

Sharing Time

BY LOUISE CATLOW, LMC LAWYERS

Parenting can be tough at the best of times, but for parents who are separated, parenting their children together can be more than challenging, it can sometimes feel impossible.



The most common disagreement we encounter centres around whom the children shall live with, and the amount of time they shall spend with the non-resident parent.

So, how does the law help? From a legal perspective, when dealing with parenting cases, the best interests of the children are paramount. The law also provides that there is a presumption for the parents to equally share parental responsibility in any long-term decision-making, such as health, education, religious and cultural issues. That presumption exists unless there are reasonable grounds for believing a parent, or a person who lives with that parent, has a history of abuse or family violence.

Once the Court makes an order for equal shared parental responsibility, it will then consider the amount of time the children shall spend with the parents, either:

- equal shared care; or
- a significant and substantial amount of time.

The Court's decision will depend very much on what is appropriate, and what is reasonably practicable, given the particular circumstances of the case. There are a number of factors which help the Court determine this, including for example:

- age of the children;
- proximity of the parties to one another;
- work commitments which may impact on a parent's ability to pick up / drop off the children at school or after school activities;
- ability of the parents to care for the children's needs, particularly their emotional needs;
- any views expressed by the children, depending on their age and maturity;
- willingness of the parents to facilitate and encourage a close and continuing relationship with each other.

Each case is different and there is no 'one size fits all'. Quite often we hear from parents who claim there is an imbalance in the law favouring one parent over the other. However, we have seen a pattern emerging in recent years with the Court more inclined to make orders for the non-resident parent to spend a 'significant and substantial' amount of time with the children. This translates as more than just alternate weekends and half the school holidays, and includes some day time and evening time, thus enabling parents to share more in the day-to-day activities, such as school events.

Parents who work together, and who put measures in place to ensure the best interests of the children are being promoted above and beyond their own, are more likely to achieve an outcome which works for their family. A collaborative relationship allows for children of separated parents, who are raised in two households, to enjoy a close relationship with both parents. Certainly, parents who are unable to promote the best interests of their children are less likely to be able to persuade the Court to make Orders for more time.

If you are struggling to reach agreement for spending time with your children then you should firstly mediate. In NSW we have a number of organisations who can help with mediation. Of course, if mediation doesn't return the outcome you had hoped for, or the other parent simply won't reciprocate your request to put the needs of the children first, then please speak to a Family Lawyer who can discuss the individual circumstances of your case and advise on the best course of action.



MIND BODY MEDICINE
Counselling * BodyWork * Acupressure

Relieve pain and stress
Learning, Behaviour, Allergies
Confidence and Relationships
Relax, Renew, Revitalise!

A: YMCA, Raymond Terrace
T: Sue Saxby 0429 871 598
www.bodysensehealth.com.au



LAWYERS



Local Specialists in FAMILY LAW

Sympathetic & approachable female lawyer

- Property Settlements
- Parenting Matters
- Divorce
- Recovery Orders
- Financial Agreements
- Apprehended Violence Orders
- De Facto Relationships
- Also: Conveyancing, Wills
- Disputed Estates & a range of other legal matters

Call us today

For your FREE Initial Consultation

T: 4044 0556 Mon-Fri 8:30am-5pm



E: louise@lmclawyers.com.au / www.lmclawyers.com.au

A: PO Box 517, Nelson Bay