

# Shared Parenting Guidelines

***This information is based on the law as at March 2009. It is intended as a guide only and is not intended to replace the need for legal advice about specific situations.***

The Family Law Amendment (Shared Parental Responsibility) Act 2006 has 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 tip 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 parties can communicate about and facilitate child-focused activities with children kept out of the middle
- Whether the parties 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 parties share similar ambitions for the child. For example, religious adherence, cultural identity.
- Where siblings living
- 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
- The child's age

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 1975*. These factors are likely to be included in the consideration of the section 60CC matters.

## Where do I go for information and advice?

<b>Family Court and Federal Magistrates Court</b>	6267 0511
<b>Legal Aid Office (ACT)</b>	
general enquiries	6243 3411
appointments for advice	6243 3471
legal advice line (weekdays 9am to 4pm)	1300 654 314
<b>Registrar General's Office</b>	6207 6444

### **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 Indigenous Justice and Legal Assistance Division, Commonwealth Attorney-General's Department.