

Chapter 16 Negotiation

Parenting Plan

If you come to an agreement about your children, you can write up a parenting plan by yourselves or with the help of a dispute resolution practitioner or solicitor. (See Appendix 2 for sample parenting plan.)

Parenting plans are informal documents and not enforceable in court, but they can be used in evidence and are an indication to a judge of what has been agreed.

One of the advantages of a parenting plan is that by the very process of engaging in discussions about arrangements for your children before an issue arises, you will have helped nip any possible dispute in the bud. In other words, it will help reduce the chances of a misunderstanding down the track.

The idea is to calmly deliberate and then put each point in writing and sign and date the completed document. You then have a blueprint as a reference.

If a subsequent misunderstanding crops up about Christmas holidays, you can refer to the parenting plan, and if you've covered that situation, the issue is solved and a potential argument is avoided.

As the children get older and circumstances change, the two of you can always renegotiate and do a new parenting plan. Even if there is an existing court order, you could still enter a parenting plan as evidence of your new intentions.

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Appendix 2

Parenting Plan

Between:

Joan Smith

and

John Smith

A. Introduction

This parenting plan is an agreement between John Smith of (address and occupation) and Joan Smith of (address and occupation), the loving parents of our children, Nicci Smith, born 5 April 2006, and Josh Smith, born 2 November 2007.

We married on 18 March 2002 and separated on 7 June 2009.

We continue to respect each other as parents and believe that this plan will help us work together for the best interests of Nicci and Josh.

We accept that as we are Nicci and Josh's parents, neither of us will refer to anybody else as our children's mother or father and we will both discourage the children from calling anyone else their 'mum' or their 'dad' or other such term.

B. Joint Parental Responsibility

We agree to work together and discuss matters so that we can make joint decisions in respect of all issues that affect the long-term welfare of Nicci and Josh. Such issues include:

- a) education
- b) health
- c) religion (as non-believers, we agree that at this stage, no religious observance or instruction is required for either child)
- d) name change of the children proposed by either of us
- e) alteration in living arrangements that will make it more difficult for one or other of us to spend time with the children.

C. Living Arrangements

1. Nicci and Josh will live with John.
2. Nicci and Josh will spend time with Joan as arranged between us.
3. We are both free to telephone the children at all reasonable times.
4. If for some reason we can't agree on the times Nicci and Josh will spend with Joan, then the following arrangements will apply upon one of us giving 14 days' notice to the other:
 - a) Every alternate week from after school Friday until the beginning of school Wednesday.
 - b) Every Monday night from after school till 8.30 p.m.
 - c) For one week in each of the school-term holidays at times agreed or, failing agreement, the first week.
 - d) For all of the Easter holidays commencing 2012 and alternate Easters thereafter.

- e) Christmas Eve from 11 a.m. to Christmas Day until 11 a.m. on alternate years, the first year being with Joan.
 - f) Christmas Day from 11 a.m. to Boxing Day until 11 a.m. on alternate years, the first year being with John.
 - g) For half the school summer vacation as agreed or, failing agreement, the second half.
 - h) On the children's birthdays, when they fall on a school day and the children are not already with Joan, from after school until 6 p.m. and on weekends when they are not already with Joan, from 5 p.m. until 8.30 pm.
 - i) On Mother's Day weekend, when the children are not already with Joan, from 5 p.m. Saturday until 5 p.m. Sunday.
 - j) On Father's Day weekend, when the children are with Joan, she will return them to be with John from 5 p.m. Saturday until 5 p.m. Sunday.
 - k) Such other times that we agree.
5. Changeover arrangements when not at school are as follows:
- a) Joan will collect the children from John's at the start of her time.
 - b) John will collect the children from Joan's at the completion of her time.

D. Education

1. We agree on state education for both children.
2. We will encourage the children to pursue their own interests and vocations but both of us are committed to supporting them through tertiary education if the children so choose.
3. We will keep each other informed about our children's progress through school and exchange school reports and other relevant material.
4. We are both free to attend parent-teacher interviews, school plays, sporting events and school social functions.
5. We will both assist our children with their homework by ensuring that they have a place and a time in which to complete their studies.

E. Child Support

Child support is dealt with in a separate child support agreement.

F. Review

We agree to review parts C and D of this parenting plan every November to discuss how it is working in the light of the changing needs of the four of us over the ensuing year.

Dated the _____ day of _____ 2012

Signed _____

John Smith

Signed _____

Joan Smith