

Building a secure parenting base after separation



Inside of Me

My Mum and my Dad are inside who I am.
They are part of me, wherever I go.
When they divorced, they hated each other,
And that was like they hated ME.
When they hurt each other, they hurt ME.
When Mum didn't want me to see Dad,
She wasn't seeing ME.
When Dad didn't want me to love Mum,
He wasn't loving ME.
Now that's stopped, and they get on OK,
So I can be who I am, with my Mum and my Dad inside ME.

Rachel, aged 11

“Your Ex is not your child’s Ex...” *DK Simoneau*

Children love your Ex just as much as they did before.

Do not talk down about someone they **LOVE**.

Do not make them feel bad for loving their own parent.

They did not choose this. Choose your kids first.



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This Booklet was prepared to assist parents to prepare for Family Dispute Resolution (FDR). This booklet is a guide only and parents are encouraged to research information on parenting plans as well as coming prepared for their FDR session. Parents are also encouraged to seek legal advice if requiring specific information in regards to their circumstances.

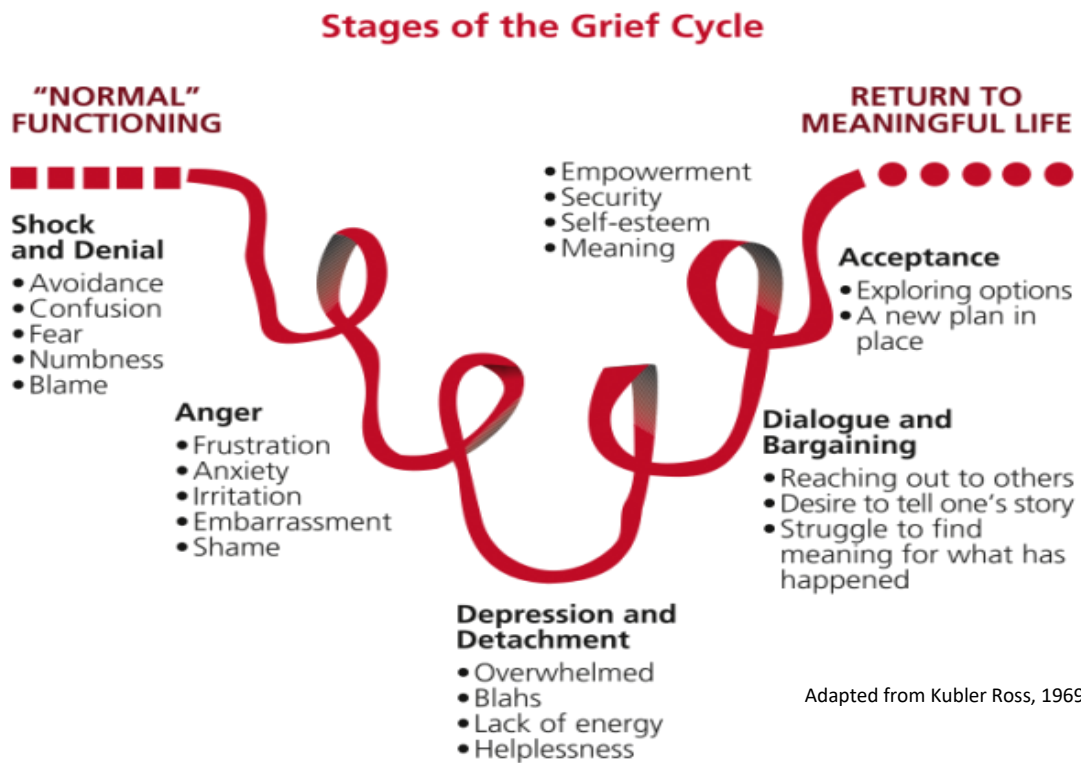
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Separation and Emotions

Emotions experienced due to separation can often be those of grief. Experiencing such emotions is a normal part of separation, and can occur before, during and after the separation. Separation is a difficult time, made even harder when separating from your child/ren's other parent. Learning to co-parent can be an emotional rollercoaster, and can take many months or years to adjust to changes.

Activity: Read the *Stages of the Grief Cycle* below, and try to identify where you may be in the Grief Cycle. If possible, also try to identify where you think the other parent may be in the Grief Cycle.



Denial: The person who did not end the relationship is unable to admit that the relationship is over. They may continue to call their former partner, or may deny their feelings about the separation.

Anger: The person who did not end the relationship may feel angry toward their former partner, for the pain that they have caused them. The person who ended the relationship may also blame themselves.

Bargaining: The person who did not end the relationship may plead with their former partner. They may promise their former partner that whatever caused the break-up will never happen again. For example, *"I can change. Please give me a chance."*

Depression: The person who did not end the relationship may go into a depressive state following separation. As a result, the person's daily functions may be disrupted such as sleeping, eating and even daily bowel movements.

Acceptance: The person who did not end the relationship accepts that the relationship is over, and begins to move forward with their own life. The person may not be completely over the relationship, but can accept the reality of the separation.

Recognising Children's Responses to Parental Separation



Did you know?

It can take anywhere from 1-3 years to fully adjust to new family dynamics and to go through the Grief Cycle.

Children can also experience the grief cycle when parents separate. They may show it through their behaviour.

The following table provides some examples of what children may be experiencing following parental separation. Keep in mind that all children are different and they may display behaviours of those of older or younger children, depending on your child/ren's maturity and development.

