



Custody Law: Parenting Plans and Parenting Orders

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When making parenting orders under the *Family Law Act 1975*, the court is required to maintain the best interests of the child/children involved as the paramount concern. It is advised that when divorce or a de facto relationship breakup occurs, that parents follow specific principles when making parenting plans.

Under the *Family Law Act 1975* it is highlighted that:

- both parents are responsible for the care and welfare of their children until the children reach 18, and
- there is a presumption that arrangements which involve shared responsibilities and cooperation between the parents are in the best interests of the child.

How does the court determine the best interests of the child?

When deciding on the best interests of a child, the court examines two tiers of consideration – primary and additional.

Primary considerations consist of:

- The benefit to children of having a meaningful relationship with both parents.
- The need to protect the child from physical or psychological harm from being subjected to, or exposed to, abuse, neglect or family violence.

The Court is required to give greater weight to the need to protect children from harm.

Some additional considerations consist of:

- The child's views and factors that might affect those views, such as the child's maturity and level of understanding.
- The child's relationship with each parent and other people, including grandparents and other relatives.
- The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the child and the other parent.
- The likely effect on the child of changed circumstances, including separation from a parent or person with whom the child has been living, including a grandparent or other relatives.
- The practical difficulty and expense of a child spending time with and communicating with a parent.
- Each parent's ability (and that of any other person) to provide for the child's needs.



To find out what other additional considerations may be relevant to your individual situation our Accredited Family Law Specialists are available to assist you. Speak to our Family Law team today to guide you through the process of parenting plans and orders and to assist you in knowing your entitlements under custody law.

Speak to one of them today.

Contact us on **1800 300 170** or email us at familylaw@matthewsfolbigg.com.au