



Parenting plans

Information for parents to consider when making a parenting plan

Separation can be painful for everyone involved – especially children. During this challenging time children need support, love and contact with both of their parents and other significant people, such as grandparents. Some certainty for the future is also important for everyone.

The family law system encourages separating parents to work out arrangements for children between themselves without going to court. One way parents can set out the arrangements they wish to put into place for their children is to make a parenting plan.

What is best for your child is the most important thing for you to consider when you make your parenting plan.

What is a parenting plan?

A parenting plan is a voluntary agreement that covers the day to day responsibilities of each parent, the practical considerations of a child's daily life, as well as how parents will agree and consult on important long-term issues about their children. It can be changed at any time as long as both parents agree.

Who can make a parenting plan?

To be a parenting plan under the Family Law Act 1975, the plan must be made and signed by both parents of the child. However, other persons, such as grandparents or step-parents, can be included in a parenting plan.

Parenting plans and the law

A parenting plan can take any form, but to be a parenting plan under the Family Law Act 1975 it must be in writing, signed and dated by both parents. It must be made free from any threat, duress or coercion.

A parenting plan is not legally enforceable and is different from a parenting order, which is made by a court. Parents who make a parenting plan can ask the court to make an order in the terms of that plan. Once made, these orders are legally binding – they have the same effect as any other parenting order made by a court.

If parents end up in court at some later date, the court must consider the terms of the most recent parenting plan when making parenting orders in relation to the child, if it is in the best interests of the child to do so. The court will also consider the extent to which both parents have complied with their obligations in relation to the child, which may include the terms of a parenting plan.

If there is a court order made after 1 July 2006 setting out parenting arrangements, the parents can agree to change those arrangements by a parenting plan (unless the court order says otherwise). This makes it easier for parents to agree on changes without going back to court.

If your parenting plan does change an existing parenting order, you may not be able to enforce those parts of your old parenting order that are inconsistent with the terms of your new parenting plan.

What can be included in a parenting plan?

Your plan will be unique to your circumstances. It should be practical, simple and as concrete as possible.

A parenting plan can deal with any aspect of the care, welfare and development of a child. The kinds of things that may be covered in a plan include:

- how the parents will share parental responsibility and consult about decisions (like which school the child will attend)
- who the child will live with
- what time the child will spend with each parent
- what time the child will spend with other people, such as grandparents
- how the child will communicate with each parent or other people (eg by phone, email or letters)
- what arrangements need to be made for special days, such as birthdays and holidays
- what process can be used to change the plan or resolve any disagreements about the plan
- maintenance of a child*, and
- any other issue about parental responsibility or the care, welfare and development of the child.

* Special rules apply about including child support in your parenting plan (See *Parenting plans, child support and Centrelink* below).

Can I include other things in my parenting plan?

To be a parenting plan under the Family Law Act 1975 your agreement must deal with an aspect of the care, welfare and development of a child.

However, your agreement can still be a parenting plan under the Family Law Act if it includes other things (such as spousal maintenance or property) but those provisions will not be legally enforceable. There are ways to make a legally enforceable agreement about these issues, such as seeking a court order by consent.

Parenting plans, child support and Centrelink

Any changes to the care arrangements for your children can affect child support, income support and family assistance payments.

If you have a parenting plan and Child Support (CS) has a copy of it, CS can base your care levels in your child support assessment on the care levels outlined in the plan.

If your parenting plan specifies amounts for child support payments, CS cannot enforce it unless it is also a valid child support agreement and you or the other parent ask CS to accept it.

There are some conditions that must be met before CS can accept a child support agreement. For example, parents who agree to less child support than the amount assessed under the child support formula can do so, as long as they get legal advice.

The type of agreement you make, and the amount of child support you agree to pay or receive, can affect your child support Family Tax Benefit Part A entitlement. The amount of Family Tax Benefit Part A you receive is based on CS's formula assessment, not the child support agreement.

