

YOUR PARENTING PLAN QUESTIONS ANSWERED

What is mediation?

Mediation is a process where a neutral and skilled mediator can assist families who are in conflict to work out arrangements for themselves and their children. Mediation is a voluntary process that can help two sides to reach an acceptable solution to their differences. A mediator can help the parties to examine ideas and options in a neutral, safe environment where they are both free to express their opinions. Lawson Legal treats the mediation as confidential and does not provide information to any third party, except where the parties expressly agree to this (such as sending summaries to your respective attorneys, if they have not taken part in the mediation).



WHAT ARE THE BENEFITS OF HAVING A PARENTING PLAN?

“Every courtroom needs a case but not every case needs a courtroom.”

WHAT IS A PARENTING PLAN?

A parenting plan is a legally binding agreement between parents who are co-holders of parental responsibilities and rights, outline where and with whom the child is to live, the maintenance of the child, contact between the child and any of the parents or any other person, the schooling and religious upbringing of the child. The agreement is drawn up with the help of a mediator, attorney, or social worker and registered with the Family Advocate or made an order of the court.

A parenting plan sets out clear and defined guidelines for co-parents on how to work together, communicate, and raise their children. It defines the roles and duties of co-parents thereby creating certainty for parents and children and protecting the best interests of the children. The certainty created by a parenting plan minimizes conflict between co-parents. It puts the child's best interests first and parents can focus on parenting their children rather than fighting with the other parent. Effective plans can make the transition to two separate households less stressful.

When are parenting plans necessary?

It is best not to wait until a conflict arises between co-parents; instead, co-parents should draft a parenting plan as soon as their relationship or marriage ends. A parenting plan is a good idea to prevent conflict or uncertainty over where or with whom the children will have a primary residence, contact, or care. It is necessary when parents are in conflict, or when parents want their rights and responsibilities defined.

How to draw up a parenting plan?

A lawyer, social worker, or another suitably qualified person like a mediator can assist parents in drafting a parenting plan. Lawson Legal has suitably qualified mediators that can assist parents through mediation to discuss and finalise a parenting plan. Once the parenting plan has been drawn up, it is signed and either registered with the family advocate or it can be made a court order.

Can a parenting plan be amended?

A parenting plan should be reviewed regularly, if amendments need to be made, parents can consult with a mediator at Lawson Legal. The mediator will review and discuss the amendments. Once it is finalised and signed, if the original parenting plan was registered with the family advocate, it will need to be registered with the family advocate or if it was made an order of the court, only a court can amend it.



How to enforce a parenting plan, if one parent does not honour the agreement?

A parenting plan is binding on both parents. If one parent is in breach, the other parent can approach the Children's Court or the Maintenance Court should the other parent fail to maintenance in terms of the order. The parent breaching the order will be guilty of contempt of court and could face a fine or imprisonment.

MEDIATION IS RIGHT FOR YOU IF:

1. Children are involved and you need to act swiftly in the best interests of the children
2. You wish to save money
3. You are not prepared to go through a long and costly court process

Mediation is not the only alternative to a formal court experience, but it is one to consider seriously.

General Disclaimer: The information in this document is for general information purposes only and does not constitute legal advice. Each person's situation is different and you should get specific advice for particular needs.



In the event that you have any questions, please do not hesitate to contact us on 061 672 3670 or email us on advjadelawson@outlook.com for assistance.

Alternatively, you can visit our website at www.lawsonlegal.co.za and book your session with us today.

