

# Family Dispute Resolution

**Family Dispute Resolution (FDR) is a process for resolving conflicts between couples and families working through issues arising from separation.**

It is a process where a trained family dispute resolution practitioner helps people going through separation:

- identify and consider their options
- work towards reaching an agreement

FDR practitioners are skilled and trained professional who do not take sides. They help people communicate effectively, focus on what is important to your both and negotiate workable agreements. It is a confidential process, except if there is a risk to people or property.

The Australian family law system encourages parents to develop cooperative parenting solutions where possible, without taking the matter to Court. This saves significant time, cost and emotional stress.

FDR is an opportunity for parents to work together to make the parental decisions themselves and avoid court. You will be encouraged to seek legal advice, so that you can make an informed decision.

A FDR practitioner will help you:

- develop a parenting plan which sets out arrangements for the care of your children
- sort out financial issues, such as dividing the assets and debts of the relationship and financial support for children

## Who can use FDR?

Parents and families who are looking for a practical, child-focused approach to resolving disputes and conflicts that they are unable to settle on their own.

FDR practitioners will assess the appropriateness of mediation in your case. They will consider issues surrounding family violence, equality of bargaining power, safety of children, physical and psychological health of parties or other relevant issues.

## Where to from here?

If you want this agreement to be recognised as a parenting plan, both parents will need to sign and date the document. If you are wanting a legally binding agreement, it is recommended that you seek legal advice.

## Formalising the agreement

Agreements in parenting mediation are recorded on the white board and written up and mailed after the session. If both parents sign and date the document, this would be considered a parenting plan. If you would like a legally binding document, you may wish to speak to a Solicitor about drafting consent order.

In property mediations, the agreement is not legally binding until it is written up in the form of Consent Orders or a Binding Financial Agreement. Please seek legal advice about formalising your agreement.

## S60i Certificate

If the matter needs to go to court after going through mediation, you can request a s60i Certificate. This certificate may be issued if the other person does not agree to come through the process, if mediation is assessed as inappropriate, or if mediation does not result in an agreement. This certificate allows you to take the matter to the family law courts.

If you apply to the court for a parenting order, the judge may take the certificate into account when considering whether to order mediation or costs against one party.

## Other Services

There are also a number of other services that may be able to help you with:

- counselling
- parenting after separation
- support services for children after separation.
- Pre-mediation coaching.

## Interpreters

You can ask us for an interpreter in your language

## What do I do now?

If you feel that your situation would benefit from Family Dispute Resolution, or you would just like to know more about it, please call **1800 639 523** or send an email to [enquiry@mediation.com.au](mailto:enquiry@mediation.com.au) with your contact details.

## The FDR Process

### Assessment Session (Individual)

One of our FDR practitioners will sit down separately with you and:

- listen to your side of the story and help clarify your concerns
- assess whether FDR is the right process for your specific situation
- give you information on the process and help you prepare for FDR
- suggest appropriate referrals for legal advice, counselling, income support or other assistance if required.

The Practitioner will invite the other person to participate and go through the same process. At the conclusion of these sessions a short questionnaire will be conducted to measure where the situation is at prior to the mediation. If it is assessed as inappropriate for mediation, a s60i certificate can be issued.

### Child in Focus

Each parent will need to attend a Child in Focus session. This group runs for 90-120 minutes and is designed to help parents focus on their children's needs and understanding the Family Dispute Resolution Process.

### Joint Sessions

The FDR practitioner will support you through the process with you and ask you both to agree to guidelines. You will each outline your own view of the issue and be supported to listen to each other. Your practitioner will help you break down the issue into an agenda, help you stay on track in the discussion and support you in finding mutual agreements.

Most parents take at least two or three joint sessions to work through the issues. Normally a FDR sessions lasts for 2 hours. After the FDR, you will complete a post-FDR questionnaire that captures your circumstances after participating in mediation.

If the parents come to an agreement they will be provided with a written document of that agreement. If you are unable to come to an agreement, a 60i certificate can be issued.

### Post Mediation Follow Up

Following closure of your Family Dispute Resolution service, FMC will contact you in approximately 3-6 months' time via a short email with a questionnaire to follow up on your progress. If you require assistance before this time please contact **1800 639 523**.