

Information for Participants: Children's issues – Obligations of Advisers

Section 63DA of the *Family Law Act 1975*

1. Parents can create a **Parenting Plan** about the arrangements for their child(ren).
2. A Parenting Plan may deal with one or more of the following:
 - a) Who your child(ren) live with;
 - b) What time your child(ren) spend time with;
 - c) Who is responsible for the parental responsibility for your child(ren);
 - d) How will communication/consultation take place;
 - e) How much communication your child(ren) will have with his/her parents;
 - f) Any maintenance contributions for your child(ren);
 - g) What is the process for resolving disputes;
 - h) How to change the plan in future; and
 - i) Any other aspect of the care, welfare or development of your child(ren).
3. A Parenting Plan is a written agreement that is signed and dated by both parents.
4. A Parenting Plan **may** override a current parenting order made in the Family Court. Please ask your lawyer about this.
5. A Parenting Plan is not legally enforceable, but it is recognised by the Family Court. You both can ask the Court together to make 'Consent Orders' in terms of the Plan.
6. If in future you are having difficulties complying with the terms of a Parenting Plan/Parenting Order, you can seek legal advice from a family lawyer about your options to resolve the issue. You can also seek help from a family counsellor, Family Relationships Centre, or Family Dispute Resolution service.
7. If the Court is made to make an order regarding your child(ren), the Court will consider any recent Parenting Plan when considering what would be in your child(ren)'s best interests.

Best Interests of the Child

When considering any arrangements for your child/children, you must consider first and foremost, what is in the best interests of your child/children.

Please ensure you have review the handout called '*Family Law Amendments as from 6 May 2024 – Factsheet and Information Booklet for Family Law parents (03/05/24)*'.

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