0-3 years	3-8 years	9-12 years	13-17 years
Afraid to leave either parent	Changes in school performance	Inability to cope with problems/daily activities	Confused thinking
Extra clingy	Poor grades despite strong efforts	Substance abuse or social withdrawal	Long periods of sadness/irritability
Frets for the other parent	Refusing to go to bed or school. Refusing to play with other children	Changes in sleeping/eating habits	Feelings of extreme highs & lows. Inability to cope with daily problems/activities
No sense of time-hours seem like an eternity	Hyperactivity	Excessive complaints of physical sicknesses	Excessive fears, worries and anxieties
Cranky and unsettled more often	Long term nightmares, waking during the night. Crying or clingy	Defiance of authority, absenteeism, theft, and/or vandalism	Social withdrawal or substance abuse
Crying more often	Long term disobedience/aggression/ tantrums	Intense fear of weight gain	Dramatic changes in sleeping/eating habits. Numerous unexplained physical sicknesses
Traumatized by long periods of separation from primary carer	Bed-wetting, loss of toilet training (toddlers)	Long periods of negative moods, often accompanied by poor appetite or thoughts of death	Strong feelings of anger and denial about obvious problems
Developmental problems	A return to baby talk or loss of language skills	Frequent outbursts of anger	Suicidal talk

Recognising Healthy and Unhealthy Parenting Behaviours

While parents who have recently separated are going through the Grief Cycle, they can at times forget to focus on their children, and what is in their best interests. It is important to find a way to cope with the separation so you can continue to support your children through the changes.

Activity: Read through the two tables below and identify the *Unhealthy and Healthy Parenting Behaviours* of yourself and the other parent. Try to think of some ways to improve any unhealthy parenting behaviours.

Unhealthy Parenting Behaviours	Children's Reactions	Long Term Effect on Children
Confusing my needs with children's needs	<i>"It doesn't matter what I want or feel. I don't matter"</i>	Can lack self-awareness and empathy for others
Breaking agreements	<i>"I'm not important"</i>	May become insecure and rigid or unreliable
Not looking after yourself	<i>"Who's going to look after me"</i>	May be fearful and not care for themselves
Bickering or not talking at all	<i>"What about me?"</i>	May try to control the behaviour of others
Critical of the other parent	<i>"If I'm like my dad, my mum won't love me"</i>	Can lack self-acceptance and become highly critical of others
Using drugs or alcohol	<i>"I want to go somewhere else"</i>	May treat drugs or alcohol as acceptable coping mechanisms
Getting revenge	<i>"Why can't we ever just have fun"</i>	May become hostile and aggressive or compulsive peacemaker
Being violent or abusive	<i>"I want to run away"</i>	Can become a bully and/or self-harm, or be overly self-controlling

Healthy Parenting Behaviours	Effect on Children
Aware of own needs	Feel loved and important. Able to recognise other people's needs and wants
Being reliable and punctual	Secure enough to be flexible
Looking after yourself	Healthy self-respect
Dealing with conflict constructively	Feel safe with life's ups and downs
Respecting the other parent's role	Accept themselves and respect differences in others
Willing to feel uncomfortable emotions	Self-aware and have empathy for other people's feelings
Not blaming others for own feelings	Able to own feelings of disappointment and grief; can own consequences of choices
Being assertive without aggression	Show assertiveness and sensitivity to other people's feelings

Post-Separation Parental Conflict

Conflict is experienced by everyone at some point, to varying degrees. Separation can often lead to an increase in parental conflict. Unfortunately, children whose parents are in conflict are more likely to have psychological and social problems (Kelly & Emery, 2003).

It is not separation or divorce per se that is problematic, but ongoing exposure to conflict and a difficult parent-child relationship, that impacts negatively on child wellbeing."

(Burke, McIntosh & Heather, 2009, p. 6)

What Does Parental Conflict Look Like?	
When One or Both Parents:	If parental conflict goes unresolved, children:
Become verbally abusive	Lose their ability to trust
Avoid the other parent unnecessarily	Make poor attachments
Argue or interfere	Stop believing in themselves
Distrust the other parent	Become overwhelmed by their feelings
Go to court a lot	Show distress through bad behaviour
Threaten, intimidate or try to control the other parent	Have trouble making and keeping friends
Are aggressive or violent	Have low self-confidence/esteem
Restrict access to family	Perform worse at school
Do not respect, or will criticise, the other parent's role	Have trouble making healthy adult relationships
Cannot put the children's needs/feelings before their own	Experience psychological/social problems later in life

Reducing the Impact of Conflict on Children

It is important for parents who have separated to find ways to reduce conflict. While this can be difficult, it is essential in order to support children in a positive way, and to prevent long-term effects of parental conflict on their development.

The most common issues causing parental conflict after separation are:

- Parenting arrangements
- Relationship issues
- Financial arrangements
- Legal issues

Some protective factors for children:

- Low parental conflict
- Appropriate parenting from at least one parent
- Consistent control and positive discipline
- Effective resolution of conflict between parents
- Good communication and cooperation between parents (McIntosh, 2003)

"Conflict cannot survive without your participation."
 - Dr. Wayne Dyer

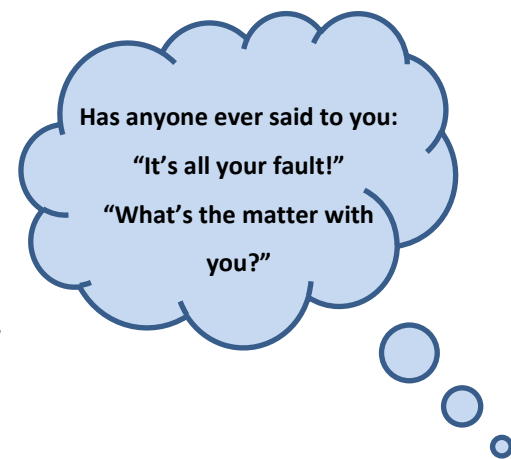
High Conflict People

Most people will experience conflict especially after separation, but they can also find ways to move past it. However, some people have high conflict personalities and will often maintain or add to interpersonal conflict, rather than trying to find ways to reduce or resolve it. High Conflict people tend to have a target to bully, blame, harass, humiliate and spread rumours about.

