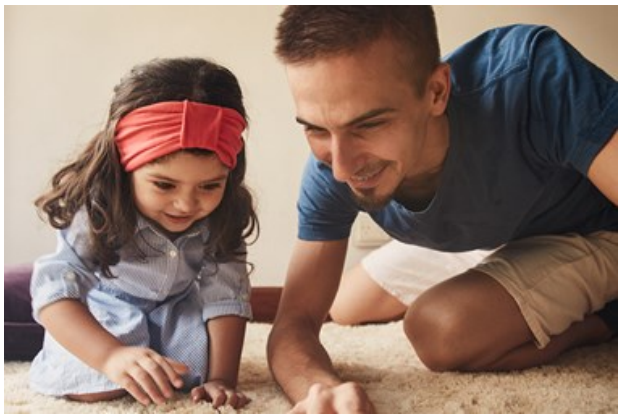


Parenting arrangements for spending time with children

Date: Monday February 1, 2021

E&A Lawyers has made the decision to no longer provide family law services. While we no longer take on any new family law matters, we are happy to assist by referring you to lawyers specialising in this area. Please don't hesitate to contact us if you would like a referral.

CALL US IF YOU'D LIKE A REFERRAL TO A FAMILY LAWYER: 02 9997 2111

After separation, making arrangements for when the children spend time with each parent can seem like a daunting process.

In May 2024, there were amendments to the *Family Law Act 1975 (Cth*) (the Act). Prior to the amendments, the Court was obliged to consider making an order that a child spend equal time or substantial and significant time with each parent if an order for equal shared parental responsibility was made.

Since May 2024, the Court is now simply required to consider the best interests of the child when determining time spent with each parent. The Court can consider if equal time or significant and substantial time is in the child's best interest.

Each family law matter is different, and what works for one family may not work for another. Parenting arrangements need to be personalised to work for your family, otherwise it may become too arduous and difficult to implement.

The age of the child also needs to be taken into consideration to ensure that the orders the parents want are age-appropriate and are in the child's best interests.

How does the Court decide what is in the child's best interests?

Section 60CA of the Act provides that when making a parenting order, a Court must have regard to the best interests of the child as the paramount consideration.

In assessing what is in the child's best interest, the Court will consider six core factors:

1. What arrangements would promote the safety (including safety from family violence, abuse, neglect, or other harm) of the child and each person who has care of the child (whether or not a person has parental responsibility for the child);
2. Any views expressed by the child;
3. The developmental, psychological, emotional and cultural needs of the child;
4. The capacity of each person who has or is proposed to have parental responsibility for the child to provide for the child's developmental, psychological, emotional and cultural needs;
5. The benefit to the child of being able to have a relationship with the child's parents and other people who are significant to the child, where it is safe to do so; and
6. Anything else that is relevant to the particular circumstances of the child.

If the child is Aboriginal or Torres Strait Islander, the Act provides that the Court must consider the following:

1. The child's right to enjoy the child's Aboriginal or Torres Strait Islander culture by having the support, opportunity and encouragement necessary:

1. to connect with, and maintain their connection with, members of their family and with their community, culture, country and language; and
2. to explore the full extent of that culture, consistent with the child's age and developmental level and the child's views; and
3. to develop a positive appreciation of that culture; and

1. The likely impact any proposed parenting order under this Part will have on that right.

Get help from a family lawyer

If you have separated and are working through your parenting arrangements with your former partner, seeking experienced legal advice in relation to your specific and individual needs will ensure the best interests of your children are paramount.

For advice or assistance about parenting arrangements and parenting orders, feel free to get in touch with a member of our family law team.

Contacting E&A Lawyers

For more information or to arrange a consultation with a lawyer, you can call or email us.

02 9997 2111

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This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact E&A Lawyers.