

Frequently Asked Questions

What things do I need to consider with separation?

- Property Division
- Superannuation
- Your will
- Arrangements for the children including financial and parenting plans
- Support to manage the separation as best as possible

What services do Family Mediation and Counselling Victoria provide?

- Parenting plans and program for developing parenting skills
- Supporting children after separation programs
- Family dispute resolution and mediation
- Property and financial matters mediation and settlement
- Conjoint mediation and therapy
- Counselling for individuals, couples and families
- Financial counselling
- General advice and referrals for families and separating couples

What is Alternative Dispute Resolution (ADR)?

ADR describes a collection of processes that you can use to help you resolve a dispute. You can use an ADR process on its own to resolve your dispute or as part of a court or tribunal process to resolve your dispute.

What types of ADR are available through FMC?

Family Dispute Resolution (FDR) - a structured and facilitated process resolve issues with the assistance of a neutral third party. It provides a practical approach to resolving a dispute.

How can I make an agreement legally binding?

To make an agreement legally binding, either party needs to take the mediated agreement to a solicitor (privately or through a community legal centre) to have it typed up in a form that will enable the agreement to be registered with the Court, or they can do it themselves. FMC usually recommend agreements be made legally binding.

Will I have to pay spousal maintenance?

Under the Family Law Act a spouse or de facto partner of either gender, may have a duty to support their partner to the extent that they are able, if that partner is unable to support themselves. That obligation may continue when they separate, and even after divorce.

The Court will only order spousal maintenance if it is satisfied:

- That the person applying for it, actually needs financial support, and
- That the other person has the ability to pay it.

More information on spousal maintenance can be found on the Family Court of Australia website at:

<http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/family-law-matters/property-and-finance/maintenance/spousal-maintenance>

How does the Court deem a de facto relationship in terms of law in Victoria?

- The de facto partners have lived together for at least two years in total (or less if they have children)
- Lived in Victoria for at least one third of the period of the relationship
- Made substantial contributions to the partner's assets or financial resources
- At least one of them continues to live in Victoria and ended their relationship after 1 March 2009.

More information regarding de facto relationships and separation can be found at: <https://www.legalaid.vic.gov.au/find-legal-answers/separation-divorce-and-marriage-annulment/de-facto-and-same-sex-relationships>

What if we are separated and still living under the same roof?

If in the 12 months prior to you lodging an application with Court, you and your partner were living together you need to provide evidence to the court to prove that you were living separately and not as husband and wife during this period. Issues such as sleeping arrangements, financial arrangements, housekeeping responsibility, care of children, reason for living under the same roof and any notification to Government departments needs to be explained to the Court either through the application or a supporting affidavit which is provided by a third party.

How can counselling help?

Individual, family and child counselling is available through FMC and, with the assistance of a trained professional, can help support you with difficult decisions and issues you may be facing when either considering separation or going through a separation.

Are there costs for FMC services?

Some FMC services are partially funded through Government funding with a minimal gap to be paid. Some other services have fees that are based on your income. Please talk to a FMC intake worker for further information.

Contact Us

To speak with Family Mediation and Counselling Victoria call **1800 639 523** or send an email to enquiry@mediation.com.au with your contact details.