For high conflict people, it seems normal and necessary to intensely blame others. When conflicts and problems arise, instead of looking for solutions, they look for someone to blame. They usually lack an awareness of how they contribute to their own problems and will often view other people as the cause of their own emotional and behavioural responses. High conflict people can make no effort to change their own behaviours when things go badly. They tend to use their energy defending themselves rather than trying to resolve the problem.

High Conflict people may have:

- All or nothing thinking
 - E.g. One person is bad, and one person is good.
- Unmanaged emotions
 - E.g. Exaggerated anger, fear, or sadness that is out of proportion to the events.
- Extreme behaviour
 - E.g. Yelling, hitting, lying, spreading rumours, impulsive actions, etc.
- Preoccupation with blaming others
 - E.g. Blaming people close to them or blaming authority figures.



Some Things to Remember about High Conflict People:

- There's always been a *Target of Blame*
 - There was one before you, and there will be one after you.
 - Their personal attacks are not about you – they are about the person's inability to communicate effectively and resolve issues as they arise.
- Maintain your own mental and physical health
 - You're less likely to be upset by their personal attacks if you are feeling strong about yourself!
- Get support and consultation
 - Work with friends or service professionals (e.g. Counsellor) to develop coping strategies.
- Don't engage in a personal battle
 - If you are already engaged in a personal battle, then disengage now.
 - Telling a person that you believe they are a High Conflict person will not make the situation any better.
- Don't take it personally
 - You don't have to defend yourself. It's not about YOU!

Painful Games Parents Play When In Conflict

Separated parents who are in conflict with each other can get caught up in their grief or frustration, which often results in painful games being played. These painful games parents play during separation can have detrimental effects on their children. Sometimes, parents may not realise that their attitudes and behaviours are affecting their children, and their ability to co-parent effectively with the other parent.

Activity: Read through the *Painful Games* listed below and identify any that you believe may be occurring in your parenting arrangement with the other parent. Start to think of ways to stop these games from being played, so your child/ren are more less likely to be negatively impacted by your post-separation parenting.

➤ Money Games

When a parent lets their child/ren know how worried they are about finances, and blames the other parent.

Example: *“We have so many bills this month; I wish the child support was more regular. But don’t you worry, we’ll survive...”*

Impact on Child/ren: Children become scared and insecure. They may start to unnecessarily worry about ways to bring money into the home.

➤ Spring Clean

When a parent removes everything from the house that was connected to the other parent.

Examples: *Photos, Clothing, Books, etc.*

Impact on Child/ren: Children feel a sense of isolation and can retreat within themselves. Children may become afraid of the consequences if they say anything about the other parent.



➤ Name Calling

Sometimes parents believe their child/ren should *“know the truth”* about the other parent, and may discuss the reasons for the separation. Parents may also call the other parent names in front of their children.

Examples: *“What would you know about being a responsible parent – you loser!”*
“I want to keep the house for you kids, but your silly Mother wants to sell...”

Impact on Child/ren: Children deserve to feel good about where they came from. When they hear one parent putting down the other parent, children can feel that is how their parent thinks about them as well.

➤ Setup

Occurs when a parent tries to interfere with their children’s time with the other parent.

Example: *“You can go if you like – but we are going on a picnic!”*
“Your father said you couldn’t come to the movies with us today, you have to go to his house!”

Impact on Child/ren: Children can become unfriendly and may argue with the other parent. They may develop a fear of missing out, and as a result they may stop wanting to spend time with the other parent.

➤ Party Pooper

When a parent criticizes the child/ren for activities done while with their other parent.

Examples: *"Is that all you did today? That's not very exciting..."*

Impact on Child/ren: Children can feel disappointed and guilty about what they did with their other parent. This can lead to the child/ren having difficult behaviour on their next visit.

➤ "What Would I Do Without You?"

Occurs when a parent uses their child/ren for emotional support. The parent may come to rely on their child/ren to assist them with tasks more suited to a close friend or helpmate.

Examples: *"You are such a great help, especially when I am sad..."*
"What would I do without you?"

Impact on Child/ren: When children take on adult responsibilities, it can lead to excessive worrying and concern for their parent.

➤ "Over My Dead Body"

When a parent tries to withhold the child/ren from the other parent, or tries to financially bankrupt them through expensive legal proceedings in an attempt to show dominance or intimidation.

Examples: *"Over my dead body will you let your new partner meet the kids!"*
"Pay for the school camp or I will take you to Court..."

Impact on Child/ren: Children feel like it is their fault that their parents are fighting, and may start to think about what it would be like if they weren't around.

➤ Guided Missile

Sometimes a parent may use the child/ren as a weapon to try and change the other parent's behaviour, or to get something from them.

Examples: *"I'm not paying child support because you just spend it all on new clothes!"*
"You're not getting the kids this weekend because you spend too much time with your new partner – and not with them!"

Impact on Child/ren: Children feel like a pawn being used to retaliate against the other parent. They may feel like their own feelings do not matter.



➤ Messenger

Occurs when parents pass messages to each other through their child/ren.

Examples: *"Tell Dad to put the Child Support in the account..."*
"Tell Mum that I am not changing my Christmas this year just to suit her..."

Impact on Child/ren: Children can feel stressed about passing messages, and may excessively worry about their parent's reactions and potential consequences. Children may withdraw into their shell as a result of this huge responsibility.

