

CAN MY EX TAKE PART IN “DANGEROUS” ACTIVITIES WITH OUR CHILDREN?

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Navigating different parenting styles is a familiar challenge for most couples. But when parents go their separate ways, those differences are highlighted more than ever and can lead to conflict.

One mum recently had a question about what kind of activities her ex-husband could do with their seven-year-old daughter, of whom they shared custody.

The dad and his new girlfriend had taken the daughter for a “substantial” haircut, as well as a go-karting outing.

The mother felt that a drastic haircut without consulting her was inappropriate and that go-karting was a dangerous activity she did not approve of. “Can my ex do whatever he likes with my daughter when she is with him?” she asked.

Firstly, it’s a good idea to have a parenting plan or parenting orders in place. And before going to court to fight about a haircut, you will be required to attend mediation or family dispute resolution. This can be accessed through Family Relationship Centres, and a number of other community organisations.

The aim of going through a mediation process is to come to an agreement about the issues in dispute and have a parenting plan or a consent order drawn up, signed and then lodged with the court.

A parenting plan is a written agreement created by parents that is unique to your circumstances and made in the best interests of your children. The plan will detail practical aspects of the responsibilities of both parents and how decisions will be made about your children.

Parenting plans can cover a broad range of issues including living arrangements, education and health care, as well as the type of discipline children will receive and how to come to an agreement on outings and activities.

Potentially, there is a never-ending list of care issues that might come up including, sporting activities, who the child spends time with, bedtime, diet and even what the child is allowed to watch on TV.

The Family Law Act provides that if there is no court order or parenting plan in place, then both parents have equal and shared day-to-day and long term responsibility for their child.

When difficulties arise, they can be addressed by parents talking directly about the issue, going to mediation or seeking legal advice.

It’s better to address any issues sooner rather than later and getting a written parenting plan can be of enormous help.

Sometimes the court will consider an order for sole parental responsibility. This happens in cases where parents cannot communicate with each other effectively or if there are safety issues involved. The parent with sole parental responsibility can make

unilateral decisions about major long-term issues such as health, education and religion, without consulting the other parent.

So to answer the original question – “can my ex do whatever he likes when he’s with my daughter” – unless there is a detailed parenting plan in place, the general answer is yes. If you’d like that to change, it’s time to think about mediation and getting some orders in place.