



Equal shared parental responsibility What does this mean?

What is equal shared parental responsibility?

Both parents have responsibility for a child until that child turns 18. Parental responsibility does not automatically change just because parents separate, however it may be altered by a parenting plan or Court orders.

When making parenting orders, the Court starts with the presumption that it is usually in the child's best interests for both parents to equally share parental responsibility.

Equal shared parental responsibility means that parents are required to consult each other on major long-term decisions concerning their children and make a genuine effort to come to a joint decision.

What are major long-term decisions?

Examples of major long-term issues include:

- the child's education – both current and future
- the child's religious upbringing
- the child's cultural upbringing
- the child's health
- the child's name
- the child's living arrangements.

When does the presumption of equal shared parental responsibility not apply?

The presumption in favour of equal shared responsibility does not apply where there are reasonable grounds to believe there a parent has abused or been violent towards a child and / or their other parent.

Does equal shared parental responsibility mean equal time?

Equal shared parental responsibility does NOT mean the child automatically spends equal time with both parents.

However, if the Court makes an order for equal shared parental responsibility, it must also consider making an order that the child spends equal time or substantial and significant time with each parent if it is:

- in the child's best interests, AND
- reasonably practical.

What does substantial and significant time mean?

Substantial and significant time should include:

- Weekdays and weekends and public holidays; and
- Time that allows both parents to be involved with:
 - The daily routine of the child; and
 - Occasions and events particularly significant to the child and parent.

How are the best interests of the child decided?

The best interests of the child are the most important factor considered by the Court when making orders about children.

The best interests are set out and discussed in detail in our fact sheet called "Best Interests of the Child."

What does reasonably practical mean?

When considering whether an arrangement will be reasonably practical, the Court will look at factors such as:

- how far apart the parents live from each other;
- each parent's current and future capacity to facilitate equal time or substantial and significant time arrangements;
- each parent's capacity (current and future) to communicate with each other and resolve difficulties that may arise with the arrangements; and
- the impact of the arrangements on the child

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