contact our team on 03 9670 1734 to discuss your particular circumstances.