



FAMILY LAW

CARE ARRANGEMENTS FOR CHILDREN IN THE EVENT OF A SEPARATION

In 2006, the *Family Law Amendment (Shared Parental Responsibility) Act* meant significant changes to the existing Family Law system. Many people thought that shared parental responsibility meant shared care, when this is not in fact the case. Shared parental responsibility means sharing the decision-making for long term decisions such as health, religion and education for example. Shared care means sharing the time that children spend with their parents.

Entering into parenting arrangements is often a difficult and emotional issue for separated parents to navigate. Most parents want to spend more time with their children but fail to consider such issues as:

1. the age of the children. For example, is the child still being breast fed?
2. do the children have any particular medical or developmental needs that may be best catered for one parent over another?
3. whether the parents share similar views on religion, school and culture;
4. work commitments. For example, one parent may work an 80 hour week and be limited by time constraints. That parent may want to spend 50/50 time with the children but how would that work practically? Would the child spend most of his or her time in day care or after school care?
5. geographical distance. Children whose parents live in adjoining suburbs will spend less time travelling and have less disruption to their schooling than parents who live far apart from each other; and
6. communication between the parties. If communication is poor, then this necessarily impacts upon parenting arrangements – not only entering into an agreement but also maintaining it.

These are just some of the issues that should be taken into account. Your legal advisor will guide you through the process in far more detail as each situation and circumstance is unique.

The Family Law system is geared towards considering what is in the child's best interest and that the child has a right to spend time with both parents, not that both parents have a right to spend time with the child. Shared time arrangements can work for some but parents should consider seeking proper advice on all of the ramifications before entering into an agreement.

This information constitutes general information only. If you require detailed advice about children's issues, or any other family law issue, please contact Natalie Dimmock at Murfett Legal Pty Ltd on (08) 9388 3100 or natalie@murfett.com.au.