

ESSENTIAL CHILD CUSTODY GUIDEBOOK



**NAVIGATING CHILD
CUSTODY ARRANGEMENTS
CAN BE CHALLENGING**

Essential Child Custody Guidebook

Navigating child custody arrangements can be challenging. For Caloundra parents, understanding the basics of child custody and knowing local resources makes a big difference. This guide will help you grasp the key concepts and outline the local support.



Key takeaways

- Custody concerns how a child is cared for after a separation.
- Parental responsibility are the rights and duties a parent has to their child. This concept has evolved recently.
- The child's best interests are determined through a shortlist of considerations.
- Parenting plans are informal arrangements. They're flexible and can be made legal through a consent order.
- Consent orders make a parenting arrangement binding. They're a good option for most co-parents.
- Parenting orders are a last resort. They're necessary in some situations. Breaches have penalties.
- There are many ways to organise parenting.
- Caloundra has resources for parents organising custody.

Understanding Child Custody in Australia

Child custody refers to the decisions and responsibilities over the care and development of a child. The Australian family law system prioritises the child's best interests in custody arrangements.

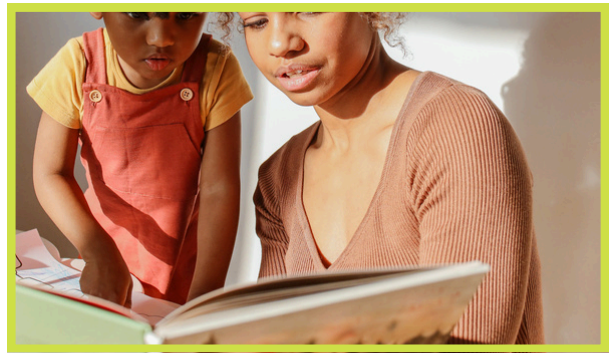


Child's best interests

The considerations for determining a child's best interests have been streamlined. The considerations are the following:

- Arrangements that promote child safety. This includes protection from family violence, abuse, or neglect.
- Views expressed by the child.
- The child's developmental, psychological, emotional and cultural needs.
- The capacity of each parent to provide for those needs.
- How it would benefit the child to maintain contact with both parents and anyone important to them.
- Any other factor the Court considers relevant.

This is another consideration for Aboriginal or Torres Strait Islander children. The Court tries to maintain their connection to their Indigenous language, culture and community.



Key Concepts

Parental Responsibility

Parental responsibility covers all the duties and obligations a parent has to their children. This includes caring responsibilities and making decisions about the child's long-term needs. The law previously assumed equal shared parental responsibility unless proven otherwise. However, this led to some parents being coerced into accepting equal-time arrangements. There were concerns that this could expose children to family violence. Recent amendments to the Family Law Act 1975 have changed the guidelines around parental responsibility. The law now prioritises collaboration between parents.

Understanding Child Custody in Australia

Parenting Plans

These are voluntary agreements between parents on sharing responsibilities. Parenting plans are not legally binding. They can be formalised through consent orders. They aren't legally binding but may be considered by the Court if there's a parenting dispute. Parenting plans are flexible and can cover any aspect of parenting. For the benefit of the family, it's best to make them as comprehensive as possible. Their layout should be clear and understandable.

Parenting plans can include the following:

- The child's living arrangements.
- Visitations rights.
- How the parties will handle change-overs.
- Communication methods between the parents.
- How disputes will be resolved.
- Strategies for handling emergencies.



Parenting Orders

If parents cannot agree, the Family Court may issue orders on parenting arrangements. They'll settle visitation schedules and other details. This isn't ideal. Nobody wants their power removed from organising parenting.

However, court orders are sometimes necessary. For example, family violence is a serious issue. Any risk to the child can't be tolerated. Once you have the order, both parties must follow it. Breaches result in penalties. The penalty depends on the circumstance. Often, the offending party gives up some parenting time to compensate the aggrieved parent.



Consent Orders

Consent orders are legally binding agreements approved by the Family Court. If parents agree on parenting terms, consent orders are a great option. They're recommended because they offer legal protection for all parties. But they also promote cooperation. A family lawyer is still advisable. The consent order should be appropriate to a family's situation.

Negotiation and mediation

Be constructive when organising parenting arrangements. This isn't an opportunity to be self-interested. Try to find the best way to include both parents in the child's life as much as possible.

Mediation helps settle disagreements. Professional mediators assist parties in a neutral place. Finding agreement is best for parents and children. A family lawyer can participate. This ensures the client understands their rights and receives a proper result.

Types of Parenting Arrangements

Parenting arrangements are individual. They reflect the needs of each family. There are many ways to co-parent.

Primary Residence with Visitation

The child lives with one parent and visits the other regularly. This is more typical. The child receives stability. Ferrying between two households regularly can be stressful. Thoughtful visitation arrangements ensure the child benefits from both parents. It can take the pressure off as well.

Unique Arrangements

Tailor the arrangement to the child's needs. They may live with grandparents or other relatives at some points. One parent may take sole custody. It's rare for a parent to have no say in a child's upbringing. But a parent must be willing to take responsibility for a child. If they're not, they may give up their place in a child's life.

You can organise responsibilities any way you like. One parent can have sole responsibility for decisions over education and healthcare. The other parent may oversee religious or cultural development.

Equal Shared Care

The child has equal time with both parents. This is less common. But it can be beneficial if the situation permits. Parents who live close to each other and have similar work obligations could make it work.

Supervised Contact

Supervised contact is reserved for when the child's safety is a concern. It still enables both parents to have contact with the child.



Organising Child Custody

Here are simple steps to get you started in custody.

Discussion and Mediation

Talk with your former partner. Good communication smooths the process. Listen to their input. Be willing to compromise. This is about what's best for your child. Include your child if they're able. This depends on their maturity. It can make the child more comfortable with the arrangements.

Mediation is important. Sometimes, it's hard to agree. Take any opportunity to cooperate. It may not be appropriate in urgent or high-risk cases.

Family Dispute Resolution (FDR) services are available to help parents. If you're seeking court orders, FDR is mandatory.



Parenting Plan

Develop a detailed plan. Parenting plans can take any form. But it's generally better to make them comprehensive. Put it in writing. This prevents the parties from misunderstanding the arrangement. Both parents should get a copy.

Consent Orders or Court Application

Convert your parenting plan into consent orders. There's a DIY consent order kit on the Court's website. However, legal help is recommended. Even if you agree with your spouse, a lawyer ensures that an application will meet the Court's standards.

If you don't agree, apply to the Court for a parenting order. Consider this a last option.

Resources in Caloundra

For Caloundra residents, local support and legal resources streamline the custody process. Here are some valuable resources:

Sunshine Coast Family Relationship Centre

- Location: Maroochydore
- Services: Mediation, counselling, and family dispute resolution.
- Website: [Family Relationships Online](#)

Legal Aid Queensland

- Provides free legal advice for eligible individuals. Certain clients may receive free or low-cost legal representation.
- Website: legalaid.qld.gov.au




Caloundra Community Centre

- Offers community support. This includes free legal advice for family law matters. They offer financial support through small interest-free loans and food vouchers.
- Website: [Caloundra Community Centre website](#).

Family Court of Australia

- Offers crucial information and resources for family law clients. Access legal forms and information on family law issues.
- Website: www.fcfa.gov.au



***Custody doesn't need to be stressful.
Cooperation helps everyone navigate parenting
arrangements. Consider what's best for your
family. There are many options. With the right
advice, your family can thrive after divorce.***



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