



Parenting Orders Review Session

Information to Consider when using Family Dispute Resolution to
review a Family Court Order



Information to consider when reviewing a Parenting Order

Why review your Parenting Order?

Parenting Orders don't come with a use by date, but they probably should!

If your Parenting Order has been in force for a year or more, you have had time to settle down and make things work or realise that the terms of the order just don't work for your family.

If you have been to court for Parenting Orders it was probably a long, expensive and very stressful process. You are probably putting up with your orders, even orders that don't suit either parent or the kids.

What you may not realise is that there is a way to adjust your parenting orders without spending tens of thousands of dollars and without making your co-parenting relationship worse.

You can do this by agreeing to a Parenting Plan.

What is a parenting plan?

A parenting plan is a voluntary agreement about parenting arrangements for children. They have a special status in the family court that allows them to replace the terms of a Parenting Order (in most cases unless the judge has specifically prohibited that)

What this means is that you can book in for Family Dispute Resolution and talk about the clauses in the Parenting Orders and change them so that there is no threat of being in breach and so that you both understand what has been agreed.

Other people, such as grandparents or new partners, who are caring for the child can be included in a parenting plan or even be involved in the mediation session, if both parents agree.

To be a Parenting Plan your agreement about the children must be in writing, dated and signed by both parents (or legal guardians if other people have responsibility).

You can't bully or threaten someone into agreeing to a parenting plan (not that you would think of doing that I'm sure) To be valid a Parenting Plan must be made free from any threat, duress or coercion.

As they are voluntary and low cost (generally less than \$1,000 total cost) some parents do an annual review of their Parenting Plan once they have moved on from the Parenting Orders. As it is voluntary, it can be changed at any time but only if the change has been agreed to by both parents.

Can I do the same thing with my Property Orders?

No. Property Orders are final and not open to change by anything equivalent to a Parenting Plan.



Information to consider when reviewing a Parenting Order

What is the legal status of a parenting plan?

A parenting plan is not legally enforceable. What that means is that if you or the other parent don't do what you have agreed to in your Parenting Plan neither of you can automatically go to the court to get an enforcement order.

But it does have a legal status. 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. If there is a Parenting Plan after the Court Order, then the clauses that are affected are no longer enforceable.

If you feel more secure with Court Orders once you have negotiated a Parenting Plan you can apply for Consent Orders. These are the same as Court Orders that a judge hands down except they cost a lot less to get because you do a joint application to the court for the orders. Interact Support has a service to help you with the do-it-yourself process that the court has available for Consent Orders.

A Consent Order has the same legal standing as a Court Order made by the judge in court but is an administrative process and does not require you to go to court to get a Consent Order.

What can be included in a parenting plan?

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

The kinds of things that may be covered in a plan include:

- 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 e.g. by phone, email, video calls or letters
- how the parents will share parental responsibility and consult about decisions like which school the child will attend and medical treatment
- what arrangements need to be made for special days, such as birthdays and holidays
- what process can be used to change the parenting plan or resolve any disagreements about that plan
- financial support and payments
- agreements about how you will talk to each other, how you will introduce new partners and other things that will impact your child.
- any other issue about parental responsibility or the care, welfare and development of the child.



Information to consider when reviewing a Parenting Order

Parenting plans, child support and Centrelink

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

If you make a new Parenting Plan that significantly changes the time that your child spends with each parent, it may affect Child Support payments. The new Parenting Plan can be provided to the Child Support Agency (CSA) with a request for a review of payments.

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

There are some conditions that must be met before CSA 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, if they get legal advice.

Parenting Plans don't usually specify the amount of Child Support should be paid and we encourage you to always get advice before entering into a binding child support agreement. This is because you may make an enforceable commitment to pay a specified amount of money and changes to your work situation, the time the child spends with both parents and even your earning capacity may not be enough for Child Support to stop trying to enforce that amount of money.

The type of agreement you make, and the amount of child support you agree to pay or receive, can affect your Family Tax Benefit Part A entitlement. For more information contact the Child Support Agency on 131 272 or visit <https://www.humanservices.gov.au/individuals/separated-parents> and Centrelink Family Assistance on 136 150 or visit <https://www.humanservices.gov.au/individuals/families>

Can I include other things in my parenting plan?

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

You can also reach agreement about other things such as spousal maintenance and sharing of costs such as school fees, extracurricular activities and so on.



Information to consider when reviewing a Parenting Order

Post Separation Parenting Help

If you are having difficulty sharing care of your child there are some things you can try to improve the situation.

Post Separation Parenting Courses – these courses help parents to understand what children need to grow strong and healthy in mind and body and how to reduce the conflict between you. Reducing conflict is very important because it is now known that exposure to parents in conflict is very damaging to children’s developing brains.

New Ways for Families

New Ways for Families is a 12 hour online post-separation parenting program designed to help parents to learn how to work together as best they can, for the best interest of their child.

Even if your former partner and co-parent is difficult there are strategies to make it easier to work with them.

The course is low cost (\$198 per parent) and we have scholarships available if you can’t afford the course fee. You can find out more about the course on this website.

<https://newways.interact.support>

Our Family Wizard

If it is still difficult to talk directly without a mediator there to keep the peace a software tool like Our Family Wizard is highly recommended. It is only \$124 per year per parent. Your professional support people, kids and other family members have free limited access.

The main features are:

- shared calendar that the kids and other family members can get a free login to with the ability to request swaps and keep track of any changes to your standard routines
- fully customisable email and text notifications through the app. to keep everything together
- message board for your family so that you can let each other know about things easily
- information bank so that you can store medical information, clothing sizes etc.
- expenses log so you can track shared expenses, request a payment of their half of a bill and keep track of costs
- journal where you can create shared or private entries and document what is happening with easy to print reports

<https://interact.support/our-family-wizard-2/>



Information to consider when reviewing a Parenting Order

How we can help

Interact Support provides Family Dispute Resolution Services to help parents to negotiate even high conflict parents.

We can't guarantee success. Really, we can't because our ethical standards prohibit it and, in the end, it is up to you whether you can find a way to agree.

What we can promise is that we will create a safe environment where you can talk about what is working, what you'd like to change and be able to explain why you see things the way you do.

Your other parent will have the same opportunity and with any luck you'll be able to move a step closer to a more co-operative and peaceful co-parenting arrangement for your children.

What does it cost?

Our Parenting Orders Review Program is done as a package to help make sure that it is thorough and affordable.

What is included:

- New Ways for Families online co-parenting course.
- 12 Months Access for to Our Family Wizard for each parent
- Help to review and consider your Parenting Order or out of date Parenting Plan

Total cost Parenting Orders Review Program is \$817 each

Discounts and hardship provisions

You will get access to the course and a \$198 rebate off that price if you have done a post separation parenting course in the past 12 months.

- Scholarships and hardship discounts are available for low income earners.
- Payment plans are available for all participants.

How to get started

Send an email to office@interact.support or call 1300 079 345 for more information or to get started.