

# HOW TO DOCUMENT A PARENTING AGREEMENT

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If parents are able to come to an agreement on the parenting arrangements for their child, the agreement may be documented in two ways, either a Parenting Plan, or a Consent Order.

Both Parenting Plans and Consent Orders can include a wide range of issues regarding a child's day-to-day and long term care, such as:

- Where and with who the child will live;
- Who the child will spend time with;
- Who the child will communicate with and how;
- Where a child will go to school;
- The allocation of parental responsibility (e.g. school, religion);
- The form of consultation parents will have with each other regarding decisions to be made concerning a child's care, welfare and development;
- The process of dispute resolution between parents and of varying a Parenting Plan, if and when necessary; and
- Issues regarding Child Support.

Depending on your personal circumstances, there are several reasons why you may prefer to enter into either a Parenting Plan or Consent Order.

## WHAT IS A PARENTING PLAN?

Parenting Plans do not require a great deal of formality. Parenting Plans are simply written agreements, which are dated and signed by both parents regarding children's arrangements, including day-to-day and long term issues.

Parenting Plans are not registered with the Court and are not legally binding. However, they are collaborative ways of recording arrangements.

Although Parenting Plans are not legally binding (in the same manner that Consent Orders are binding) the terms of any parenting plan will be considered by the Court, (as a reflection of a party's intention) should either party wish to make an Application for Parenting Orders in the future.

## CONSENT ORDERS

If you want your agreement to be legally binding, the terms of your agreement must be drawn up in the Court recognised form, as a Consent Order, signed by both parties and then filed with the Court.

Once the Court has approved the Application for Consent Orders, and made the Court Order, it is binding (and enforceable). There are serious consequences to either parent if they do not comply with the terms of the Consent Order.