

STEEEL

You have Questions
We have Answers

FAMILY LAW - CHILDREN

How do I make a Parenting Plan?

In 2006 the Australian Government undertook the most significant reforms to the Family Law system in 30 years. The goal was to change the culture surrounding family separation from one that is focused on a Court based approach to one that puts the needs of children first and helps parents determine what is best for their children in a cooperative manner and to improve the outcomes for children.

The family law framework deals with parenting arrangements to ensure the best interests of children are paramount especially in circumstances where children are at risk. Or where their parents or carers are separating. Child protection is primarily dealt with on a state and territory basis under state and territory legislation. Parenting arrangements are dealt with under the Commonwealth Family Law Act 1975.

On 22 May 2006, amendments were passed to the Family Law Act 1975. These amendments were named *The Family Law Amendment (Shared Parental Responsibility) Act 2006* and apply to any court matters involving children that were in court on or after 1 July 2006.

A stated object of this law is to ensure that the best interests of children are met by ensuring that "children have the benefit of both of their parents having a meaningful involvement in their lives, to the maximum extent consistent with the best interests of the child". The primary object of this law is to ensure that the Courts always have the "best interests of the child" as the paramount consideration.

In line with its non-adversarial based approach to children's matters, the Government established 65 Family Relationship Centers to assist separating parents in resolving conflicts. The Family Relationship Centres are a key component of the family law reforms. They are the first port of call when families need help to make their relationship stronger or when relationships end. They are a source of information for families at all stages, including people starting relationships, those having relationship difficulties and those affected when relationships breakdown. The centers also offer individual, group and joint sessions to help separating families make workable arrangements for their children without having to go to Court.

At that time the Government also established a new Family Relationship advice line, website and additional services such as dispute resolution services, children's contact services, Parenting Orders Program and early intervention and prevention services.

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Liability limited by a scheme approved under Professional Standards Legislation.

From 1 July 2007 it became mandatory to have a Certificate from a Family Dispute Resolution Practitioner before parenting proceedings can be issued at Court. The Certificate states whether there has been a "genuine effort" by the parties to resolve the issues. All discussions with Family Dispute Resolution Practitioners are confidential and privileged. Of course in instances of violence, abuse or urgency, the requirement for the Certificate can be waived.

What about Victoria Legal Aid?

Chinka (HEP) Steel is a member of the Victoria Legal Aid ("VLA") Simplified Grants Unit for Family Law matters. He undertakes copious amounts of this type of work each year. We can assist you with your VLA Application and VLA will determine if you are eligible for assistance.

If a client is VLA funded and assuming there are no serious domestic violence issues or a child's welfare is not at immediate risk, then the first action will be a Round Table Dispute Management Conference facilitated by VLA.

What about privately funded clients?

If the client is privately funded, we will assist the parties in arranging Mediation at a Family Relationship Centre.

What happens after mediation?

If all of the issues are able to be agreed upon at Mediation (Roundtable Dispute Management for VLA clients) then we will assist with the formalization of a Parenting Plan and if issues are not able to be resolved at Mediation, then the Mediator will issue an FDR Certificate and either party can commence proceedings.

What can I do to assist someone dealing with separation?

Be understanding and empathetic. It is likely that this person will understandably be highly emotional and/or even irrational at times. You could suggest the services of the new relationship centers, website or phone line. In cases of either the parent or a child's welfare being in immediate danger, then a solicitor should be contacted as a matter of urgency.

What is Chinka (HEP) Steel's approach to children's matters?

The experienced and empathetic Family Law Team at HEP Steel understand that prompt action and a reassuring environment are essential in delivery of our services in this sensitive and particularly personal area. At all times we treat issues with the utmost respect and confidentiality.

We believe that the first approach and continuing approach throughout Family Law matters should be a non adversarial one with the issuing of proceedings being advantageous only in cases where children's welfare is at risk, or as a last resort.

We promote the use of mediation as a tool for resolution and are there for you throughout the mediation process. We understand that separating parties are likely to be experiencing one of the most stressful periods of their lives and our aim is to negotiate an amicable and timely settlement rather than create additional stress to the parties.

Where can I get more information?

To obtain personalized advice regarding your particular set of circumstances please make an appointment with the Chinka (HEP) Steel Family Law Team.

Further information can also be found at:

Advice Line

Family Relationship Advice Line - Freecall ™ 1800 050 321

Internet

www.familyrelationships.gov.au

www.familycourt.gov.au

Victorian Family Relationship Centres

Ballarat - 34 Peel Street Ballarat

Berwick - Level Units 1 & 2, 38 Clyde Rd Berwick

Broadmeadows - Building 1 Level Level 1, 1100 Pascoe Vale Rd Broadmeadows

Chadstone - Level Suites 1 & 2, 41 Stamford Rd Oakleigh

Frankston - Level Shop 1, 37 Playne St Frankston

Geelong - Level Suite 2, 27-31 Myers St Geelong

Greensborough - 79 Grimshaw St Greensborough

Melbourne City - Lower Ground Level, 379 Collins St Melb.

Mildura - 105 Lemon Ave Mildura

Ringwood - Level 1, 68 Charter St Ringwood

Shepparton - 68 Wyndham St Shepparton

Sunshine - Level Ground Floor, 1 Clarke St Sunshine

Traralgon - Level Ground floor, 41 Grey St Traralgon

Warrnambool - 19 Jamieson St Warrnambool

Wodonga - 282 Beechworth Rd Wodonga

"I would like to thank all the staff at HEP. Steel for the friendly and courteous way they looked after me when I required the services of a Solicitor. The willingness to listen to my needs and guide me regarding the legal implications of my decisions was helpful and professional." Regards M G - Woodend