



MEDIATION NETWORK

FIGHT, FLIGHT OR MEDIATE



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THE IMPORTANCE OF HAVING A PARENTING PLAN

What is a Parenting Plan?

A Parenting Plan is a written agreement between parents (separated or divorced), whether biological or adoptive, setting out each parent's parental rights and responsibilities in respect of their minor children.

"FAMILY MEDIATION SERVICES THAT ARE FAIR, AFFORDABLE and EFFICIENT"

Parenting Plans are collaboratively drafted by both parents with the help of a neutral third party, usually a mediator or lawyer.

The agreement covers all the essential decision-making topics regarding the minor children, such as:

- Where and with whom the minor children will reside.
- General care of the minor children.
- Contact schedules between the parents.
- Contact between the minor children and other people (including grandparents).
- Financial contributions towards the upbringing of the minor children.
- Schooling and religion.
- Rules and guidelines for discipline.

Co-parenting with the best interest of the child in mind

There are Moms and Dads who let co-parenting look easy, especially after a break-up or a divorce, but most parents struggle to maintain a healthy relationship when it comes to raising their kids and giving them the love and support, they deserve.

Co-parenting can be successful when parents put their own personal differences aside and decide to work together with the best interest of the child in mind. Taking a child focused approach that prioritises a child's needs isn't just good parenting, it's a legal obligation set out in the Children's Act of 2005.

It is however not easy to get parents to agree especially when exercising their rights and responsibilities in respect of their children. That is why a Parenting Plan which formalises and contains the arrangements between the parents regarding raising their children, is so important.

The benefits of having a Parenting Plan

There are enormous benefits in having a Parenting Plan in place. E.g.

- It helps build stable co-parenting relationships in that there are clear guidelines which help co-parents to work together and therefore minimise conflict.
- It helps co-parents communicate, negotiate, and cooperate on matters that effect their family and ultimately their minor children.
- It protects the minor children rights and interest by ensuring that they receive the care and support they need.

The minor children also have a say in the matters that affect them directly, with the amount of input depending on the child's age and maturity.

Our law is moving in the direction of talking things through (mediation) and finding an amiable solution rather than fighting disputes in court, which is time consuming and very costly.

As soon as parents have agreed and finalised the Parenting Plan, it must be reduced to writing and signed by both parents. All Parenting Plans need to be approved and registered by die Family Advocate and Children's Court, whereafter it will be legally binding.

What happens when children's needs evolve, and parents' situations change?

It is just as important to change and update Parenting Plans as children's needs evolve and parents' situations change. Any changes to the original Parenting Plan also need to be reduced to writing and signed by both parents. The revised Parenting Plan also needs to be approved and registered by the Family Advocate and Children's Court.

Are Parenting Plans legally binding?

Parenting Plans are binding documents, which means that Parents are legally bound to the terms and conditions set out therein. Any Parent which doesn't fulfil their obligations in terms thereof is in breach and the other Parent can approach the Children's Court or Maintenance Court for assistance.

What is mediation?

Mediation is a voluntary process of structured negotiation that can help two parties in conflict to resolve their differences. Mediation is not a form of counselling. It opens discussion and helps you work through the different legal issues that need to be settled when getting a divorce.

A skilled mediator assists families to work out creative arrangements for themselves and their children. The settlement agreement is then made an order of court. The agreement could include the division of your estate, maintenance, a parenting plan, and any other arrangements that are in the best interests of your minor children.

Parents should carefully consider the views of their children when negotiating contact and care arrangements.

Mediation is cost effective, less stressful than traditional litigation and saves time. It also helps parties maintain a positive ongoing relationship after divorce, especially when children are involved.

Have you applied your mind to the following potential consequences if the disagreements are not resolved?

- How much litigation will cost?
- How long it may take for litigation to be completed?
- The likelihood that even if you win the case, you may not be able to recover your costs from the other party?
- The personal and productive time taken up by preparation, consultation and court attendances during litigation?
- The effect litigation may have on your relationship with the children?

What do we offer?

- **Divorce Mediation**

Divorce is stressful for the entire family. Mediation provides a facilitated, legally formalized process of negotiations.

We offer clients access to our panel of:

- Mediators
- Attorneys
- Social workers
- Financial advisors
- Psychologists
- Play therapists

- **Parenting Plans**

A Parenting Plan is a roadmap for separated or divorced parents. It ensures co-operation from both parents for a better future for their child. It helps to reduce future conflict by reducing tension and stress of the entire family.

MEDIATION NETWORK provides a comprehensive plan for a fraction of the cost in a more timeous manner compared to conventional channels.

- **Maintenance Assistance**

Every child deserves to be maintained by BOTH parents. This can be achieved through a mediated process that is confidential and transparent. It can also be referred to our panel of experts to ensure that the child remains protected, and the individual parents are not taken advantage of.

*NABFAM accredited mediators**

Scan for more information on our website.

