



# It's all about the KIDS

*a workbook to help  
separating parents  
make arrangements  
for their children*

women's  
legal  
service  
tasmania



**Here is my child / children (named)....**

.....

.....



**They like to...**

.....

.....

play soccer, dance, draw...



# Introduction

## WHO ARE WE?

The Women's Legal Service is a free community legal service funded by the Commonwealth Attorney-General's Department. Our service is statewide and whilst our offices are in Hobart we do travel throughout the state.

You can call us on our free telephone advice line if you think you have a legal problem or you want to find out about your legal rights. We provide advice on almost any area of law. If you are not sure if you have a legal problem call us to find out.

## WHAT CAN WE HELP YOU WITH?

The Women's Legal Service provides free and confidential advice and referral on all legal matters including Family Violence, Family Law, Civil and Criminal Law, Wills and Property Law. Our primary contact is through our free telephone advice line.

In addition to providing legal advice we conduct community legal education (CLE) seminars and workshops throughout the community and publish information brochures and booklets. Most of these publications can now be found on our website.

## WHY A WORKBOOK FOR SEPARATING PARENTS?

This workbook aims to help parents who are separating or who have already separated to make the best possible arrangements concerning where their children will live and who they will spend time with.

It is extremely important that any dispute resolution process concerning where children will live or who they will spend time with be child focused. Often with the best of intentions parents can become entrenched in their conflict and the focus can move away from the children. In helping parents to identify the issues that influence them in their particular situation before attending their dispute resolution sessions we hope that the outcomes will be better for the children.

There are some additional contacts in the booklet but we have many more here so if you have a question call us. If we don't know we will find out. If your problem is not legal then we will endeavour to refer you to the right person or service to help you.

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# Preparing for Family Dispute Resolution (FDR)

## **Step 1:** You may wish to seek legal information or advice prior to FDR

It is really important to make sure that FDR is appropriate for your situation. FDR is generally an excellent way to make arrangements concerning your children but sometimes it is not appropriate.

You might wish to follow some of the following steps to make sure that the process is right for you:

- Finding general information about FDR will help you prepare for it. See the back of this booklet for ways in which you can get free information about the process.
- Obtaining general legal information or advice about your circumstances will also help you prepare. See the back of this booklet for ways in which you can obtain free legal information or advice.
- If you have concerns about family violence (which can be things other than physical abuse such as emotional or financial control or abuse) and/or child abuse, FDR may not be appropriate.
- If there has been family violence you may wish to speak to your local Family Relationship Centre (FRC) or a lawyer about whether or not you can/should get an exemption from FDR.

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## **Step 2:** Prepare notes about any issues or concerns

If you have any concerns and issues about care of the children after separation, you may wish to write these down.

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Write down the outcomes you would like from FDR, noting why they are in the best interests of your child or children.

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## Step 2 *continued*

Write down some alternatives that might work.

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Write down what you think the other parent might be wanting and how you can respond to his or her proposals based on what is in the best interests of your child or children.

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**Step 3:** Prepare notes about the history of your situation

- At the beginning of FDR you and the other parent will each be given a chance to talk about your children and provide a history of your arrangements for caring for the children.
- Depending on your preference you can prepare by making a note of the main points you want to cover so that you do not forget them, or write out more of a script - it's up to you.

*My child's/children's favourite things are to play soccer, play piano, paint, so the best arrangements for them would be....*

Things that I want to remember are...

### Step 4: Take notes about your proposed agreement

Take notes in the FDR meeting about the details of the agreement reached so that you can get legal advice before signing it if you decide you need to.

*We have agreed that it is best for the child/children to.....*



## Tips for FDR:

- Arrangements should be made which are in the best interests of the children.
- If you disagree or reject suggestions, do it in a way that focuses on how it will affect the children.
- Don't be afraid to clarify issues or ask questions.
- If you feel angry, intimidated, upset or confused, ask for a break or for a private session with the mediator. He or she can end the meeting if necessary. So can you.
- Speak slowly, firmly and clearly.
- Take time to clarify your thoughts before responding. Don't feel pressured to respond immediately.
- Give the other parent time to speak.
- Do not interrupt, roll your eyes, sigh or bang the table - take notes and respond when it is your turn.
- Check that what is being proposed is practical - give it a "reality check".
- Do not feel pressured to sign an agreement unless you are sure it can work and that you and your children will be safe.
- Remember that you can take notes about the proposed agreement and get legal advice before signing it.



