

Parenting Agreements

There are two different ways that agreements for parenting arrangements can be recorded.

Parenting Plan

The first type is a Parenting Plan. A parenting plan must:

- Be signed and dated by the parents;
- Relate to matters concerning parenting,
- Entered into free of threat, duress or coercion.

Parenting Plans are *not* enforceable like a Court order. A Court must take into account the terms of any parenting when making orders.

There is no requirement for independent legal advice prior to signing a parenting plan.

If there is a prior Court order, and the parties enter into a parenting plan, the terms of that parenting plan may prevent an earlier order from being enforced.

Arrangements about child support put in a Parenting Plan or Consent order *cannot* be effective or binding. This will have to be recorded separately in a *Child Support Agreement*.

Consent order

The other type of agreement is a Consent Order. A Consent order is an order made by a Court without either of the parties attending.

It is an administrative process, but has the same effect of an order made by a Judge or a Magistrate after a trial. The Court must approve the order and be satisfied, on the paperwork provided, that the order is both reasonably practicable and in a child or children's best interests.

Once the Court approves the proposed order, it will "seal" (stamp) the order and a copy will be provided to each party.

While independent legal advice is not strictly necessary, both parties must be aware of their right to obtain independent legal advice, and must have considered the relevant parts of the *Family Law Act*.

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What are the steps to obtain a Consent Order?

It is recommended that both parties to a consent order have independent legal advice before signing



Your agreement can be tailored to the circumstances of your family. Know your rights and obligations first to make an informed decision