



PARENTING PLANS

Protecting the best interests of a child

Sometimes more than one person has responsibility for a child, and in some cases this can lead to conflict. It may be that the child's parents cannot agree. It may be that the child is in the care of someone other than the parents, such as a grandmother or a close family friend or foster parents. To help protect the best interests of the child in such situations, the draft Child Care and Protection Act provides for **parenting plans**.

What is a parenting plan?

A parenting plan is an agreement that can cover any aspect of parental authority. It might be an agreement between parents, or it might involve extended family members or others who help care for a child. A parenting plan might include agreements on:

- ④ where and with whom the child lives;
- ④ payment of maintenance;
- ④ maintaining contact with the child;
- ④ schooling and religious upbringing of the child.

Parenting plans are optional and voluntary. They may not be needed in all situations.

Why are parenting plans needed?

Parenting plans are intended to help prevent disputes. Parenting plans can help families make decisions before problems occur, to reduce the potential for conflict and protect the best interests of the child.

One reason to make a parenting plan could be if the parent of the child is not taking care of the child on a daily basis. For example, it might be useful to have an agreement between the parents of a child and the grandmother who is taking care of the child while the parents are working in the city:

Peter and Mary have a daughter. The daughter is living with Mary's mother. Peter, Mary and Mary's mother make an agreement saying that Peter and Mary will both contribute to the child's maintenance. The agreement says that Mary's mother must consult Peter and Mary before she decides on a school for their daughter, and it says how often they will both visit.

Parenting plans could be used by parents who have divorced, so they can continue to co-operate in raising their children. They could also be used by unmarried parents to decide on each parent's role in the child's upbringing. The draft Child Care and Protection Bill does not currently provide sufficient information on who can make parenting plans.

How should a parenting plan be made?

The draft Child Care and Protection Act currently says that if the care-givers of a child want to make a parenting plan, they **must** get help from a lawyer, social worker or psychologist, and they **must** ask a social worker or another suitably qualified person to talk through the issues with them if they are struggling to reach agreement.

The parenting plan **must** be in writing, and signed by all the parties to the agreement. It **may** be registered with a legal practitioner **or** made into a court order. The people who make the plan do not have to register it if they do not want to, but making it into a court order could help with enforcing it.

Making the agreement formal by writing it down will help if someone later wants to argue about what was agreed. But getting help from a lawyer, social worker or psychologist may be difficult for many people in Namibia.

Enforcement of parenting plans

The draft Child Care and Protection Act does not currently provide sufficient direction on how parenting plans would be enforced. The Children's Status Act 6 of 2006 already provides procedures for dealing with disputes between unmarried parents about custody, guardianship and access. These are designed to be simple and inexpensive procedures which do not require a lawyer. One option would be to have similar procedures in the Child Care and Protection Act. It would probably be easiest for both members of the public and children's court personnel if there is one basic procedure for addressing family disputes of a similar nature.

Please turn the page to find out how to contribute your opinions to the public debate on this issue.

SHOULD NAMIBIA INTRODUCE A SYSTEM FOR MAKING PARENTING PLANS?

Some arguments for parenting plans:

- ④ A parenting plan will help define roles and responsibilities where more than one person is involved in caring for a child – especially where the people involved are not all living in one household.
- ④ A parenting plan will help prevent disputes, which can be upsetting to children and may even lead to violence.
- ④ A parenting plan provides a summary of issues related to parental roles and responsibilities. This is useful as the issues involved in parenting are covered in many separate laws.

Some arguments *against* parenting plans:

- ④ The draft Act currently requires everyone to seek professional assistance in making a parenting plan, even if they have no serious disagreements. Many people in Namibia do not have the means to do this.
- ④ Many families may not feel confident about writing down a parenting plan.
- ④ Parenting plans will be difficult to enforce. This means there may be little point to completing one in the first place.

Issues for discussion:

- ④ Would parenting plans be useful?
- ④ Who shares parenting duties in Namibia?
- ④ Who should be able to take part in making a parenting plan?
- ④ Who can help people make parenting plans?
- ④ Should parenting plans be formally registered? With whom?
- ④ How could registered parenting plans be enforced?

WHAT DO YOU THINK?

Send your comments to:

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For more information on the draft Child Care and Protection Act, contact Monalisa Zatjirua (061-2833116) or Celeste Feris (061-2833179) at the Ministry of Gender Equality and Child Welfare, or Rachel Coomer at the Legal Assistance Centre (061-223356).