

Family Law Information for Parents regarding Best Interest of the Child and Parenting Plans - Family Law Act 60D & 63DA

Best Interest of the Child

The Family Law Act says; the *Best Interest of the Child* is the paramount consideration.

The Best Interest of the Child is best met by;

1. The child having a meaningful relationship with both parents.
2. The child is protected from physical or psychological harm from being exposed to abuse, neglect or family violence. This second consideration having the greater weight.

Parenting Plans

Parents who have had their relationship breakdown could consider entering into a Parenting Plan in relation to their children. Family Dispute Resolution Practitioners can provide information and other assistance to persons wanting to have a Parenting Plan made.

If a court is being asked to make a Parenting Order in relation to a child, the court will take into consideration the most recent Parenting Plan that has been made between the child's parents, if doing so is in the *best interests of the child*.

If a Parenting Order has been made by a court. Then, after that parent's sign and date a Parenting Plan, that Parenting Plan will dissolve the Parenting Order or as to where it is different unless the court has made a specific order otherwise.

A **Parenting Plan** is an agreement that is;

- in writing
- made between the parents of a child
- signed and dated by the parents of the child
- dealing with parenting arrangements for their child
- made free from any threat, duress or coercion.

Topics to Consider in your Parenting Plan;

Parental Responsibility for Children

A Parenting Plan may include share parental responsibility for a child; the form of consultations that parents are to have with one another about decisions to be made in the exercise of that responsibility.

A Parenting Plan may deal with the allocation of responsibility for making decisions about major long-term issues in relation to the child or any aspect of the care, welfare or development of the child, or any other aspect of parental responsibility for a child.

Care Arrangements

Parents could consider that the children spend *equal time* with each of them if it was in the *best interest of the children* and reasonably practicable.

If parents considered the children spending *equal time* with each of them is not in the *best interests of the children* or is not reasonably practicable. Parents could then consider the option of the children *live with* a parent and *spend time with* the other parent if it was in the *best interest of the children* and reasonably practicable.

If the care arrangement is *live with* and *spend time with* the other parent, the *spend time with* should be *substantial and significant*. Parents could also consider the children *spend time with* other significant people in the children's lives, including grandparents or other relatives of the child.

Communication

The communication child is to have with parents and other people including a grandparent or other relative of the child may include communication by:

- letter
- telephone
- email
- any other electronic means

Financial Support of the Children

Financial support may cover things like; school fees, costs of out of school sporting or non-sporting activities, private health cover, etc. This is distinct from child support under that Act unless the Parenting Plan is also a child support agreement.

Dispute Resolution

A Parenting Plan can outline the process to be used for resolving disputes about the terms or operation of the plan, and the process to be used for changing the plan to take account of the changing needs or circumstances of the children or the parents.