

After the break-up

(residence and contact plans)

ParentLink

ADULT ISSUES

ParentLink guides use 'he' and 'she' in turn. Change to suit your child's sex.

After a family break-up, most parents want to work out plans for how their children will live. For some this works without too much hassle—sometimes parents just can't agree. They may think differently about what is best for their children or they can be caught up in their angry or hurt feelings about each other, and can't talk without arguing.

Sometimes parents are worried about their children's safety or care with the other parent. They need somewhere to raise their concerns and have the parenting arrangements for their children clearly spelled out. When parents are unable to come to an agreement about plans for their children they need to go to the Family Court (court) for decisions to be made.

The way in which parents handle a family break-up has an enormous effect on the way children cope with their lives. The sooner it is all sorted out, the sooner children can get on with being children again.

What about the law?

The law about parenting arrangements changed a few years ago. One of the most important changes to the Family Law Act is about the strengthening of children's interests. The courts will consider children's best interests before those of parents.

Some of the ideas and words used now are different. For example:

- the words 'custody' and 'access' aren't used anymore. Decisions are made about where children live (residence) and when they see their other parent (contact). Sometimes contact decisions are made about children visiting other family members, like grandparents
- the rights and responsibilities of parents have changed. The law now says children have the right to have contact with both parents. It is not about parents' rights to see their children. Parents are expected to share the responsibility of their children (even if the children live mostly with one parent).

The law expects parents to cooperate. However, being involved with the legal system can be very distressing for many parents.

It is fine when parents' feelings about the separation have been sorted out, but it's much harder when feelings are still very raw.

It also becomes really difficult for a parent who is worried that the other parent can't properly care for the child, or might be abusing the child or that their child is missing them.

It is very helpful if you can work out together a plan which covers all the things affecting your children. It's your record of agreement setting out your responsibilities to your children.

If you want to make this parenting plan legally binding, you can register it with the Family Court but many parents prefer to sort it out together and not involve a court.

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Your feelings about court

Parents can find it difficult going to court. The whole process can leave parents feeling confused and frustrated and can sometimes drive more of a split between parents.

Through the court process, things that were private before are now written on paper. You may consider the most terrible untruths have been presented without proof. Parents can feel upset about the things said in court or the decisions that are made. Things may be described in a way you don't agree with and which make you look like a bad parent. It's important to be able to cope with this. You have to be able to tell your side of the story to the judge without being so upset or angry that you can't get across what you mean.

What parents can do

- Be patient. It can take time to sort things out in court. If you are finding it stressful, find ways to look after yourself. Talk to someone you trust.
- Remember that the other parent is likely to feel upset as well. This may mean that the other parent says some hurtful things, doesn't tell the whole story, or 'paints a picture' which is quite different from what you believe happened.
- Make sure you have a break from thinking about court all the time. Ask friends and family not to talk about it at times, even though they are just concerned for you. Find things that can distract you for a while.
- Make sure you feel comfortable with your lawyer, if you have one. Make sure your lawyer really understands what you want. After all, the lawyer's job is to stand up for your rights. Keep focused on what your children need.
- Let the court know how things are. You are going to court because you and the other parent haven't been able to sort things out and it now becomes the judge's decision. You have to find ways to come to grips with the outcome so you can move on with life.
- You are there to sort out what's best for your children. Think again if you find you want to 'get even' with the other parent. Don't get caught up in 'winning'. This approach may end up hurting everyone, especially your children.
- Ask to see the courtroom before the set date so you can feel more at ease in the court setting if it is strange and scary.

Your children's feelings

The hard part for children is that they usually want to keep loving and seeing both parents (unless they have been really hurt by a parent). Sometimes even if they have been hurt by a parent they still might want to have contact.

Children can tell if their parents aren't getting on or are arguing about them. If things stay really bad between parents, and they start bringing their children into their fights, then children suffer. Continuing to involve the children like this can be emotional abuse, which is really harmful for children.

Ongoing fighting between parents really harms children. At times like this, parents have to be almost superhuman. You have to be able to put your feelings about each other aside. After all, your children didn't separate, you and your partner did.

What parents can do

It is worth making a big effort to sort things out together to avoid going to court. Children often don't know much about court and when they hear the word 'court' they can think it's about punishment, getting taken away or going to prison. It's important that they don't have these worries.

Parents have to help children not worry about court proceedings. When you feel confused and anxious, your children can quickly pick this up and then feel scared or uncertain. Children can feel they have to take sides. This is not fair. Just because you and the other parent can't agree, it doesn't mean your children should feel they can't love both of you.

Things to try

- Think about whether your children have to know you are going to court.
- If you tell them, simply explain that a judge is helping you and the other parent make a decision. Don't go into details. Don't show your children court papers or leave them around so children can see or read them. While you may want to talk to others, don't talk about court in front of your children.
- Don't let other people talk about the details in front of your children.
- Even if you think the other parent is being unreasonable, don't tell your children. Find another person you trust to talk to, a family member or friend (who will listen without getting too upset) or a counsellor.
- If the other parent is talking about court to your children, let him or her know this is not okay. If necessary, get the court's help to make this stop.
- Children need to be allowed to get on with their own lives without having to be troubled by adults' problems. Make sure your children's lives are as normal as possible. Let them keep seeing their friends, play sport, visit other family members.

Court decisions

Regarding 'residence'

Some children live in two houses. For example, they might live with their parents one week each. For this to work well parents need to have sorted out their feelings because they have to keep in touch more and keep up to date with their children's lives. Children can enjoy week-about residence. It lets children stay close to both parents.