## Making sure your arrangements are safe:



- Make sure your agreement includes everything that has been agreed at FDR.
- Make sure your agreement is clear about interstate travel, substance abuse, and ensuring that children are not witness to any denigrating comments or behaviours about the other parent.
- Make sure your agreement states clearly the agreed rules of contact with children including when, where and who is to be present.
- Make sure the drop off and pickup arrangements are safe for you and the children.
- It is always useful to have a back-up plan for times when changeovers are not on time or arrangements fall through.
- Make sure the children have an alternative family phone number to call if something goes wrong or they can not contact you.
- If there is a Family Violence Order in place, it may need to be amended once the parenting arrangements have been made or to allow parenting arrangements to be made.

# Finding Legal Information and Advice

## **Women's Legal Service (Tas) Inc**

1800 682 468 (statewide)

## **Hobart Community Legal Service**

6223 2500 (Hobart Office)

6263 4755 (Bridgewater Office)

6265 1911 (Sorell Office)

## **Launceston Community Legal Centre**

6334 1577

## **North West Community Legal Centre**

6424 8720

## **Legal Aid Commission of Tasmania**

1300 366 611 (statewide)

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## **Family Dispute Resolution Providers**

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### **Family Relationships Advice Line**

1800 050 321

### **Family Relationships Centres**

Hobart: 6211 2100

Launceston: 6336 7050

Devonport: 6336 7050

### **Positive Solutions**

Hobart: 6231 1301

Launceston: 6334 9151 or 1800 664 200

## **Relationships Australia Mediation**

Hobart: 6211 4050

Launceston: 6336 7000

Devonport: 6421 5800

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## **Other Services**

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### **Australian Parenting and Relationship Line**

1300 365 859

### **Beyond Blue**

1300 224 636

### **Child Support Agency**

131 272

### **Family Law Courts**

1300 352 000

### **Family Violence Line**

1800 633 937

### **Kids Helpline**

1800 551 800

### **Lifeline**

13 11 14

### **Violence Against Women - Australia Says No**

1800 200 526

### **Interpreters**

People needing an interpreter can contact the Telephone Interpreter Service on 131 450 and ask the interpreter to contact any of the above service providers.

# Information about the *Family Law Act*

## Objects of the *Family Law Act*:

- a) 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
- b) protecting children from physical or psychological harm from being subjected to, or exposed to, abuse, neglect or family violence
- c) ensuring adequate and proper parenting
- d) ensuring parents fulfil their duties and responsibilities

## Principles of the *Family Law Act*:

- a) children have the right to know and be cared for by both parents
- b) children have the right to spend time on a regular basis with, and communicate on a regular basis with, both their parents and other significant people (such as grandparents and other relatives)
- c) parents jointly share duties and responsibilities
- d) parents should agree about future parenting
- e) children have a right to enjoy their culture

## Best Interests of the Child

In deciding whether to make a parenting order in relation to a child, a court **must** regard the best interests of the child as the paramount consideration.

### **Section 60CC (2) : Primary considerations**

- a) the benefit to the child of having a meaningful relationship with both of the child's parents; and
- b) the need to protect the child from physical or psychological harm or from being subjected to, or exposed to, abuse, neglect or family violence.

### **Section 60CC (3) : Additional considerations**

- a) any views expressed by the child and any factors (such as the child's maturity or level of understanding) that the court thinks are relevant to the weight it should give to the child's views
- b) nature of relationship of the child with parents and others, including grandparents
- c) willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the child and other parent
- d) effect of change to status quo
- e) practical difficulties and expense of 'spending time with' and 'communicating with' parent
- f) capacity of parent and others to provide for the needs of the child
- g) maturity, sex, lifestyle and background of child and parents
- h) right to enjoy Aboriginal or Torres Strait Islander culture
- i) parent attitude to child and to parenting
- j) any family violence involving child or member of child's family
- k) family violence order if final or contested order
- l) an order that is least likely to lead to further proceedings
- m) any other fact or circumstance the court thinks relevant



# Notes





# Acknowledgements

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