



Difference between parenting orders and parenting plans

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The end of a relationship can be a difficult period for everyone involved. When working through and deciding arrangements for children, separated parents have the option of informal arrangements by way of a parenting plan or [formalising arrangements by way of parenting orders](#) from the Family Court. The primary difference is that parenting plans are not legally enforceable, whereas parenting orders are legally enforceable.

It can often be challenging to set aside emotions and determine current and future arrangements for children. This may include:

where [children will live during the week](#);

where the children will spend time on the weekend and school holidays;

arrangements for medical appointments;

- [choosing the children's school](#);

requirements for interstate and international travel; and

how the parents will communicate with each other and their children.

In this blog, we look at the differences between parenting plans and parenting orders so that you can be well-informed and make

the best decision for your specific circumstances.

What is a parenting plan?

A parenting plan is a written document signed and dated by both parents that typically covers:

the care arrangements for children;

the [responsibilities of parents](#);

the decision-making of parents for long-term issues for children;

how the children will communicate with the non-resident parent; and

how the parents will communicate with each other.

Parenting plans are **not** legally enforceable.

Parenting plans are not submitted or checked by the Family Court or any external agency.

If one parent does not follow the terms of a parenting plan, the Family Court (or any other legal avenue) cannot enforce the terms of the parenting plan. However, if subsequent litigation comes before the Family Court about the care arrangements of their children, the terms of a parenting plan can provide the Court with important evidentiary information as to prior care arrangements.

Parenting plans are often provided to Services Australia to demonstrate care arrangements for [child support purposes](#).

If parents decide and agree to formalise the terms of their parenting plan into an enforceable agreement, they can jointly submit an Application for Consent Orders.

This process will involve the Family Court assessing the parenting plan and if satisfied the terms are in the best interests of the children, the terms of the parenting plan will be made into legally enforceable Consent Orders.

What are parenting orders?

Parenting orders are orders made by the Family Court, either by way of consent between the parties (as decided above) or by decision by a Judicial Officer of the Family Court.

The terms of parenting orders can be the same as those of a parenting plan. That is, they can cover a range of issues to do with the care arrangements for children, medical and educational issues and communication between parents and children.

The significant and key difference between parenting plans and parenting orders is that parenting orders are legally enforceable.

Parenting orders can be reached by consent. That is, both parents negotiate and agree on the terms for the care arrangements of the children. If there is no consent between the parties, one party can commence proceedings in the Family Court by way of an Initiating Application.

Unless there is urgency or the [risk of family violence](#), before filing an Initiating Application, parties must attend and participate in [family dispute resolution](#). This is a form of dispute resolution to attempt to resolve matters before commencing litigation through the court system.

If a parent breaches the terms of parenting orders, the other parent can file an [enforcement or contravention application with the Family Court](#). The Court is empowered with a range of discretionary powers to deal with parties who breach parenting orders, including ordering the breaching parent to pay a fine, pay costs or amend or vary Orders.

You can learn more about parenting orders in our blog, [“Parenting orders for spending time with the children”](#).

Get help from a family lawyer

If you are considering separation or have recently separated, Meillon & Bright's team of experienced family lawyers can assist you with working through the advantages and disadvantages of the options for the care arrangements for your children. We can go through how the choice between a parenting plan or parenting orders will impact your specific circumstances.

The information contained in this article is of general nature and should not be construed as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.