

PLAIN ENGLISH GUIDE

matthewsfolbigg
LAWYERS

PARENTING AND CHILD CUSTODY

PARENTING ORDERS

A parenting Order is an Order made by the Family or Federal Circuit Court that sets out the parenting arrangements for a child. The Order may, amongst other things, cover:

- Where the child will live
- How much time the child is to spend with each parent and by what means
- Who can make long-term decisions about the child
- Travel arrangements including overseas

FILING YOUR COURT APPLICATION

Before filing an application for parenting Orders, you generally must:

1. Read the *Marriage, Families and Separation* brochure; and
2. Attend Family Dispute Resolution (FDR).

To file a parenting application, you may be required to file the following documents:

1. Initiating Application
2. Affidavit
3. Notice of Notice Risk

HOW DOES THE COURT DECIDE

The paramount consideration when making parenting Orders is the child's best interests. In determining what is in the child's best interests, there are primary and additional considerations.

Primary considerations include:

- The benefit to the child of having a meaningful relationship with both parents; and
- The need to protect the child from harm.

Additional considerations, amongst other things, include:

- The views of the child;
- The nature of the child's relationship with the parents;
- The effect of a change in circumstances;
- The practical difficulties in an arrangement.

WHAT IF YOU AGREE ON A PARENTING ARRANGEMENT

If you agree on your parenting arrangements you might consider formalising your plan into a Parenting Plan or Consent Orders noting that different rules apply to each. A Parenting Plan is a written agreement that can provide structure to your arrangement, while Consent Orders are agreements that are approved by the Court and are enforceable like other Court Orders.

For advice about child custody contact us on **1800 300 170** or email us at **famlaw@matthewsfolbigg.com.au**

Disclaimer

Family law situations can be complex and sometimes they can involve serious issues. Information outlined is proposed to provide general guidance only. Due to the seriousness of legal matters as well as the uniqueness of your individual situation, professional advice should be sought. For advice, please contact one of our Family Lawyers.