For help and information contact:

- Child Support on 131 272 or visit www.humanservices.gov.au/customer/dhs/child-support
- Centrelink (Families and Parents Line) on 136 150 or visit www.humanservices.gov.au/customer/themes/families

Other issues to consider when developing your plan

When developing your plan, you need to consider the information contained in this flyer, including the legal implications of making a parenting plan. You may find it useful to include provisions in your parenting plan of the kind that are listed above (see What can be included in a parenting plan?).

You may find it useful to include procedures in your plan for resolving any disputes about the terms of your plan, or for varying the plan if the needs or circumstances of your child change as they get older (eg the child starts primary or secondary school).

When deciding what to include in your plan there are a number of other important issues you need to consider. If parents cannot agree about their children, and decide to go to court, the court will also be required to consider these issues when making a parenting order. These issues are set out below.

Best interests of the child

When you make decisions about your child their needs must come first and the most important thing for you to consider is what is best for your child. Children have the right to know both their parents and the right to be protected from harm. However, the safety of your child(ren) must come first when considering your child's best interest. These are important things to think about. Other things you might want to think about include any views the child has expressed, the child's relationship with both of their parents and other people significant to them (such as their grandparents) and any practical difficulties.

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 that the child should spend equal time with each parent. Rather, equal shared parental responsibility means that both parents have an equal role in making decisions about major long-term issues that affect their children, such as schooling and health care.

If you agree to share parental responsibility, you will need to consult with each other and make an effort to come to joint decisions about long-term issues. However, when the child is spending time with you, you will not usually need to consult on decisions about things like what the child eats or wears because these are not usually major long-term issues.

You may find it useful to include a process in your plan about how you are going to consult with each other when you need to make decisions about long-term issues.

Equal time

If the child spending equal time with each of you is reasonably practicable, and in the best interests of the child, you could consider an arrangement of this kind (eg the child spends one week with you and the next week with the other parent).

What does 'reasonably practicable' mean?

You need to consider whether it is practical to make this type of arrangement for your child based on your circumstances. The types of things you could think about include:

- how far apart you and the other parent live from each other
- the ability of you and the other parent to implement this type of arrangement (eg what hours do you work and how close do you live to the child's school)
- how well you and the other parent communicate with each other and can resolve any problems that come up with the arrangement, and
- the impact the arrangement will have on your child.

Substantial and significant time

If the child spending equal time with both of you is not appropriate, you could consider an arrangement that allows both parents to spend substantial and significant time with the child, provided that this is reasonably practicable and in the best interests of the child.

What is substantial and significant time?

This refers to a child spending time with both parents on a mix of weekends, holidays and regular days and nights. It means both parents are involved in the child's daily routine, as well as sharing in special events (like birthdays) and other events of significance (like weddings).

Difficulties complying with a parenting plan?

If either parent has difficulties complying with a parenting plan which they cannot resolve by agreement with the other parent, there is a range of services available to help, such as counselling and dispute resolution. For example, with the help of a professional you may be able to change your existing agreement or make a new parenting plan.

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?

A range of 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. The Family Relationship Advice Line can provide information, advice and referrals to a range of services in your local area. Family Relationships Online can also provide relevant information.

Need further information?

Information about developing a parenting plan, can be obtained from:

- Family Relationship Advice Line **1800 050 321**
- Family Relationship Centres and other family dispute resolution services (call **1800 050 321** to find out what services are near you), and
- Family Relationships Online at www.familyrelationships.gov.au

Family Dispute Resolution (Mediation) Service

Things to Consider for a Parenting Plan

Children's Care Arrangements

- How will we arrange our children's care? What days fit with them and our work?
- What changes will need to be considered as our children get older?
- How will we make sure our children continue to maintain relationships with Grandparents, Brothers and Sisters, extended family, and other significant carers?
- How will we make **weekends, public holidays, pupil free days, school holidays and special events** work for our children?
- How will our children continue to enjoy **Christmas** and **Easter** in both their families?
- How will we manage back up and support care for our children?