Residence can work if:

- you can communicate with the other parent (if you disagree about something, talk about it when your children aren't there)
- you don't criticise each other to your children (this confuses children and upsets them because they feel disloyal when they hear these things)
- you don't use children as messengers (it's better to speak or write notes to each other, even about the simple things)
- you don't undermine (put down) the other parent's ways of discipline, routines or the way they live. If you are strongly opposed then take it up with the other party or get help if you can't talk reasonably to each other. Children can cope with differences but not undermining
- you are involved in your children's schooling, sport, etc.
- the houses are not too far apart so children can easily see their friends and not have to travel too far for activities
- each house is set up for your children, so they don't have to take lots of things from one house to the other (you need to be organised)
- you remember that children's needs change with age (some teenagers decide it's easier to live in one house because of the extra time they want to spend with friends, doing schoolwork etc.)
- you keep in mind that children are different. Some children find it easy to live at two houses. Others get confused and find all the changes difficult. If your children don't seem to be coping, talk with the other parent about how to sort out the problem.

Note: Babies and very young children normally do best if they live with the parent they know best and are closest to, with just short times with the other parent at first. You need to go by how it affects your child. Even very young children and babies can show when they are happy and when they are stressed.

Regarding 'contact'

Sometimes children live most of the time with one parent and live briefly with the other, for example every second weekend and part of the holidays. With this arrangement parents and children have to get used to seeing each other less often. You have to make a new family life together. This can be especially difficult for the parent who wants to squash lots of things into a short stay and especially when older children want to keep up with their friends and activities without their parent there.

For a time, the weekend parent can often be seen as a 'fun parent' when most of the time is spent doing 'fun things' and the other parent spends a lot of the time 'parenting' which involves discipline, chores and the routine of life. This can cause resentment.

Contact can work if:

- you remember that your children are living with you, not just visiting. This means there need to be routines and house rules
- children have relaxing times as well as fun times. Often in the quiet times children are more likely to talk about their feelings
- you stay in touch with your children when they are not with you. A quick telephone call lets them know you are thinking about them
- you make sure your house is a home for your children. It's important they have somewhere to put their things, and some private space. Have toys, clothes, etc in your house, so your children don't have to live out of a suitcase
- you make new traditions for your family such as shared photo albums, favourite games and activities, and celebrating special occasions
- you follow through on their appointments and activities, for example, parties, dentist—even if you weren't the parent who made the arrangements
- you make sure the children still get time alone with you if you have a new partner. Your life is moving on, but they need reassurance that they are just as important to you
- you recognise that your children may not accept your partner and resent that person being around. This may show in their behaviour or they may tell you (or the partner). Children are often torn between wanting you to be happy and 'feeling good' themselves. When this becomes a problem that cannot be sorted out, you need to think about the best interests of your child.
- you handle calmly problems that develop with your children not wanting to be with you. Stay as involved as you can. If your children have a genuine complaint it needs to be sorted out. Sometimes children get caught up in problems between parents and feel it's easier to stop contact. Do what you can, even if it means just writing letters and sending cards. Children need to know you will hang in there, even if it's too hard for them to see you at the moment
- you make sure contact happens when it is arranged. You need to be on time and reliable otherwise children can feel they are not important to you and they can start to not trust in you
- your children see you as often as possible, provided you have a good relationship. For some children once a fortnight is not enough. Maybe you can arrange to see them or speak to them during the week as well. For younger children sometimes a video or tape of a parent's voice is reassuring, or a tape of you reading a story can be played at bedtime.

Your relationship with the other parent

You and the other parent will always be parents to your children even though your relationship as partners is over. Sometimes letting go of the hurt and angry feelings from the partnership is very difficult, but if the anger keeps on going your children will be very distressed. If you can't let go, seek help ... for the sake of your children.

In carrying out your shared responsibilities it can help if you:

- keep your word (if you have to change arrangements, let the other parent know as soon as possible)
- remember, the better your relationship with the other parent, the easier it is for your children (even if the other parent is being unreasonable, you don't have to be)
- don't try to sort things out when you are feeling angry, tired or hurt
- respect the other parent's privacy (don't walk into their house without being invited, telephone at an unreasonable time or interrupt their special occasions)
- try for your children's sake to be polite and respectful to the other parent even if you don't feel like it.

Reminders

- You are going to the Family Court because you and the other parent disagree about what is best for your children and you can't sort it out together.
- Make sure you put your children's needs first.
- Children need to feel their wishes are taken seriously even though adults make the decisions.
- Protect your children from knowing too much about the court proceedings. They need to be allowed to get on with their own lives without having to be troubled by such matters.
- If things go off the rails and you can't sort things out go back to your counsellor, lawyer or the court.
- It's the responsibility of parents to sort out things like 'residence' and 'contact'.
- Make sure your children know it is okay to love both parents, even though you are not agreeing.
- Introduce new partners to your children gradually. It's important they don't take on a parenting role too quickly.
- Expecting that your children will like your new partner can lead to disappointments for all.
- Providing children are safe, they have both a need and a right to a relationship with both parents.

Contacts

Family Relationships Advice Line	8am–8pm Monday–Friday, 10am–4pm Saturday	1800 050 321
Legal Advice Information Line	9am–4pm Monday–Friday	1300 654 314
Parentline ACT	9am–9pm Monday–Friday, except public hols	6287 3833
Relationships Australia	9am–5pm Monday–Friday	1300 364 277

Websites

www.csa.gov.au	Free CD dealing with separation and other publications
www.cyh.com	Parenting and child health information
www.parentlink.act.gov.au	Other parenting guides

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