



Mediating Parenting Arrangements

A guide for participants

Mediation is a process that facilitates a discussion between parents to assist them with the arrangements for their children after separation.

It often assists separated parents to easily discuss, schedule and solve any issues, concerns and arrangements for the children in an amicable way if there is a written agreement.

This assists parents to stay on track and maintain consistency and predictability (so far as possible) about the arrangements for their children. Having a plan helps parents to reduce conflict, which in turns helps children to cope and thrive post separation.

How to prepare for mediation about Parenting Arrangements

1. Make some notes about which of these topics are important for you and/or are important considerations for your children.

Some common topics are:

- What decisions need to be made jointly about the children?
 - Time & Place during school terms;
 - Time & Place during school holidays.
 - What time will the children spend with each parent and/or other members of their family?
 - Domestic;
 - Interstate;
 - International
 - **Consider:**
 - School terms
 - Passports;
 - Restrictions.
 - School holidays
 - Weekdays
 - Weekends
 - Public holidays
 - Special occasions:
 - Easter
 - Christmas
 - Mother's Day
 - Father's Day
 - Children's birthdays
 - Parent's birthdays
 - New years days
 - Other special occasions
 - Medical authorities
 - Extra-curricular activities
 - Discipline
 - Authorities, restraints, injunctions
 - Other important people to consider:
 - Extended family
 - New partners
 - Half/step siblings
 - Financial Support of children
 - Day to Day
 - Medical
 - School expenses
 - Extra-curricular
- Handovers

2. Think about what options might be available to your family. Remember to consider whether each option is practical for your family dynamics and how your children will cope with any changes.

A good place to start is to make a note of the children's schedules, activities and regular appointments.

Consider how you made this work before you separated?



How are you making this work now?

How are the children coping with the current arrangements?

What changes could be made to improve the current circumstances for the children?

Is it practical for those changes to occur?

- Think about transport arrangements, travel times, support networks.

What advice should I seek before attending mediation?

We recommend you consider seeking advice from the following experts and advisors.

- **Counselling** – it is important that you are emotionally ready to participate in the mediation process. Counsellors and therapists can provide you with tips and strategies not only for your own self care, but also assist you with strategies to deal with challenges that are presented by the other parent and how to manage these challenges.
- **Legal advice** - It is important to know what might happen if you can't resolve your conflict amicably. Getting legal advice early can arm you with knowledge about process and legal options that can assist in your negotiations.
 - **Things to ask your lawyer:**
 - What type of outcome can I expect if we have to go to court?
 - How does the judge determine parenting arrangements?
 - Will my children need to participate in the legal proceedings or be interviewed?
 - How long will take for the Judge to make a decision?
 - How much will cost? Will I have to pay the other parties costs?
 - You don't always need a lawyer during your mediation, but you do need to know your legal rights and responsibilities. Knowing your legal options and/or having your lawyer available to assist with the mediation process (even by phone) can help to progress the negotiations.
 - Your mediator cannot give you legal advice even if they are legally qualified.

What types of agreements can be negotiated at mediation:

If you successfully negotiate an agreement about parenting issues during the mediation, your mediator will help you to record your agreement in writing. Any written agreement is not legally binding and/or enforceable unless it is signed by both parties.

Parenting Plan

A **Parenting Plan** is a less formal, signed written agreement. It can be used as evidence in court proceedings about what arrangements were agreed. This document will usually be accepted by Centrelink, Child Support, School and Daycare providers as well as extra-curricular providers at the time of enrolment.

Consent Order

A **Consent Order** is a legally binding and enforceable document. This document is often prepared by lawyers and is required to be signed by both parents and approved by the court. This document will be accepted by



Centrelink, Child Support, School and daycare providers as well as extra-curricular providers at the time of enrolment.

Please note these third parties are not responsible for enforcing the terms of any order or parenting plan.

Signing of any agreement prepared during your mediation is voluntary.

You should not sign an agreement if you are unsure or feel pressured.

You have the right to seek legal advice before signing any agreement prepared during mediation. An unsigned agreement cannot be used as evidence in legal proceedings as it will be deemed confidential.

An agreement that is signed by both parents and made during mediation can be used in court proceedings. Normally the agreement will include a notation that if the agreement is signed, it will not be confidential.

Confidentiality

Mediation, is a confidential process.

This means that any offers, concessions, verbal agreements, information exchanges during the mediation process cannot be used in court proceedings.

If you are unsure about confidentiality please obtain further legal advice or raise your concerns with your mediator.

Useful Links/Information

Family Court of Australia - <https://www.fccoa.gov.au/>

Attorney General - <https://www.ag.gov.au/families-and-marriage/families/family-dispute-resolution>

Relationship Australia - <https://www.relationships.org.au/>

Family Relationship Centre - <https://www.familyrelationships.gov.au/>

Because it is for the kids - <https://childrenbeyonddispute.com/parentsycids/because-its-for-the-kids-e-book/>