

INFORMATION ON THE FAMILY RELATIONSHIP CENTRE AND FAMILY DISPUTE RESOLUTION

Family Relationship Centres are places where families can come and receive support. This Centre offers support to families with any relationship issues, including families who have experienced separation. For separated families, the Family Dispute Resolution practitioners can help family members to identify any issues of concern and discuss options, while focusing on what may be in the best interests of children.

Research tells us that children grow best when the most important adults in their lives can put children's needs first and work together collaboratively in an atmosphere of tolerance and respect. Research also tells us that children grow best when they are supported and encouraged to maintain positive relationships with important people in their lives. Children's chances of thriving are also enhanced when the adults in their lives work at creating parenting plans that reflect stability, continuity and security and keep the focus on the needs of children.

(Grych & Fincham, 2001; Kelly, 2000)

From July 1, 2007 a court will not be able to hear an application for a parenting order unless a certificate from a family dispute resolution practitioner is filed with the application or the matter falls within certain exceptions (as detailed below). The requirement to attend family dispute resolution prior to applying to the court for a parenting order is being introduced in order to encourage families to resolve disputes about children's matters outside the court system. Court action can be costly and lead to entrenched conflict, which can affect people's ability to parent cooperatively into the future.

Dealing with family relationship issues in a non-adversarial environment will give families an opportunity to come up with solutions that recognise their children's right to have a meaningful relationship with both parents and parents' continuing obligation to have responsibility for their children after separation.

People are not required to attend family dispute resolution before applying to court if:

- they are applying for consent orders
- they are responding to an application made by another party for a Part VII order (as, if appropriate, the family dispute resolution requirement would have applied in relation to the original application)
- the court has reasonable grounds to believe that:
 - Family violence or child abuse has occurred, or
 - There is a risk that family violence or child abuse may occur if there were to be a delay in applying for the order
- a person has contravened, and shown serious disregard for, an order made in the last 12 months
- the matter is urgent (for example, an application to give immediate protection to a child, or the urgent location and recovery of a child, including cases of child abduction)
- one or more of the people involved in the dispute is unable to participate effectively in family dispute resolution (for example because they live in an area that is too remote from a service)

Family Dispute Resolution practitioners will also be able to offer a certificate (see Schedule 7A of the Family Law Regulations 1984) that will state one of the following:

- the person did not attend family dispute resolution due to the refusal or failure of the other party to attend
- the person did not attend family dispute resolution because the practitioner (writing the certificate) did not consider it would be appropriate to conduct family dispute resolution
- the parties attended family dispute resolution with the practitioner writing the certificate and all parties made a genuine effort to resolve the issue or issues in dispute, or
- the parties attended family dispute resolution with the practitioner writing the certificate, but one or more of them did not make a genuine effort to resolve the issue or issues in dispute.

A Family Dispute Resolution practitioner may determine that Family Dispute Resolution is not appropriate because the client's ability to negotiate freely in the dispute is affected by any of the following matters (set out in subregulation 62(2) of the Regulations):

- a history of family violence among the parties
- the likely safety of the parties
- the equality of bargaining power among the parties
- the risk that a child may suffer abuse
- the emotional, psychological and physical health of the parties, and

any other matter that the family dispute resolution practitioner considers relevant to the proposed family dispute resolution.

There may be consequences if you do not attend for a compulsory family dispute resolution session or make a genuine effort.

If a person is required to attend family dispute resolution and either does not attend or does not make a genuine effort, a court may take the person's lack of participation into account when determining costs (meaning they could be ordered to pay some or all of the other party's legal costs) and in deciding whether to order the parties to attend family dispute resolution.

At the Family Relationship Centre, we offer you the opportunity to have a confidential discussion/assessment with a Family Dispute Resolution practitioner. From this discussion, the Family Dispute Resolution practitioner will assist you to decide on what may be the next step for your family. This next step may or may not include a joint session of what is known as Family Dispute Resolution (FDR) or mediation. The Family Dispute Resolution practitioner also has information about a range of services and resources, and has the ability to refer to other agencies that may be helpful to you. One service that may be discussed with you is the opportunity for your children to see our Child Consultant so that the children's perspectives can be considered by both parents. You will also be offered an opportunity to attend an information session on post-separation parenting.

We are hoping you will take the opportunity to visit a Family Dispute Resolution practitioner at the Centre and discuss your family situation.

For more information about this invitation or any other queries you may have about the Family Relationship Centre, please feel free to contact one of our Family Service Advisors on 44291400.