

Parenting Arrangements after a Disaster

Disasters can impact on parenting arrangements. It is important that parents follow parenting arrangements wherever possible and always act in the best interests of children.

Sometimes parenting arrangements may not be able to be strictly followed due to a disaster. Make sure you give the other parent **plenty of notice** if you cannot comply with a parenting arrangement.

What kind of parenting arrangement you have affects how you can change the arrangement if you need to. You may have:

1. Court Orders
2. a parenting plan or
3. an informal agreement.

If it is **safe to do so**, parents should firstly discuss these difficulties with each other and try to find a practical and reasonable solution.

It may be that parts of the arrangement can be changed so that the intention of the arrangement can still occur. For example, it may be agreed that changeover occur at a different place.

The **Family Relationship Advice Line** may be able to give advice to help parents reach an agreement.

If parents and carers cannot reach an agreement about the ongoing parenting arrangements, they may:

1. seek legal advice
2. attend mediation
3. file an application with the Court

Informal agreements:

If parents and carers agree on changing their informal agreement, they should get the agreement in writing, even if this is just by a text message or an email.

Parenting Plans

If you have a parenting plan in place with the other parent and are able to reach an agreement about changing the parenting plan in a disaster, you can sign a new parenting plan which includes the changes. A parenting plan is just a written agreement that is signed and dated by both parents.

Parenting Orders

If you have Parenting Orders, it is important to comply with those Orders wherever possible. The Federal Circuit and Family Court of Australia expect that Court Orders

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will be **complied with**, unless you have a 'reasonable excuse.'

A contravention is when a party **intentionally does not comply** or makes **no reasonable attempt to comply** with court orders in circumstances where they do not have a reasonable excuse.

A **reasonable excuse** includes, but is not limited to:

- the party did not understand the court orders and can show good reason why; or
- the party had a reasonable belief that the contravention was necessary to protect:
 - the health and safety of a child,
 - their own health and safety; and
 - the contravention did not last longer than was necessary to ensure that safety.

If there has been a contravention, the Court can make Orders for the contravening party to:

- attend a parenting course
- forfeit makeup time and additional time with the child/ren

or in more serious or persistent cases:

- pay a fine;
- serve a period of time in jail and/or;
- pay the legal costs of the other party.

The Court can also vary the parenting orders at any stage of contravention proceedings.

It is important to get legal advice quickly if you cannot comply with court orders or if you think it would not be safe to do so. A lawyer will be able to tell you if you have a reasonable excuse.

If you have parenting Orders and can reach an agreement to change parts of those Orders in a disaster, you can:

- draft up a parenting plan to vary the parts of the parenting order that are being changed. It is important to know that those parts that are varied by a parenting plan are no longer enforceable by the Court; or
- apply to the Court to change the parenting Orders by consent.

The Northern Rivers Community Legal Centre provides free legal advice relating to family law and parenting plans after a disaster.