

Antippa Lawyers

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IF YOU AGREE ON ARRANGEMENTS

You do not have to go to court about the arrangements for your children after separation. If you and your former partner agree on the future arrangements, you can obtain consent orders approved by a court.

WHAT ARE CONSENT ORDERS?

A consent order is a written agreement that is approved by a court. A consent order can cover:

- Parenting arrangements for children (a 'parenting order') and
- Financial arrangements such as property and maintenance.

Consent orders have the same legal force as if they had been made by a judicial officer after a court hearing. You should obtain legal advice about the effect of any proposed consent orders.



HOW DO YOU APPLY FOR CONSENT ORDERS?

Your agreement may include information about the following:

- Whether the parents are to have equal shared parental responsibilities or specify the division of parental responsibilities between them.
- Whether the children will spend equal time with each parent or substantial and significant time with a parent and specify details of how the child will spend time with each parent (see Section 65DAA of the Family Law Act for what is meant by substantial or significant time).
- The time a child will spend with a grandparent or other relative.
- The communication a child will have with another parent or person.
- If two or more persons share parental responsibilities, the form of consultation required between the persons.
- Any aspect of the care, welfare and development of the child, including education, health, religion and cultural aspects, and
- Child maintenance for children not covered by the Child Support (Assessment) Act. If you are unsure, contact the Child Support Agency on 13 12 72 or www.csa.gov.au.

Once the agreement has been prepared, it must be filed with the Family Court of Australia (unless proceedings have already commenced in the Federal Circuit Court). There is no need for you to attend court in person. However, the Court must be satisfied that the orders you ask for are in the best interests of the child. You can read more about the best interests of a child by going to the Family Law Principles section of this website.

There is a filing fee attached to consent orders. For further information on fees, please see the Fees Brochure.

For more information, call 1300 352 000 or visit your nearest family law registry.



WHAT IF YOU CANNOT AGREE ABOUT THE CHILDREN'S ARRANGEMENTS?

You can apply to the Court for Parenting orders. For more information, view at above left 'In this section' page titled 'If you can't agree on arrangements'.



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The information provided is of a general nature only. You should not rely on this information but seek specific advice relevant to your actual circumstances.

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