➤ Tug of War

When parents try to get their child/ren to take their side in disputes, in order to assure themselves that they are “right” and “okay” because their child/ren are on their side.

Examples: *“The kids don’t like sleeping over when your new partner is there...isn’t that right kids?”*

Impact on Child/ren: Children feel caught in the middle and as though they are being ripped apart by their parents. Children will generally lose respect for both parents and for themselves.

➤ Parents with Pressies

Some parents give extravagant gifts and outings to their kids to try and compensate for their absence. Often the other parent feels inadequate because they cannot afford to do the same and animosity builds between the parents.

Examples: *“You always take her on fancy trips – then she gets upset with me because I can’t afford to...”*

Impact on Child/ren: Children may come to expect these gifts and outings on a regular basis and develop a distorted view of what relationships are about. When the gifts stop, the child may resent the parent or may believe that their parent does not love them anymore.

➤ Starting Over

When a parent “starts over” after separation and adopts a younger look or acts like a young person, by staying out late or coming home the morning after a night out.

Example: *“You’re always out late nowadays – our kids don’t need to see you behaving like a teenager!”*

Impact on Child/ren: Children feel embarrassed and confused when their parents act like “one of the kids”. Children need care and guidance from their parents – not the opposite.

➤ Phone Tapping

A parent listens to the telephone conversations between their child/ren and the other parent. They may also interrupt the conversation regularly and intrude with their own comments or questions.

Examples: *“Oh, don’t forget to tell Dad how many animals you saw at the zoo!
He even saw a wallaby!”*

Impact on Child/ren: Child/ren may become angry and distracted, which can impact on their willingness to openly communicate. Prying on their conversations with the other parent can jeopardise their sense of trust, privacy and safety with the eavesdropping parent.



➤ I Spy

A parent tries to get information about the other parent by asking their child/ren lots of questions.

Examples: *“Tell me, who else was at Daddy’s house when you were there?”
“Was your Mummy drinking when you stayed over?”*

Impact on Child/ren: Children can become confused as they love both parents, and this game asks them to break the trust of a parent. This game can also damage their emotional well-being and complicate their relationship with their other parent.

Power and Control Following Separation

One parent may intentionally and deliberately act in ways to gain power and control over the other parent. For some, this behaviour starts during their romantic relationship, and can continue following separation – and can often become more severe after leaving the relationship.

It is important to raise your concerns with your practitioner if this is happening to you, so they can assist you with support and referrals. Always call 000 in an Emergency. Below is a list of behaviours that may suggest a current struggle for power and control in post-separation relationships.

Using Coercion and Threats

- May involve making and/or carrying out threats to do something to hurt the other parent. Examples:
 - Threatening suicide or self-harm.
 - Threatening to report the other parent to welfare or have the children removed.
 - Pressuring the other parent to drop domestic violence orders.

Using Intimidation

- May involve making the other parent feel afraid by using certain looks, gestures and actions. Examples:
 - Acting aggressively, breaking things and/or damaging the other parent's property.
 - Stalking and/or using the children to get information about the other parent.
 - Using third parties to harass, threaten or coerce the other parent.

Using Emotional Abuse

- May involve verbally attacking the other parent. Examples:
 - Name calling and/or criticising the other parent.
 - Playing mind games to make the other parent feel guilty and ashamed.
 - Intentionally humiliating the other parent.

Using Economic Abuse

- May involve using finances as a way to control the other parent. Examples:
 - Withholding financial payments and/or blocking access to money after separation.
 - Interfering with the other parent's ability to work.
 - Using Court processes to spend the other parent's money.

Using Children

- May involve playing painful games, disregarding and/or endangering the children to control the other parent. Examples:
 - Isolating the children from their other parent and/or making them align with you.
 - Forcing third parties to parent your children on your behalf.
 - Neglecting your children's needs, using violence in front of them, telling them inappropriate things about their other parent.

Communication

Following separation, many parents find it challenging to communicate as they move from an intimate relationship often with mutual trust, respect and support to a high-conflict relationship where negative assumptions are made of each other. It can become difficult for parents to communicate and co-parent together, as difficult emotions are experienced, such as feelings of hurt, anger and betrayal.

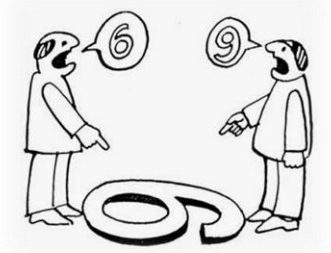
When parents feel these emotions, they can become defensive and unable to problem-solve. However, it is important for children to see their parents communicating effectively following separation. Unfortunately, it can take parents time to achieve effective co-parenting communication. Below are some tips to effectively communicate following separation.

Keep communication on a business level.

Initially following separation, when emotions are running high, it can be useful to try and keep your co-parenting relationship on a business level. This involves communicating with your previous partner about your children the same way that you would communicate with your employer or a colleague. Keep discussions professional, direct (to the point), constructive, child-focussed, and allow the other parent a chance to respond.

Be open to each other's perspectives.

Separated parents tend to fight over who is right and who is wrong. Parents often get caught up in this argument, and do not resolve the issue at hand. Everyone will always have different perspectives on things. Instead of fighting, try to understand the other parent's perspective, even if you don't agree. You might be able to find a way forward that works for both of you.



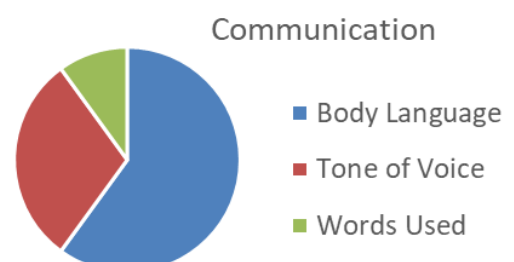
Refrain from personal attacks.

