# FAMILY SEPARATION PROCESS

# PARENTING: PROCESS FOR PARENTING DECISIONS, INCLUDING WHERE YOUR CHILDREN WILL LIVE AND WHEN



YOU AND YOUR EX-PARTNER AGREE

# NO PROFESSIONAL ASSISTANCE

Agree with you ex-partner about who your kids will live with and when.

When this agreement is written, signed and dated by both parents it is a 'Parenting Plan'.



## **LAWYER**

(Optional)

Ex-partners can take their agreement or 'Parenting Plan' to a Lawyer if they want it formalised.

Your lawyer will prepare 'Consent Orders'

# YOU AND YOUR EX-PARTNER DO NOT AGREE

#### **MEDIATOR**

Your mediator will try to **help you to agree** about parenting arrangements like who your kids will live with and when.

Laywer participation – optional

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#### **AGREE**

Your Mediator will help you prepare a 'Parenting Plan'

If required, refer you to Lawyers to have 'Consent Orders' made.

**LAWYER** 

(Optional)

Ex-partners can take their

agreement or 'Parenting Plan'

to a Lawyer if they want it

formalised.

Your lawyer will prepare

'Consent Orders'

# **NOT AGREE**

or You or your ex-partner refuse to mediate

Your Mediator will give you a 'Section 60 I Certificate' before you can go to Court. Your Mediator will refer you to separate Lawyers.



## **LAWYER**

You and your ex-partner get separate Lawyers. Your Lawyers will try to **negotiate** agreement.



#### **AGREE**

Your lawyers will prepare a 'Parenting Plan' or 'Consent Orders'



## **NOT AGREE**

Your lawyers will prepare your individual cases & brief Barristers to go to Court.

Legal fees may range from \$50,000 to \$200,000 plus.

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#### JUDGE IN COURT

A judge decides who your children will live with and when.

There can be up to 2 years wait for a court hearing.

# **LAWYER**

You and your ex-partner get separate Lawyers. Your Lawyers try to negotiate agreement.



#### **AGREE**

Your lawyers will prepare a 'Parenting Plan' or 'Consent Orders'

# **NOT AGREE**

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Your lawyers will refer you to a Mediator



#### **MEDIATOR**

Your mediator will help you to agree abou who your kids will live with and when.

Lawyer participation – optional

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Your Mediator will help you prepare a 'Parenting Plan'

**AGREE** 

Refer you back to your seprarate Lawyers to have 'Consent Orders' made.

# **NOT AGREE**

or

You or your ex-partner refuse to mediate Your Mediator will give you a 'Section 60 I Certificate' before



Your separate lawyers will prepare 'Consent Orders'

#### LAWYER

Your separate lawyers will prepare your individual cases & brief Barristers to go to Court.

Legal fees may range from \$50,000 to \$200,000 plus.



A judge decides who your children will live with and when.

There can be up to 2 years wait for a court hearing.

### **Definitions**

#### PARENTING PLAN

An agreement that is signed, dated and deals with parenting arrangements, including where your children will live and when. It won't usually be enforced by the police, but may be taken into account by a Judge if your agreement fails and you go to Court.

#### **CONSENT ORDERS:**

'Are made by a court when both parents consent to a parenting agreement and proposed orders. They are made by a Court if it is determined that your agreement or 'Parenting Plan' is in the best interests of your child/children.

These orders may be enforcable immediately.

If your circumstances change you may need to go back to Court to have the Consent Orders amended.