

14 November 2013

Separation is a stressful time for families, particularly at Christmas if parents have not been able to make formal arrangements to spend time and communicate with their children.

What do we mean by "formal arrangements"?

Mediation is the necessary first step in an attempt to resolve parenting issues between parties without the need to make an application to the court. Agreement reached at mediation will avoid parties being involved in long and costly litigation.

If agreement is reached a Parenting Plan is prepared and signed by the parties with the intention and expectation they will each adhere to the terms of the Parenting Plan, although a Parenting Plan document is not a Court Order.

If there is any concern a Parenting Plan may not be complied with, then consideration should be given to formalising the agreement as a Court Order.

If a party does not comply with the order, there are many things that you can do including:

- seek legal advice;
- attend family dispute resolution; and/or
- apply to a Family Court.

The Family Law Courts website has a brochure entitled 'Compliance with Parenting Orders' which outlines the penalties for failing to comply with a Parenting Order. You can access the Family Law Courts' website at www.familylawcourts.gov.au.

We recommend that if you have separated and have not yet made parenting arrangements, that you should immediately take steps to do that, including obtaining legal advice and making enquiries with a local Family Dispute Resolution Centre to organise mediation.

The Kelly Legal Family Law Team are focused on achieving a quick and fair outcome for separated parents wanting to formalise arrangements for their children.

For further information please contact Richard Callaghan or Katrina Peters of our office on (07) 4911 0500.

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Mackay Office

Level 1, City Court, 78 Victoria Street, Mackay
PO Box 1035, Mackay Qld 4740

P 07 4911 0500 | F 07 4911 0599 | E mail@kellylegal.com.au
www.kellylegal.com.au

Brisbane Office

Level 4, Bank of NSW Chambers, 33 Queen Street, Brisbane
PO Box 13531, George Street, Brisbane Qld 4003

P 07 3179 2700 | F 07 3179 2799 | E mail@kellylegal.com.au
www.kellyfamilylaw.com.au

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