One way to cut communication is to verbalise issues in a way that personally attack the other parent. For instance, saying things like, "you're always late!", "you never listen!" often end in an argument, rather than a constructive conversation. Instead, try framing things from your perspective, which will open up the conversation. One way to do this is to use "I" statements instead of "You" statements. For example:

- "I think we should..."
- "I would prefer if..."
- "I feel that..."

Check your body language.

When we speak, our body language communicates a big component (60%) of our intended message to another person. So, while you might be saying the right things to the other parent, it won't matter if your body language is not communicating the same message.



Parenting Plans and The Family Law Act (1975)

Prior to Family Dispute Resolution (FDR), it is important to understand the differences between Parenting Plans, Consent Orders and Court Orders. It is also important to get legal advice beforehand, so you can actively participate in FDR and know what your legal rights and responsibilities are.

The Family Law Act (1975)



- Under the Family Law Act (1975), parents have duties and responsibilities (also referred to as parental responsibilities) to their children, and not rights to their children.
- Unless ordered otherwise, parents have a responsibility to their children until they are 18 years of age (unless your child marries or enters into a de-facto relationship from age 16).
- Parental Responsibilities **do not stop** because you separate, your child does not live with you, you do not have contact with your child, you believe their other parent will misuse child support money, or because you and/or the other parent have a new partner.

Parenting Plan

- According to The Family Law Act (1975), a Parenting Plan is a *goodwill agreement* between parties that is made free from threat, duress or coercion.
- A parenting plan captures what the parties agree to in FDR, about their intended plan for co-parenting.
- An agreement written in FDR is only recognised as a Parenting Plan under the Family Law Act (1975) once it is signed and dated by both parties.
- A Parenting Plan is not legally binding, which means that if one or both parties stop following the agreements in the Parenting Plan, it is not legally enforceable.

Parenting Orders

- If parties wish to make their Parenting Plan legally binding, they can submit their parenting plan to the Family Court through solicitors, or by using the Court's *Application for Consent Orders* form.
- Once a Parenting Plan is converted into a Parenting Order by Consent, it becomes legally binding.
- Sometimes, parents are unable to agree on their parenting arrangements and may require the Family Court to decide their parenting arrangements. When deciding parenting arrangements, the Court will consider:
 1. The best interests of the child (i.e. whether the child will benefit from having a meaningful relationship with both of their parents).
 2. The need to protect the child from physical or psychological harm from being subjected to or exposed to abuse, neglect or violence.

Some other factors the Court may consider are:

- The extent to which both parents have complied with/fulfilled their obligations as a parent in relation to the child, which may include those set out in a parenting plan (if any).
- The views of the child. How much weight is given to the child's views will depend on the age of the child and their level of maturity as determined by the court. There is no set age when a child can decide where to live or how much time they spend with the other parent.
- The nature of the relationship the child has with each parent and with other significant people.
- The extent to which each of the parents has fulfilled, or not fulfilled, their obligation to maintain the child (e.g. paid child support). However, contact is not dependent upon child support being paid.
- Practical issues, such as distance and expense involved in the child spending time and communicating with a parent and whether those difficulties would affect the child's right to have regular, direct contact with both parents.

What is the view of the court in regards to how much time a child spends with each parent?

It is an obligation of the court to consider making an Order that the child spend “equal time” with both parents, if that is in the child’s “best interests” and is “reasonably practical”.

If the court does not see that an “equal time” Order is appropriate it then must consider making an Order for a parent to have “substantial and significant time” (defined as being time that is in addition to weekends and holidays, i.e. mid-week time) if that is in the child’s best interests and is reasonably practicable. It is very rare for a court to deny a parent time with their children.

What does Equal Shared Parental Responsibility mean?

Parents must make a genuine effort to consult each other and jointly make decisions in relation to any major long term issues for their children.

This includes decisions about:

- Education
- Religion
- Culture
- Health
- Child/ren’s name/s, and
- Changes to the child/ren’s living arrangements that would make it significantly more difficult for the them to spend time with a parent.

There is no need for consultation about day-to-day issues (such as what a child should eat, wear or do while with the other parent) as those decisions are the responsibility of the parent the child is with.

Reviewing Parenting Plans

As circumstances change, Parenting Plans may need to be reviewed and changed to reflect:

- Changes you have already discussed but not yet committed to writing
- Changes to Australian Family Law
- Children’s changing developmental needs. For Example:
 - 0 to 4 years – every 9 months
 - 4 to 12 years – every 12 months
 - 12+ years – every 2+ years.
- Reviews can be done at any time providing you both agree. Some parents set a review date, others prefer to review their arrangements as the need arises.

Preparing for Family Dispute Resolution

It is important to come prepared for Family Dispute Resolution, as the mediator does not speak on your behalf. Both parties will have an opportunity at the beginning of the joint session to briefly list the topics they would like to discuss. *Fail to plan, and you plan to fail.*

Suggested topics for discussion during Family Dispute Resolution

- Communication
- Living Arrangements/Contact
- Holiday Arrangements
- Special days/Family Celebrations/Birthdays
- Changeovers
- Education
- Parental Responsibility
- Health & Wellbeing
- Routine & discipline
- Extra-Curricular activities
- Finances
- New Partners
- Alternative/Third Party Care Providers
- Religious and Cultural Practices
- Peer Contacts
- In case of an emergency
- Relocation
- Passport
- In case of our deaths
- Consent Orders

Things to Consider/Prompts for Family Dispute Resolution

Communication

- How will we communicate about parenting matters?
- How will our child/ren communicate with each parent while they are spending time with the other?
 - E.g. phone calls, email?
- How will our child/ren communicate with significant others, including extended family?
 - E.g. by letter, telephone or mail?
- What arrangements need to be made for communication on Special Days?
 - E.g. Christmas Day, Birthdays, Mother's Day and Father's Day?
- What arrangements need to be made for communication during school holidays?
- How do we talk with our child/ren about the other parent?
- What do we do in an emergency involving our child/ren?
- How will we introduce new partners to our child/ren?

