

# What is Equal Shared Parental Responsibility?



Article by Townsville Family Lawyer, [Courtney Aitken](#)

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## What does 'Equal Shared Parental Responsibility' mean?

It means that *both* parents will have a role in making decisions about **major long-term issues** affecting their children.

### What are major long-term issues?

Some examples of major long-term issues are:

- What school the child goes to,
- Their religion, if any, and
- Major health issues. For example, if the child needs an operation or receives a diagnosis, what treatment plan will be followed?

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## 'Equal Shared Parental Responsibility' is not about...

Equal shared parental responsibility is **not** about the amount of **time** children spend with their parents.

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## 'Equal Shared Parental Responsibility' is about...

It **is** about **decision-making** and means that a child's parents must make big decisions for their children **jointly**.

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## What does the Family Law Act say?

Under the Family Law Act, there is a presumption that both parents will have equal shared parental responsibility. However, there are exceptions to this. If a parent, or a person who lives with a parent, has engaged in either:

- Abuse; or
- Family violence,

then the other parent may have **sole** parental responsibility.

A parent with **sole** parental responsibility can make major long-term decisions for the children, without requiring the consent of the other parent.

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## Agreement Between Parents

Making major, long-term decisions for children is a very important job. It is understandable that separated parents run into hurdles from time to time when trying to agree on such big decisions for their children.

For example, one parent may wish for private schooling and the other for public schooling. Or one parent may think it is best for their child to see a psychologist and the other parent may not agree.

It is important that unless one parent has a Court Order that gives them sole parental responsibility, parents consult with each other and make major decisions together.

If you are having difficulty reaching an agreement with your former partner or spouse, we recommend you seek independent legal advice.

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