

PARENTING PLAN V CONSENT ORDER

21 November 2017

When separated couples reach an agreement regarding the arrangements for their children, they are confronted with 2 options for how to document the agreement, either a parenting plan or a consent order. There are significant differences between the two.



What is a Consent Order?

- A standard court form that is completed by the parties, lodged with the court and if accepted by the court becomes a court order and is binding and enforceable.
- A court order is difficult to change.

What is a Parenting Plan?

- There is no set form. It has low formality requirements, (i.e. only needing to be signed by both parents and there is no witnessing requirement).
- The parenting plan is not lodged with the court, does not become a court order and is not enforceable. It can only act as evidence of what the parents agreed upon and it tends to be more flexible in its wording of arrangements than a consent order.
- A parenting plan that is made after a court order will override the court order whenever the 2 documents conflict.

It is essential that you obtain Specialist Family Law advice before completing any documentation regarding your children's



Divorce and superannuation

23 October 2018



We're separated but can we still business together?

5 October 2018

Disclaimer

The information contained on this site is for general guidance only. No person should act or refrain from acting on the basis of such information. Appropriate professional advice should be sought based upon your particular circumstances because the application of laws and regulations undergo frequent changes. For further information, please do not hesitate to contact Michael Lynch Family Lawyers on law@mlynch.com.au.