FAMILY SEPARATION PROCESS

PARENTING: Process for parenting decisions, including where your children will live and when

PRIVATE **MEDIATION**
MICHAEL MAGUIRE
www.privatemediation.com.au

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

AGREE

Your Mediator will help you prepare a **'Parenting Plan'**
or
*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 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.

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

Your lawyers will refer you to a Mediator

MEDIATOR

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

Lawyer participation – optional

AGREE

Your Mediator will help you prepare a **'Parenting Plan'**
or
Refer you back to your seprarate Lawyers to have **'Consent Orders'** made.

LAWYER

Your separate lawyers 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.

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.

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.

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.

Disclaimer: The information on this website and any attachments is provided by way of overview and is not intended to, and does not constitute legal advice.
Legal advice should be obtained from a lawyer experienced in Family Law, who will be able to give you specialist advice, taking into account the particular circumstances of your case.