

Parenting Plans/Orders and Child Support are not included in a Property/Financial Settlement. They are completely separate and can be agreed at any time.

Financial Settlement consent orders need to be lodged with the Family Court within one year after a Divorce order has been lodged for married couples and within 2 years after the date of separation for de facto couples.

Parenting Plans

The Family Court of Australia (FCA) defines a parenting plan as “a written agreement that sets out parenting arrangements for child/ren. The plan is worked out and agreed jointly, you and your former partner do not need to go to court”.

A parenting plan is not a legally enforceable agreement. It is different from a parenting order, which is made by a court.”

To change a parenting plan into a legally enforceable agreement, parents can apply to the court for a Parenting Consent Order which is based on the agreed parenting plan.

Parenting Consent Orders

The FCA defines a parenting order as “a set of orders made by a court about parenting arrangements for a child.”

Parents can agree their own Parenting Orders (parenting plan) and then submit them to the court for approval. Once approved by the Court, they are binding.

Or, a court can make a parenting order after a court hearing or trial.

Once a parenting order is approved by the Court, each person affected by the order must follow it.

The FCA explains that “a parenting order may deal with one or more of the following:

- who the child will live with;
- how much time the child will spend with each parent and with other people, such as grandparents;
- the allocation of parental responsibility;
- how the child will communicate with a parent they do not live with, or other people;
- any other aspect of the care, welfare or development of the child.”

Child support

Child support are payments made by one party to the other and is an ongoing process separate to Parenting Plans, Parenting Orders and the Financial Settlement and Divorce processes.

They are payments made to help with the cost of looking after the children.

Divide – Simple Financial Separation (“Divide”) does not provide legal advice, we are Chartered Accountants.

This is general information only and does not constitute advice which may be relied upon.

Please contact Divide on 07 3367 5380 or via email at moveon@div-ide.com.au to discuss your specific situation.