Examples

- ✓ We will communicate with each other about our children through phone calls and emails.
- ✓ We will not pass messages to each other through our children.
- ✓ We will not communicate about parenting matters in front of our children.
- ✓ We will not make negative comments about the other parent in front of the children.

My Notes:

Time Spent/Living Arrangements

- Where will our children primarily live?
- How will each of us spend time with our child/ren (e.g. Regular Time, Special Days and School Holidays)?
- How will we conduct changeovers (e.g. pick-ups and drop-offs) for our child/ren?
- How structured or flexible will we be with our arrangements?
- If we need to change our arrangements, how much notice is required?
- If both of us are unable to care for our child/ren, who will be an alternate carer of our child/ren?
- How will significant others (e.g. Grandparents) spend time with our child/ren?

Examples

- ✓ Our child/ren will spend time with each of us on a week-about basis.
- ✓ Our child/ren will spend half of each school holidays with each of us, and we will alternate weekly.
- ✓ We will share each Special Day until our child turns 5, then we will alternate spending the full day with him each year.
- ✓ We will be flexible with our arrangement.

My Notes:

Education

- How will we each support our child/ren's education?
- What school will our child/ren attend?
- How will we discuss and resolve matters regarding our child/ren's education?
- How will we contribute to educational expenses (e.g. textbooks, fees, excursions)?
- How will we share/access information about our child's education (e.g. achievements, reports)?
- How will homework be managed in each house?

Examples

- ✓ We will each pay half of our child/ren's school fees, and all other school expenses.
- ✓ We will both request copies of all information regarding our children directly from the school.
- ✓ We will both attend our child's first day at school, and we'll be civil and friendly toward each other.

My Notes:

Parental Responsibility

- How will we share our parental responsibilities of our child/ren?
- What parenting matters do we feel require joint discussion?
- How will we discuss parenting matters and if we disagree, how will we resolve disputes?
- Do we need to set up regular meetings to discuss parenting matters?

Examples

- ✓ We will discuss matters relating to our child/ren's health and education jointly prior to making any decisions.
- ✓ We will organise a phone conversation to discuss such matters as they arise.
- ✓ If we cannot agree on arrangements, we will involve a third party to help resolve our dispute.

My Notes:

Health and Wellbeing

- If our child/ren becomes unwell in our care, what medical practice should our child/ren be taken to for assistance?
- How do we inform each other of medical issues that arise with our child/ren while they are in our care?
- How will we maintain our child/ren's medical records? How do we share this information with each other?
- How will we pay for our child/ren's medical expenses?
- What are our emergency procedures for accidents involving our child/ren?

Examples

- ✓ If our child/ren become sick while in our care, we will take them to our family doctor for assistance.
- ✓ We will share information with the other parent about any medication, etc. that are prescribed.
- ✓ In an emergency involving our child/ren, we will first seek medical attention and inform the other parent via telephone call as soon as possible.
- ✓ We will each cover the cost of minor medical bills (e.g. colds and flus, prescriptions) while the children are in our care, however we will share major medical expenses (e.g. surgery, dental work).

My Notes:

Routine and Discipline

- What aspects of our child/ren's routine will be similar across both houses (e.g. bed times, homework routine)?
- How will we discipline our child/ren across their two houses?
- Who is responsible for disciplining our child/ren, and how do we share information about recent discipline with each other?

Examples

- ✓ Our child's bedtime will be 07:30pm at both houses on weeknights, and 8:00pm on weekends.
- ✓ We are both responsible for disciplining our children, and we will follow a time-out and consequence/reward structure.
- ✓ We will inform each other of any recent discipline of our children prior to changeovers (e.g. if one parent takes technologically off our children for a week, the other parent will follow-through and remove technology from them until the week of punishment is finished).

My Notes:

Extra-Curricular Activities

- How will we decide what activities our children participate in?
- How will we support our child/ren's involvement in extra-curricular activities, such as Sports, Music, and Cultural activities?
- How will we transport our children to and from their activities?
- How will we financially support our children to participate in extra-curricular activities?

Examples

- ✓ Our children will attend swimming lessons twice a week. The parent who has care of the children at that time will be responsible for taking our children to and from their swimming lessons.
- ✓ Our children's grandparents will take them to soccer on Saturday mornings and will supervise and return them after the game.
- ✓ We will share the cost of extra-curricular activities our children participate in.

My Notes:

Finances

- How will we both support our children financially?
- Who is responsible for day to day expenses?
- How will unexpected and miscellaneous expenses (such as medical bills, school trips, etc.) be paid for?
- What will we do if our financial positions change?
- Will our child/ren be financially rewarded for chores (i.e. pocket money)? Who will fund this?
- Should we consider contacting Child Support and Centrelink for more information relating to our options?

Examples

- ✓ We will share major expenses, including school fees and medical bills, jointly.
- ✓ We will discuss unexpected expenses and decide how we will pay for those as they arise.
- ✓ We will inform each other if our financial situations change.
- ✓ We will each be responsible for day to day costs of our children while they are in our care.

