



Parenting Plans

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Introduction

The Problem—Children are at risk in and after divorces

Children need their parents to work together to be happy and safe. Marriages are the best way to keep parents working together. Angry marriages and divorces tempt parents to stop cooperating with each other, putting their children at risk. Often, the feelings of rejection in the divorce can make it hard to talk to each other. Sometimes, the technicalities of the divorce can distract us from finding our healing and reaching agreements about contact, maintenance and residency. This creates a vacuum for the parents and messy court cases about money or contact after the divorce.

The Response—Parenting Plans

The Children’s Act addresses this situation with a parenting plan. In South Africa, divorcing parents after 1 July 2007 need to address and agree questions relating to their children and lodge the results with the Family Advocate and/or court. The Parenting Plan is a legal sign that the parents can cooperate and handle maintenance, contact and other issues in the best interests of their children.

The Route to a Parenting Plan

The Children’s Act makes mediation the only route to a parenting plan. The ideal has both parents committed to putting their emotions aside, focusing on the children and making healthy decisions. Sometimes, this ideal is not realised. When a parent does not cooperate with mediation or a parenting plan, s/he is breaking the law, even when s/he does not know it. The other parent can then lodge a parenting plan with the Family Advocate and/or court with the assistance of various professionals.

The role of mediation

The role of a mediator is to bring the parents together so that they can reach the agreements required by the Children’s Act and the material welfare of the children. Normally, this involves simply facilitating agreements that the parents have already reached. Sometimes, one or both of the parents is not able, willing or ready to cooperate with other parents. The role of mediation is then to guide the parent towards the emotional healing or technical understanding that is in the way of making the decisions that the children need.

The topics for mediation

In our experience, this list produces the honesty and conversation that creates a successful parenting plan (i.e. the least emotional stress and legal costs and the happiest parents and children).



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Child Protection Organisation

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A. Our Children

1. Are there reports, court orders, tools or tools or advisers that can help us with this?
2. What qualities do we want to see in our children?
3. What qualities do we not want to see in our children?
4. What strengths do they have that we can develop?
5. What weaknesses do they have that we must address?
6. What risks to their happiness and development can we see already? Do we agree that we do not want those risks to materialise?
7. What risks to their happiness and development can come in the future? Do we agree that we do not want those risks to materialise?
8. What opportunities exist or can we create to set good examples and instil the qualities we want?
9. What threats to their happiness and development can we remove from the current situation?
10. What examples in our childhood/past do we want to repeat in their childhood?
11. What examples in our childhood/past do we want to avoid in their childhood?
12. What role models do we want to be for our children?
13. What can we change to be the role models we want to be?
14. What role models do we want to copy for our children?
15. What role models do we want to avoid for our children?
16. How can divorces affect children?
17. How can we prevent our divorce from affecting their future?
18. What practically can we do more of, for our children's sake?
19. What practically can we do less of, for our children's sake?
20. How do we stop feelings of rejection/shame/guilt from the breakdown affecting the children?
21. How do we find out what the children want to happen, and give them a say in what we decide?
22. How will we record our decisions about this?
23. Who will keep us accountable to our decisions?

B. Our relationships

24. Are there reports, court orders, tools or tools or advisers that can help us with this?
25. What is our relationship with each other and our children?
26. What is their relationships with us and each other?
27. Who needs special attention?
28. How do we prevent feelings of rejection from the breakdown affecting our cooperation as parents?
29. How do we prevent us punishing each other for the breakdown through denial of contact, fault-finding and money?
30. How do we heal, forgive each other and move forward?
31. How do we recognise our strengths as individuals and parents and use them best?
32. How do we recognise our weaknesses as individuals and parents and overcome them best?
33. How do we improve our relationship with each child?
34. How do we help each other improve their relationship with each child?
35. How do we expand on the positive relationships in our lives?
36. How do we address the negative relationships in our lives?
37. Have we made accusations against each other?
38. How do we undo the affects of those accusations?
39. How will we record our decisions about this?
40. Who will keep us accountable to our decisions?

C. Co-Parenting

41. Are there reports, court orders, tools or tools or advisers that can help us with this?
42. What parenting decisions do we need to consult each other on?
43. What parenting decisions don't we need to consult each other about?



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44. How are we going to behave towards each other in front of the children (to show we want them to know that we are getting along and have them in mind)?
45. How are we going to share important information with each other (e.g. school reports, health issues, future events)?
46. Do we need regular meetings to discuss parenting issues?
47. At what times is it OK to call the other parent and when isn't it OK?
48. How will we settle disputes?
49. Should we discuss how we talk to the children about the other parent?
50. How will we talk to the children about the arrangements we have made?
51. How will we talk to our family and friends about the arrangements we have made?
52. What do we do about emergencies, (for example, medical, dental, or accidents)?
53. How will we make sure our children stay in contact with supportive friends or relatives from the other side of the family?
54. How will we introduce new partners to our children's lives?
55. Are there any important rules that we consider essential for the children, (for example, bedtimes, when homework is done, staying out late)? Do we agree that these rules are followed?
56. How do we handle the breaking of rules?
57. How do we work together to make the big decisions, (for example, school, course selection and careers advice)?
58. How do we help each other choose new partners and the children to adjust to them?
59. How do we decide what makes a "bad" new partner and protect each other from them?
60. How do we give our children good role models so they can become good husbands/wives/parents?
61. How do we ensure that we are heard and feel safe to speak?
62. How will we record our decisions about this?
63. Who will keep us accountable to our decisions?

