

Parenting Plans

(as per Family Law Act 1975, section 63C)

What Can Be Included In A Parenting Plan?

- » Who the children will live with and when;
- » What time the children will spend with other significant persons such as parents, grandparents or other extended family;
- » How will parents communicate in order to make joint decisions regarding their child/ren;
- » How parents will resolve disagreements in the future;
- » How parents will make changes to the plan if required;
- » How parents will financially support their child/ren;
- » How the child/ren will communicate with his/her parents or other significant persons;
- » Any other aspect of the care, welfare or development of the child or any other aspect of parental responsibility for a child.

Primary Considerations for Determining, What is in a Child's Best Interests:

1

The benefit to the child of having a meaningful relationship with both parents;

2

The need to protect the child from physical or psychological harm or from being subjected or exposed to abuse, neglect or family violence.

3

Where a child is at risk of harm, the need to protect the child should be given more weight over the child's right to a meaningful relationship with both parents.

Additional Considerations for Determining What is in a Child's Best Interests:

- » Any views expressed by the child and any factors (such as the child's maturity or level of understanding) ;
- » The nature of the relationship of the child with each of the child's parents and other persons (including any grandparent or other relative of the child);
- » The extent to which each of the child's parents has taken, or failed to take, the opportunity to participate in making decisions about major long-term issues in relation to the child; and to spend time with the child and to communicate with the child;
- » The extent to which each of the child's parents has fulfilled, or failed to fulfill, the parent's obligations to maintain the child;
- » The likely effect of any changes in the child's circumstances, including the likely effect on the child of any separation from either of his or her parents or any other child, or other person (including any grandparent or other relative of the child), with whom he or she has been living;
- » The practical difficulty and expense of a child spending time with and communicating with a parent and whether that difficulty or expense will substantially affect the child's right to maintain personal relations and direct contact with both parents on a regular basis;
- » The capacity of each of the child's parents and any other person (including any grandparent or other relative of the child), to provide for the needs of the child, including emotional and intellectual needs;
- » The maturity, sex, lifestyle and background (including lifestyle, culture and traditions) of the child and of either of the child's parents, and any other characteristics of the child that the court thinks are relevant;
- » If the child is an Aboriginal child or a Torres Strait Islander child, the child's right to enjoy his or her Aboriginal or Torres Strait Islander culture (including the right to enjoy that culture with other people who share that culture) and the likely impact any proposed parenting order under this Part will have on that right;
- » The attitude to the child, and to the responsibilities of parenthood, demonstrated by each of the child's parents;
- » Any family violence involving the child or a member of the child's family;
- » If a family violence order applies, or has applied, to the child or a member of the child's family – any relevant inferences that can be drawn from the order (and its circumstances etc);
- » Whether it would be preferable to make the order that would be least likely to lead to the institution of court proceedings in relation to the child; and
- » Any other relevant facts or circumstances.