My Notes:

New Partners

- When will new partners be introduced to our child/ren?
- How will new partners be introduced to our child/ren?
- What role will new partners play in our child/ren's upbringing?

Examples

- ✓ We will discuss new partners between ourselves prior to introducing them to our children.
- ✓ We will encourage our children's relationships with our new partners.
- ✓ If our children raise concerns with us about the other parent's new partner, we will arrange a time to discuss these concerns via telephone.

My Notes:

Participating in Family Dispute Resolution

The purpose of Family Dispute Resolution is for both parties to participate voluntarily in discussions about the children, and make arrangements that are in their best interests.

In order to do so constructively, it is important for you to:

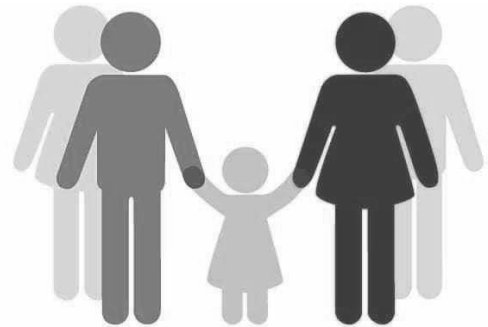
- Come prepared with your topics for discussion and ideas for your parenting arrangements.
- Be open to each other's perspectives and ideas.
- Be prepared to represent your own views – the mediator cannot do this for you.
- Be open and honest throughout the session.
 - It is a legal requirement for parties to provide full disclosure (see Family Law Act 1975).
- Be prepared for strong emotions during the joint session.
 - Try to put aside your feelings as much as possible during the joint session, and keep your focus on what is in the best interests of the child/ren.
- Speak and listen during the joint session without interrupting. You cannot hear the other person if you are talking.
 - The mediator will keep it balanced and give you an opportunity to respond.

Some more information about your Family Dispute Resolution:

- Prior to commencing the joint session, your mediator will speak with both of you privately.
 - This private session is confidential, and is an opportunity for your mediator to check in with you prior to starting.
 - Please talk to your mediator in this session about any issues or incidents that have occurred since your last appointment, and about any concerns or worries you are having on the day.
- At the commencement of your joint session, the mediator will go through an Agreement to Family Dispute Resolution form.
 - The Agreement outlines important matters such as confidentiality, ground rules for the joint session, and fees.
 - All parties and the mediator are required to sign this form prior to commencing discussions in the joint session.
- After completing relevant paperwork, all parties will be given an opportunity to speak directly to the mediator about their topics for discussion (e.g. Time Spent, Communication...)
- Once all parties have outlined their topics, the mediator will merge them into one agenda that will be followed throughout the session.
- Your mediator will assist you both to discuss the agenda items, one at a time.
- During your joint session, you will be given opportunities to have breaks, and private sessions with the mediator. These private sessions are also confidential.
 - Parties can ask for breaks/private sessions at any time.
 - You have the right to obtain legal advice throughout your joint session – just take a break so you can discuss with your solicitor.
- It is important for parties to make a *genuine effort* to resolve disputes in Family Dispute Resolution.

Some important notes on agreements made in Family Dispute Resolution:

- Any agreements reached during your joint session will be drafted by the mediator following the joint session.
- The mediator is not there to force any party into agreement.
- A copy of your **draft Parenting Plan** will be sent to all parties for checking.
- If you have concerns about the draft parenting plan, you will need to call the Family Relationship Centre and discuss with your mediator.
- Both parties will need to contact the Family Relationship Centre and advise if you wish to sign a final copy of the Parenting Plan.
- We cannot enforce any agreements made in Family Dispute Resolution.
- A Parenting Plan is a goodwill agreement.



Where to From Here?

Once all parties have completed their individual appointments, your case will be assessed for suitability to proceed to Family Dispute Resolution.

What does this mean?

A decision about whether FDR is appropriate is a matter for the professional judgement of the FDR practitioner after considering the list of factors outlined in Regulation 25 (2):

- a history of family violence
- the likely safety of the parties
- the equality of bargaining power among the parties
- the risk that a child may suffer abuse
- the emotional, psychological and physical health of the parties
- any other matter the FDR practitioner considers relevant to the proposed FDR. For example, whether it would be in the best interests of the child to proceed to FDR.

Note: Regulation 29(c) states practitioners must terminate FDR if requested to do so by a party or if the practitioner is no longer satisfied that FDR is appropriate. Even if the behaviours don't make the process unsafe, abuse and intimidation could result in an unfair outcome.

Section 60I Certificates

The sole purpose of a Section 60I certificate is to allow people to file an application in court. A certificate will only be issued if you request it.

The five types of section 60I certificates an FDR practitioner can issue are:

The person did not attend FDR due to the refusal or failure of the other person or people to attend.

- *both parties were invited to attend Family Dispute Resolution, but one party refused or failed to attend, and therefore the mediation did not go ahead.*

The person did not attend FDR because the practitioner did not consider it would be appropriate to conduct FDR.

- *the Practitioner's assessed that it would not be appropriate to hold the proposed Family Dispute Resolution, as per sub-regulation 26 (2) of the Family Law Act 1975.*

The people attended FDR, conducted by the practitioner, and all people made a genuine effort to resolve the issue or issues in dispute.

- *Family Dispute Resolution was held, and the Practitioner believes that all parties made a genuine attempt to resolve the dispute. If you don't come to an agreement, it is not necessarily because you did not make a genuine effort.*

The people attended FDR, conducted by the practitioner, but one or more of them did not make a genuine effort to resolve the issue or issues in dispute.