D. Living and childcare arrangements

64. Are there reports, court orders, tools or tools or advisers that can help us with this?
65. Will there be a main place where the children will live and if so, where will it be?
66. If we are both a main place, how will we share the children?
67. When will we have the children together and when do we have them separately?
68. If neither of us can look after the children, who will be the alternative carers?
69. What about school holidays?
70. Are there times when it is not convenient to ring our children?
71. What sort of communication will we have with the children—phone, text, email—and about how often and when can they expect it?
72. How much time can each child spend with each parent?
73. What days can they be with each of us?
74. How do we make sure that the children can share special days—birthdays and religious festivals—with both of us?
75. What different ideas are there for maintaining close and meaningful contact, even when children and parents are separated for long periods of time?
76. How will we manage the arrangement when one parent works long hours?
77. What clothes and other belongings will be taken and returned at changeover?
78. How will we arrange pick-up and drop-offs?
79. Who will take them to regular sporting engagements on weekends? After school?
80. When and how are we making sure the children are seeing their grandparents?
81. Will anyone else look after the children (for example, childminders, babysitters, relatives, new partners, friends and neighbours)? If so, when?
82. What are the arrangements for the children during the school holidays? (Consider holidays and teacher training days as well as school holidays).



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83. How do we make sure that we both have holidays with the children, and plan for taking the children abroad if we agree?
84. How do we make sure that the children see their parents positively and do not play each other off against other?
85. How do we prevent the children lying to us and others to get some benefit or punish us for a reason?
86. How do we ensure that the children are honest and feel safe to tell us and others the truth?
87. How do we remove obstacles to contact?
88. How do we prevent future obstacles to contact (e.g. changing areas)?
89. How do we ensure proper discipline of the children and prevent them playing us off against each other?
90. How do we ensure that we are emotionally ready and skilled parents after the divorce?
91. How do we prevent being tempted to “bribe” or “groom” our children to take a side?
92. How do we prevent our children from taking sides?
93. How will we record our decisions about this?
94. Who will keep us accountable to our decisions?

E. Money and the children

95. Are there reports, court orders, tools or tools or advisers that can help us with this?
96. How will the annual and monthly household budgets be developed and agreed?
97. How will over-spending be prevented and handled?
98. Who pays for over-spending?
99. How will we share day-to-day costs for clothes, school trips and larger items like computers and musical instruments?
100. How will pocket money be handled?
101. What will we do if our financial positions change?
102. How will financial arrangements change as the children grow up, (for example, making provision for college or university)?
103. How will expenses be recorded?
104. Will the children have their own bank accounts?
105. How will the children be prevented from playing parents off each other for money?
106. How will financial emergencies be handled?
107. How will we record our decisions about this?
108. Who will keep us accountable to our decisions?

F. Education

109. Are there reports, court orders, tools or tools or advisers that can help us with this?
110. How will we choose good schools that we can afford?
111. How will we approach prospective schools before registering the children?
112. How will we pay for school?
113. How will we deal with the school and get them to send notices, reports and other material related to our children’s progress to both of us?
114. How can we get involved separately and together, as parents, in the school?
115. How should we make contact with teachers and school counsellors so that they know about our separation / divorce and how it might affect the children?
116. How will we record our decisions about this?
117. Who will keep us accountable to our decisions?

G. Remainder

118. Are there reports, court orders, tools or tools or advisers that can help us with this?
119. Who organises routine health issues?
120. Are there long term health issues that we need to consider?
121. What do we agree about religious practice and upbringing?
122. Are there any other cultural issues that we need to make sure are respected?
123. Are there any sporting or artistic commitments that we need to account for?



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124. Are there arrangements needed for the family pets?
125. Are there arrangements needed for cellphones?
126. Are there outstanding legal issues?
127. Are their hostile actions to withdraw?
128. Are there outstanding financial issues?
129. Are there people who need to be contacted?
130. How will we record our decisions about this?
131. Where will we lodge the agreement?
132. What is the best legal way to handle changes in the future?
133. Who will keep us accountable to our decisions?

Conclusion

Importance of the Parenting Plan

Children need their parents to work together to be happy and safe. Marriages are the best way to keep parents working together. Angry marriages and divorces tempt parents to stop cooperating with each other, putting their children at risk. Often, the feelings of rejection in the divorce can make it hard to talk to each other. Sometimes, the technicalities of the divorce can distract us from finding our healing and reaching agreements about contact, maintenance and residency. This creates a vacuum for the parents and messy court cases about money or contact after the divorce.

Importance of agreement

This list covers the topics that protect the children and satisfy the Children's Act. Sometimes, parents agree to mediate because they have one topic in mind but prefer to avoid other topics that demand more honesty and conversation than they feel ready for. The Children's Act does not allow parents to avoid topics. When a parent refuses to attend a course that they need or address a topic that a Parenting Plan requires, this creates a breach of the law and a risk for the child. The remaining parent can then proceed on his or her own to lodge a Parenting Plan, if s/he can satisfy certain parties that the terms are in the children's best interests.