

What is a parenting plan?

A parenting plan is a written agreement made between the parents of a child. A parenting plan can deal with any aspect of care, welfare and development of a child.

It must be signed and dated and specifically deal with at least one of the matters below.

Previously, parenting plans had to be registered with the Family Court, but this is no longer required.

It is advisable to obtain legal advice before entering into a parenting plan.

What is included in a parenting plan?

For an agreement to become a parenting plan it must deal with **one or more** of the following matters.

- ❖ Who the child will live with.
- ❖ What parenting time the child will spend with each parent including special days.
- ❖ The time the child will spend with other people such as grandparents, uncles, aunts etc.
- ❖ Who has parental responsibility* of the child.
- ❖ If two or more people share parental responsibility, how they will make decisions and communicate with each other.
- ❖ How the child will communicate with the other parent or other people.
- ❖ Maintenance of the child.
- ❖ The process that will be used to resolve any further disputes about the terms or operation of the parenting plan.
- ❖ The process that will be used to change the plan if necessary.
- ❖ Any other aspect of care for the child.

Can I be forced into a parenting plan?

No, a parenting plan is a voluntary agreement. You do not have to agree to enter into a parenting plan.

How does a parenting plan work?

HOW TO CONTACT US

Freecall: 1800 990 777 Website: www.cjc.nsw.gov.au

If you are **deaf or have a hearing impairment or speech impairment**, contact us through the National Relay Service on 1800 555 677 and ask for 1800 990 777.

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A parenting plan is a voluntary agreement that can be entered into with the consent of both parents.

Although a parenting plan is not a legally enforceable document, if parents go to court at any time, the court will consider the terms of the most recent parenting plan and the extent to which it has been followed.

What is the difference between a parenting plan and a parenting order?

A parenting order is made by the court and is a legally binding and enforceable document. There may be legal consequences if you do not follow a parenting order.

A parenting plan is an agreement that is voluntary, so there are no legal consequences if you do not comply, but the court will take it into account in any future proceedings.

If both parents agree, a parenting plan can be used as the basis for making consent orders filed with the Family Court, making it legally enforceable and binding. It is advisable to obtain legal advice about turning a parenting plan into consent orders.

If there is a court order made after 1 July 2006 setting out parenting arrangements, the parents can agree to change those arrangements with a parenting plan (unless the court order says otherwise).

How can a parenting plan be changed?

A parenting plan can be changed if both parents agree in writing. If parents do not agree, either parent can go through the process of applying to the court for a parenting order.

It is advisable to obtain legal advice prior to applying to the court.

*Parental responsibility means all the duties, powers, responsibilities and authority that, by law parents have in relation to children.