

# Shared Parenting Guidelines

***This information is based on the law as at August 2013. It is written for the use and benefit of women in the Australian Capital Territory and Region. The information is a general guide to the law and should not be relied upon as a substitute for legal advice.***

The *Family Law Amendment (Shared Parental Responsibility) Act 2006* highlighted the complex issue of shared physical care of children. Note that there is a severance of the link between residence and decision-making. Thus, parents may have equal shared parental responsibility alongside an arrangement where the child lives primarily with one parent and spends time with and communicates with the other parent.

The purpose of this fact sheet is to set out the practical factors to take into account when considering whether a child should live with each parent for equal time:

- The capacity of the parents to communicate on matters relevant to the child's welfare. The literature speaks about parents developing a business-like working relationship.
- Whether the parents can communicate about and facilitate child-focused activities with the child kept out of the middle of negotiations.
- The child's age.
- The child's relationship with each party.
- Whether the parents agree or disagree on matters relevant to the child's day to day life. For example, methods of discipline, attitudes to homework, health and dental care, diet, sleeping patterns.
- Whether the parents share similar ambitions for the child. For example, religious adherence, cultural identity.
- Where siblings live.
- The geographic proximity of the two households: relevant to where the child attends school and the location of the child's friendship groups.
- Whether the parents can address on a continuing basis the practical considerations that arise when a child lives in two homes. For example, if the child leaves their school work or equipment at the other home.
- Whether there are family-friendly work practices for both mothers and fathers.
- A commitment by everyone to make shared care work including a confidence in the parenting ability of the other parent.
- The child's views on a shared care arrangement.
- Any history or allegations of family violence.

Note that this list does not usurp the Court's obligation to consider the matters set down in section 60CC of the *Family Law Act*. These factors are likely to be included in the consideration of the section 60CC matters.

Even if you have a good relationship with the child's father, it is recommended to discuss the shared parenting arrangement with a family dispute resolution practitioner who can help you both make child-focussed decisions.

### **Where do I go for information and advice?**

<b>Family Law Courts National Enquiry Centre</b>	1300 352 000 <a href="http://www.familylawcourts.gov.au">www.familylawcourts.gov.au</a>
<b>Family Relationships Centre</b> Family Relationship Advice Line (Weekdays 8am to 8pm, Saturdays 10am to 4pm) Canberra Family Relationship Centre (Monday to Friday, 9am to 5pm)	<a href="http://www.familyrelationships.gov.au">www.familyrelationships.gov.au</a> 1800 050 321 6122 7190
<b>Relationships Australia</b>	1300 364 277 <a href="http://www.relationships.org.au">www.relationships.org.au</a>

### **About the Women's Legal Centre**

The Women's Legal Centre (ACT & Region) Inc. is a community legal centre for women in Canberra and the surrounding area. The Centre is run by women and aims to improve women's access to justice. The Centre offers free, confidential telephone advice Monday to Friday from 9.30am to 12.00 noon, and face-to-face appointments, when appropriate.

The numbers for legal advice (weekdays 9.30am to 12 noon) are:

Local	6257 4499
Outside Canberra	1800 634 669

The Women's Legal Centre is funded by the Social Inclusion Division of Civil Justice and Legal Services Group, Commonwealth Attorney-General's Department.