Health

- How will we manage an **emergency** and make decisions on **any future medical needs**?
- How will we keep both parents informed and involved in our children's **medical needs**?
- How will medical/dental appointments be arranged and will each parent attend?
- How will we manage ongoing **health costs** for our children?
- Are there other issues we need to discuss to keep our children **safe and well cared for**?

Education

- How will we ensure our children's **educational** needs (school, tutors, homework etc) are being met?
- What is a good way to continue to share the **financial responsibilities** for our children (clothing, shoes, extra-curricular activities etc)?
- What is the best way to manage ongoing shared commitments to our children's **education** (school fees, uniform, books, resources etc) and their **extra-curricular activities**?
- How will we ensure relevant information about their school and schooling reaches both their homes?

Co-Parenting Communication

- How will we **communicate** effectively about our children and keep them out of the adult issues?
- What is a respectful and timely manner for **replying** to co-parenting communication?
- How will we respectfully manage **cancellations, changes** and **extra time** not included in the agreement?
- How will we manage difficult conversations about their ongoing care?
- How will we manage upsetting information in a child-focussed way that supports our children?
- How do we want to manage introducing **new partners** to our children?
- How do we want to manage **future discussions/disputes** (return to **mediation**)?

Travelling

- How will we ensure that our children are able to enjoy and experience **interstate or overseas travel**?
- How will we facilitate contact for the other parent during travel?
- How will we manage the days they are not with the other parent when travelling?

Religious/Cultural needs

- How will we support our children to **maintain a connection with their culture**?
- How will we support our children to understand and value their **cultural practices**?
- How will we keep our **family rituals and traditions** for our children (Christmas/Easter, Ramadan, Diwali, Chinese New Year etc)?
- What is needed in order for our children to keep their **traditional language**?

**Don't forget that a parenting plan is not a legally binding document.
Please seek legal advice about your children's rights and child support.**

**Your parenting plan is about supporting your children's right to maintain a significant relationship
with both parents and their families after separation.**

Family Dispute Resolution (Mediation) Service

Information Regarding Child Inclusive Practice

In accessing our FDR Service, there is an option for your children's 'voice' to be included in the process. This occurs with a Child Consultant talking to your children in **confidence** and sharing the information back to both parents.

If both parents and your practitioner decide that Child Inclusive FDR may be beneficial, there is some important information you need to know about your appointments:

Parents' Individual Appointments - Either in person or over the phone for 45-60 mins.

- A fee is payable at the completion of the appointment.
- Only the parent can be present.
- Children are not required at this interview. It is not possible for children to attend with parents for this appointment, nor are children able to wait unsupervised during your appointment.
- All aspects of the parents and children's involvement are discussed.
- The contents of this interview or any other matters relating to the child inclusive process **MUST NOT** be shared or discussed with your children.

The suitability to continue with the children's appointment is determined by the Child Consultant and FDR Practitioner at the conclusion of the parents' interviews.

Your Children's Appointment – Can take 1-1.5 hours for each child

- Notification confirming the children's appointments is sent to the parent with care on the day.
- Children begin together and when comfortable, the Child Consultant will seek their permission to see them separately.
- Please encourage your children to feel secure and able to speak openly.
- Give them permission to speak exactly how they want to and about what they want to.
- Tell them it is important for them to share this information to help you and the other parent to make decisions in their best interests.
- Reassure them of your continued love and support no matter the information revealed.
- Refrain from indicating directly/indirectly your preferred options or outcomes.
- Reassure them that you and the other parent will be making parenting decisions based on the information shared with them and that the children are never responsible for such important decisions.

At the conclusion of the interview:

- Please refrain from asking anything about the contents of their discussions.
- If they choose to share, then it is important not to pass judgment or comment on the information but rather to let them speak freely to you and accept whatever they share without trying to correct or amend their feelings or thoughts.

Feedback Appointment – 2 hours

- Both parents together with the Consultant and FDR Practitioner
- Consultant will share the information
- Parents hear the information as their children's views and wishes
- Option to take a break, finish the appointment or continue to discuss parenting matters made by all.

