



Separating from your spouse who will get the kids?

A common concern for a parent experiencing a relationship breakdown is how to sort out arrangements for their children. Once an agreement has been reached between separating parents, these arrangements can be drawn up as Parenting Orders or a Parenting Plan.

However, if you and your spouse can't agree, or if you feel you are being pressured to agree to something you don't think is best for your children, it is important to get legal advice straight away. Separation is a very difficult time for children as well as parents. The sooner your children's arrangements are sorted out the better it is for everyone involved, especially the children. Lawyers through processes such as collaborative family law practices, mediation and negotiation are often able to help you and your spouse reach an amicable agreement focusing on what is best for your children in your particular circumstances.

If an agreement is not able to be reached, a judge will make parenting orders that they believe are in the best interests of your children. Under current legislation there has been a move towards a "shared parenting" environment where, the Court will consider whether it is best for your children to spend equal time with each parent, or live with one parent but spend substantial time with the other parent, unless there are good reasons not to do so, such as issues of family violence or child abuse.

Nevett Ford has experienced family lawyers who can assist you to achieve suitable parenting arrangements for your specific situation. If you would like to know more about parenting after separation please contact a member of our Family Law Workgroup.

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