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LawTalk Blog



Do the care arrangements for my kids have to fit around my ex's work schedule?

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A common hurdle in agreeing to care arrangements with your former spouse can be the issue of work schedules.

While it may be surprising to some, there are still many parents who expect their child to fit around their work schedule and not the other way around. Of course inflexible employers and unique rosters or work hours can contribute to this issue to a degree, however often the working parent can also have an uncompromising attitude and refuse to alter their work schedule around the care arrangements of the children.

Let's look at the following example:

Meg and Dave have been married for 8 years. Together they have two children, Kate aged 7 and Tom aged 5.

Six months ago Meg and Dave separated.

Meg feels that since separation Dave has prioritised his work schedule over his commitment to care arrangements that promotes consistency and stability for the children.

Meg on the other hand cut back her part-time work hours so she was able to deliver and collect the children from school each day.

The children are currently spending time with Dave each Monday and Wednesday from 4.30 pm to 7.30 pm, plus each Saturday from 10.00 am to 5.00 pm. Dave states that he has no other time to see the children.

Meg feels that the weekly after school time is becoming too much “back and forth” for the children and is disruptive to their school week. The children are often tired and irritable on Tuesday and Thursday mornings after spending time with Dave the night before.

Meg approached Dave about this but Dave refuses to acknowledge any adverse impact on the children. When Meg suggested that Dave rearrange his work schedule he said “Why should I? Don’t you understand how much that will impact me and my career”?

The primary question a Court will ask in such a scenario is whether such a care arrangement is in the best interests of the children? The best interests of the children override all other practical predicaments the working parent may raise such as commitment to the job, a difficult boss or monetary reliance.

What comprises the [best interests](#) of the children?

The court want to see that any care arrangements involving children promote consistency and are appropriate around the children’s schooling commitments. If a care arrangement lacks such things based on evidence brought before the court, the court may look to [alter the care arrangement](#).

In our scenario, if Dave still declines to alter his working arrangements, the court may decrease the time that he spends with his children in order to achieve consistency and stability for the children.

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