If it is deemed inappropriate to see the children by the Child Consultant and FDR Practitioner after the parent's interviews

- The Child Consultant can join the next joint session and share knowledge and expertise for your consideration that may assist with the discussions about the best options for your children's care.

Child Inclusive Practice Cannot Happen When:

- Parents wish to use it to strengthen their own point of view.
- Parents believe it will prove the other parent's view wrong.
- It is not safe for children to express their views freely.
- The child is unable to articulate their feelings or needs.
- The likelihood of Court is obvious to the parties involved.
- The practitioner believes there is a possibility that the child may be coerced.
- Not all involved give mutual consent.
- If the practitioner or Child Consultant believes, it would not add to the discussions.
- There are high levels of conflict and/or family violence.
- The children are involved in other support services.
- There is any indication that there will be a negative impact for the children after the feedback.

Please refer to our brochures for further information.

If you have any queries not answered by this information, please note it for when you speak to the Child Consultant at your interview.

Family Dispute Resolution (Mediation) Service

Information and Contacts for Grandparents

For Grandparents in Dispute

For Grandparents who have been separated from their grandchildren following the breakdown of the parents relationship or Grandparents who have care of their grandchildren and wish to discuss any changes with either of the parents who have separated. Family Dispute Resolution (FDR) provides mediation as an alternative way of resolving disputes and can avoid the financial and emotional costs involved in legal action.

Family Dispute Resolution

The FDR Practitioner (FDRP) guides the process of discussion, supports all members, remains impartial to the outcomes while facilitating those involved to reach their own agreements.

FDRP's assist families and children to discuss and reach an agreement that is safe and in the best interest of the children. This can be about general living arrangements, how they spend time with extended family as well as any other care related conversations. The needs and interests of the children are central to any agreements reached.

Centacare takes the safety of families very seriously. Please discuss any safety concerns with your FDRP.

Confidentiality and Privacy are of the utmost importance in FDR services. All FDRP's and Child Consultants must work within the Family Law Act (FLA) 1975 – section 10H, where communications made in FDR are not to be disclosed and are inadmissible in court unless required or authorised under the FLA.

Contacts

Grandparents for Grandchildren (Mon-Fri 9am-5pm, Level 2, 345 King William St, Adelaide)	8212 1937
Family Relationship Advice Line (Mon to Fri 8am – 8pm, 10am- 4pm Sat)	1800 050 321
Parent Helpline (24 hours) Telephone support for parents, children & youth	1300 364 100
Legal Services Commission Legal Help Line (Mon-Fri 9am – 4.30 pm)	1300 366 424
Adelaide (Mon-Fri 9am – 5pm, Gawler Place)	8111 5555

Websites

Family Relationship Advice Line	http://www.familyrelationships.gov.au/default.aspx
Grandparents for Grandchildren SA	http://www.gfgsa.com.au/
Parenting SA	https://parenting.sa.gov.au/easy-guides/grandparenting-parent-easy-guide
Raising Children	https://raisingchildren.net.au/grown-ups/grandparents

Family Dispute Resolution (Mediation) Service

Information and Contacts for **Step-Parents**

Step-parents can play an important role in a child's life when there has been a joining of families. This relationship takes time to build and must be done in a respectful way taking into consideration the needs of all the family members involved.

Family Dispute Resolution is a service where parents can attend and obtain assistance to manage the discussion about the care of the children from the relationship. Step-parents can sometimes feel left out of this process and while they are acknowledged as important members of children's families, the Family Law Act (1975) only allows for discussions between parents.

At Centacare we are mindful of all important roles in children's lives and if you or your partner have any questions or concerns that include the role of step-parents, these can be discussed at the confidential intake appointment.

Step-parenting is a steep learning curve and often some assistance may be required for those members involved in blending families. Adults often require additional support as the decision to be involved in the relationship is not the children's decision and adults must take the responsibility for making the relationships work.

