



Parenting & Children Matters – Some Essential Facts

- Each parent has parental responsibility of their child, which allows them to independently make short term and long term decisions about a child's welfare.
- When parties separate, the Law can make Orders requiring the parties to exercise that responsibility jointly, or, the Court can order for one party to have responsibility for certain long term decisions, such as schooling and health decisions.
- The Law's founding on the principle of making Orders that are in the best interests and welfare of the child and various factors are taken into account by the Law, when considering what is in the best interests of the welfare of a child in the particular circumstances of a case.
- Generally, the Law says that children should spend substantial and significant time with each parent and this includes time during the school week, weekends and holiday time.
- There is no presumption of equal time and each case is different and must be assessed on its merits as to what is in the best interests and welfare of the child.
- In circumstances where it is impracticable for week about time to occur, or there is existence of any violence, then it is unlikely the Court will order that the child spend equal time between the parents.
- Typically, the younger the child is, the more likely it is that the Court will order for the child to spend equal time with each parent. ,
- Family violence has a profound impact upon the parent who has experienced such violence and also, upon the children who may have been exposed to such violence and witnessed it. These are very important factors when the Court determines what is in the best interest of a child.
- This parenting arrangement is one where the parents can agree usually amicably and allow flexibility for the arrangements of their children.
- If parents cooperate and there is a high level of trust in good coparenting, then they do not need any Orders or Parenting Plans, but in the circumstances where there is some conflict, then parents can enter into Parenting Plans or Parenting Consent Orders.
- Parenting Plans set out the agreed regime of the time children will spend with each party and may cover other issues about the conduct of the parents and other matters concerning the health, education and general welfare of the children.
- Parenting Plans are not binding at Law, but they can be used as evidence should matters need to proceed to Court.

- A Parenting Consent Order is legally binding and it provides positive obligations of both parents to appear to the arrangements for their children as set out in the Consent Order.
- Children cannot be taken overseas without the consent of the other parent.
- If you are separating and considering making substantial changes to where a child shall live or go to school, you should seek legal advice, before making any substantial long term decisions in the absence of the other parents' consent.