- *Family Dispute Resolution was held, and the Practitioner believes that one or both parties did not make a genuine attempt to resolve the issues in dispute. A practitioner might take into account each person's willingness to join in discussions and make compromises.*

The people began FDR, but part way through the practitioner decided it was not appropriate to continue.

- *Family Dispute Resolution commenced, but part way through the Practitioner believed that it was no longer suitable to continue.*

There may be consequences attached to the type of s60I Certificate that is issued. For example, courts may award costs against a party on the basis of failure to attend or not making a genuine effort.

To make an application to court to resolve the dispute, the s60I certificate needs to be filed within 12 months of the last Family Dispute Resolution, or last attempted Family Dispute Resolution. The relevant dates will be on the s60I certificate.

Contact Numbers and Additional Information

Legal Services

Legal Aid Queensland	1300 651 188 https://www.legalaid.qld.gov.au/Home
Women's Legal Service Queensland	1800 957 957 https://wlsq.org.au/
Men's Legal Service	07 3439 8874 https://www.menslegalservice.org.au/
Queensland Indigenous Legal Service (QIFVLS)	1800 88 77 00 http://www.qifvls.com.au
Aboriginal and Torres Strait Islander Legal Service (ATSILS)	Mackay: (07) 4953 4058 Rockhampton: (07) 4927 5711 http://www.atsils.org.au/
Central QLD Community Legal Centre	07 3392 0092 https://communitylegalqld.org.au
Mackay Community Legal Service	(07) 4953 121 https://mrclc.com.au/
The Family Relationships Advice Line	1800 050 321 https://www.familyrelationships.gov.au/

Some Useful Websites

<http://www.nationallegalaid.org/>
<http://www.familycourt.gov.au>
www.familyrelationshipsonline.gov.au
www.stepfamilies.org.au

www.centrelink.gov.au
www.humanservices.gov.au/customer/dhs/child-support
www.diyfamilylawaustralia.com

Co-Parenting Applications

Co-Parenting Apps are available on most mobile devices to help simplify co-parenting between separated families. Most Apps have message centres, shared noticeboards and calendars, and notification centres. The Apps are designed to assist separated families to jointly organise visits, changeovers, expenses, and to share information with each other more effectively. Some Apps are free, while others need to be purchased. Some Apps are listed below:

MyMob	2Houses	My Family Wizard	Kidganizer
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Domestic Violence Applications

Daisy connects women who are experiencing or have experienced sexual assault, domestic and family violence to local services. Men can also use this app (developed by 1800RESPECT).

Aurora is available for people experiencing domestic and family violence or for those worried about their relationship, or a friend or family member's relationship with someone. The app contains useful and information about domestic and family violence and links to support services. The app also allows the user to message their trusted friends and family members or call emergency services immediately.

Telephone and Online Counselling and Support Services

StandBy Response Service

(07) 5442 4277 / 24-hr: 0407 766 961

<http://standbysupport.com.au/>

Provides people bereaved by suicide with access to support.

Suicide Call Back Service

1300 659 467

<https://www.suicidecallbackservice.org.au/>

24hr, nationwide service providing telephone and online counselling to people aged 15yrs+ who are suicidal, caring for someone who is suicidal, or bereaved by suicide.

Lifeline

13 11 14

<https://www.lifeline.org.au/>

Provides free, 24-hour Telephone Crisis Support service across Australia.

MensLine Australia

1300 78 99 78

www.mensline.org.au

Telephone and online counselling service for men with family and relationship concerns.

Men's Referral Service

1300 766 491

<https://www.ntv.org.au/>

Men's family violence telephone counselling service, information and referral service.

DV Connect

1800 811 811

<https://www.dvconnect.org/>

24hr state-wide Domestic Violence support.

DV Connect – Women's Line

1800 811 811

<https://www.dvconnect.org/womensline/>

24hr state wide telephone service offering telephone support to women who are experiencing domestic or family violence.

DV Connect - Men's Line

1800 600 636

<https://www.dvconnect.org/mensline/>

Free, confidential telephone, counselling, referral and support service especially set up for men.

1800RESPECT

1800 737 732

<https://www.1800respect.org.au/>

24hr support service for people impacted by sexual assault, domestic or family violence and abuse through confidential information, counselling and support services.

Parentline

1300 30 1300

<https://www.parentline.com.au/>

A free, confidential telephone counselling/support service for parents & carers.

Sexual Assault Helpline

1800 010 120

www.dvconnect.org/sexual-assault-helpline/

Telephone support and counselling to anyone who has been sexually assaulted or abused and for anyone who is concerned or suspects someone they care about might have been assaulted or abused.

National Debt Helpline

1800 007 007

<http://www.ndh.org.au/>

A not-for-profit service that helps people in Australia tackle their debt problems.

Mon	Tue	Wed	Thu	Fri	Sat	Sun

References

What about me?: Taking care of yourself, 2004., Child Support Agency., Commonwealth Government.

Me, my kids, and my Ex: Forming a workable relationship for the benefit of your children, 2005., Child Support Agency., Commonwealth Government.

BIFF: Quick responses to high-conflict people, their personal attacks, hostile emails and social media meltdowns (2nd Ed), 2014., Bill Eddy., Unhooked Books., United States of America.

Separation: A guide for women (9th Ed), 2013., Women's Legal Service Inc.

A guide to Family Law: Everyday Answers, 2015., Michael Lynch Family Lawyers.

Building Connections, 2009., Interrelate Family Centres.

Family Law Act 1975

Post-Separation Power and Control Wheel., Domestic Abuse Intervention Programs., Duluth, United States of America. www.theduluthmodel.org

Family Law Act (Family Dispute Resolution Practitioners) Regulations 2008