

## Children – Making Long Term Decisions for Children

The Amendments to the Family Law Act (1 July 2006) introduced a new presumption of equal shared parental responsibility. As the equal shared parental responsibility is a legal presumption, it will apply to all applications for Parenting Orders unless evidence is led to convince the Court that it is not appropriate in a particular circumstance.

Parental responsibility refers generally to the decision making, duties, powers, responsibilities, and authority that parents have in relation to their children. This includes making major long-term decisions about issues such as the child's:

- Education;
- Religious and cultural upbringing;
- Health;
- Name;
- Living arrangements, specifically regarding changes that would make it significantly more difficult for a child to spend time with a parent (but not a decision of a parent to form a relationship with a new partner).

The presumption of equal shared parental responsibility can be rebutted where there are reasonable grounds to believe that a parent has been abusive, violent, or if it is otherwise not in the child's best interest that the presumption be applied.

The Amendments to the Act introduce a positive onus on parents to consult with one another in relation to making decisions about any major long-term issues with a genuine effort to come to a joint decision.

The practical effect of a legal presumption of equal shared parental responsibility is that a Court must consider making an Order where children spend equal time with either parent or significant and substantial time with both parents.

Significant and substantial time means time on school days, weekends, and holidays which allows a parent to be involved in the child's daily routine as well as special occasions and events.

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