Contacts

Relationships Australia (Mon-Fri 9am-5pm, 161 Frome Rd, Adelaide)	8223 4566
Family Relationship Advice Line (Mon-Fri 8am – 8pm, Sat 10am 4pm)	1800 050 321
Parent Helpline (24 hours) Provides telephone support and information	1300 364 100
Legal Service Commission Legal Help line	1300 366 424

Websites

Family Relationship Advice Line	http://www.familyrelationships.gov.au/default.aspx
Parenting (with Grandparenting information)	www.parenting.sa.gov.au
Raising Children	https://raisingchildren.net.au/grown-ups/family-diversity
Step Families	https://stepfamily.org.au/
Step-parenting Tips	https://www.helpguide.org/articles/parenting-family/step-parenting-blended-families.htm

We deliver a responsive, flexible and effective mediation service to the SA community without regard to religion, race, culture, gender identity or economic circumstances.



Family Dispute Resolution (Mediation Service)

Parenting Apps

There are many parenting applications which may be used as a way of communicating and organising schedules as co-parents. The following are a few suggestions only and are not endorsed of affiliated with Centacare Catholic Family Services.

Free Apps:

Cozi – <http://www.cozi.com/>

A parenting app which features include a Family Calendar which is a shared, colour-coded calendar which includes all activities. Set reminders and send agenda emails. Create to-do lists for all members of the family. Create a shopping list. Store recipes and plan meals for the week. Store photos in the family journal. Get a snap-shot of the day's activities.

AppClose- <https://appclose.com>

A parenting app designed to support families of all forms with co-parenting communications, multi-functional calendars, important information and record keeping. Communicate children's activities and appointments, provide important child-related information (i.e medical, child care etc) and communicate by text with the added benefit of organising unaltered conversations by topic or expenses.

TimeTree- <https://timetreeapp.com>

A parenting app that allows you to share your calendars, record and share your objectives and create multiple schedules.

Divvito- <https://divvito.com>

A parenting app designed to help make communication easier with help of a personal messaging assistant 'Dani' who helps keep communication positive. The mobile calendar within the app allows parents to add important events and reminders to the calendar where the dates and times are highlighted. Communication preferences can be tailored to enable greater control around when, how and what can be discussed.

Monthly or yearly Payments:

2 Houses – www.2houses.com

A parenting app which features an interactive calendar with specific features for separated parents. Manage finances can show what needs to be paid and by whom, to ensure the accounts are balanced. The journal allows parents to share all information, news, photos, videos, and your children's funny quotes in a closed and secure setting. Store children's information including contacts and medical information in the secure information bank. Create task and to do lists to ensure each parent is aware of what needs to be done. The application sends push notifications to your phone, you configure what notifications you would like.

Our Family Wizard – <https://www.ourfamilywizard.com/> -

A parenting app featuring a calendar for shared care and holiday arrangements, more in-depth look at activities, export calendar to PDF for printing. Message board for sending private messages which includes a tone meter (optional add-on) which helps you identify and flag emotionally charged sentences within the message. Manage private and shared family information. Include information about individual or recurring payments, split expenses and reimbursements. Receive notifications about new expenses and paid, waiting and refused expenses. Maintain a journal of important information. Journal can also act as a certified, un-changeable personal incident log.

WeParent- <https://weparent.app>

A parenting app that allows co-parents to manage all aspects of parenting communication and logistics. This includes children's schedules, events and appointments, secure messages and safe sharing of documents and photos. Access includes setting up schedules for the school year, summer, holidays, and travel. Built-in templates allow for easy use or users can use a custom schedule. Share school report cards, immunisation records and photos quickly and securely. A Record Keeping feature archives everything that the co-parents share on the app and can be retrieved.

Talking Parents- <https://talkingparents.com>

A parenting app with a variety of tools that make day-to-day co-parenting activities easier. Allows phone and video calls without disclosing the phone number. Features include a shared calendar, sent and viewed timestamps for messages as well as an 'Accountable Payments' feature which allows for money to be sent and received between co-parents as well as scheduling or requesting payments. Files/documents can also be stored in the app and parents can choose to share any files.