

Kennedy Plan (Example, Australia, 2006)

Date of the Plan

11 August 2006

Parties to the Plan

MICHAEL WILLIAM McDONALD
of 15 Park Street, Parkville,
University Professor ("the father")

– and –

KATHYRN SUZANNE LEE
of 21 Sunderland Street, Carlton,
Managing Director ("the mother")

Terms of the Plan

1. This parenting plan is made in accordance with the provisions of Section 63C of the Family Law Act 1975 in relation to the children of Benjamin Michael McDonald born 23 December 2000 and Emily Kate McDonald born 3 April 2003.
2. The parents acknowledge that they have entered into this parenting plan free from any threat, duress or coercion.

Parental responsibility

3. The parents agree that they shall have equal shared parental responsibility for the children.
4. The parents shall be jointly responsible for major long-term issues about the care, welfare and development of the children including but not limited to:
 - Education (including choice of schools);
 - Religious upbringing;
 - Health; and
 - Living arrangements.
5. The parents shall consult and make decisions jointly in relation to major long-term issues and in the event of any disagreement shall attend upon such Clinical Psychologist or other professional or Dispute Resolution Practitioner as they may select in order to obtain assistance in resolving any such disagreement.

Living arrangements

6. Save as otherwise provided in this parenting plan, the children will spend equal time with each parent on a week-about basis (such arrangement to continue during school holiday periods unless a block period taken by a parent in accordance with paragraph 7 coincides with a school holiday period).

Block periods

7. Notwithstanding the provisions of paragraph 6, each parent shall have two blocks of two weeks and two blocks of ten days with the children in each year and the week-about arrangement in paragraph 6 is to be suspended during such periods.

8. The blocks of time which each parent is to have with the children in each year in accordance with paragraph 7 are to be agreed by the parties by 31 January in each year.

Special Occasions

9. Clauses dealing with: Christmas, Easter, Father's Day/Mother's Day, Parent's birthdays, Children's birthdays, etc.

Communication

12. Whenever the children are living with or otherwise spending time with either parent they shall be entitled to communicate with the other parent by telephone or other means at all reasonable times.

13. Each parent will encourage and facilitate communication between the children and the other parent and provide such assistance in relation to such communication as may reasonably be required.

Consultation

14. The parents shall, unless otherwise agreed, set aside time once a month (or more frequently if either party requires additional meetings) specifically to discuss and consult on issues relating to the care, welfare and development of the children.

15. Any issue which the parents are not able to resolve by discussion shall be addressed in the manner prescribed in paragraph 5.

Flexibility

16. The parents acknowledge that from time to time circumstances may arise whereby one or other parent may be unable to have the children during a specified period or otherwise require an adjustment to the arrangements for them and in that event:

16.1 The parties agree that they will adopt a flexible approach in relation to the arrangements for the children set out in this agreement; and

16.2 Each parent will as far as practicable accommodate any reasonable request by the other parent for such a change.

17. In the event either parent is not available to have the children at a time when they would normally be living with that parent, then the other parent will be offered the opportunity to have the children live with him or her during such period.

18. Should the other parent, in the event of paragraphs 16 and 17, not be able to accommodate the requested changes to the arrangements or to have the children live with him or her during such period, then the parent with whom they would otherwise be residing is to be responsible for making appropriate alternative arrangements for their care.

Changes to the Plan

19. The parents acknowledge this plan may need to be changed from time to time to take account of the changing needs and circumstances of the children or the parents and in that event:

19.1 Any changes to the plan shall be discussed between the parties in the manner specified in paragraph 14; and

19.2 Any unresolved issues will be addressed in the manner specified in paragraph 5.

General

20. The parties agree that they will respect each other as parents of the children and support each other in their respective roles as parents.

21. The parties further agree that they will make a genuine effort to come to joint decisions about all issues relating to the children and their care, welfare and development.

22. The parties acknowledge that the parent with whom the children are spending time at a particular time has a responsibility for the day to day care of the children during such periods of time and has responsibility for decisions concerning the children that are not major long-term issues but each agrees that they will, as a matter of courtesy inform the other parent wherever practicable of any issue concerning the children which arises during such period.

Source: Ian Kennedy AM, Chairman, Family Law Section, Law Council of Australia National Access to Justice and Pro Bono Conference 11-12 August 2006, Melbourne Presentation: "Family Relationship Centres"

<http://www.lawcouncil.asn.au/shared/2432332578.pdf>

<http://www.justiceprobono2006.com.au/abstractpapers/lan%20Kennedy.pdf>

<http://www.justiceprobono2006.com.au/program.php>