

What happens to any agreement reached at a Family Dispute Resolution Service?

If you reach an agreement on arrangements for your child, this can be recorded as a parenting plan. A parenting plan must be in writing, dated and signed by both parents. Your agreement or parenting plan can include details on how the plan can be changed and how disagreements about the plan will be resolved. Agreements can be renegotiated over time, if necessary.

If you want to make your final parenting plan or financial agreement legally binding, you can apply to the court to have your agreement made into a consent order. You can do this yourself or ask your lawyer to do it for you.

What if no agreement is reached?

Even if you can't reach agreement, family dispute resolution may help you communicate better and better manage areas where you disagree.

Courts and family dispute resolution

The Family Law Act encourages couples to resolve their separation dispute through family dispute resolution or family counselling instead of going to court.

From July 2007, before going to court on a parenting issue, you must try family dispute resolution first.

The court will not be able to hear an application for a parenting order unless a certificate from a registered family dispute resolution practitioner is filed with the court application.

This requirement to attend family dispute resolution does not apply in some cases, such as those involving family violence or child abuse.

What will it cost?

Family dispute resolution can be quicker and a lot cheaper than taking legal action through a court. Family Dispute Resolution Services will charge fees according to your financial circumstances. Let the Family Dispute Resolution Service know if you are on a low income or experiencing financial difficulties. The Service will have arrangements in place to ensure that you can access family dispute resolution.

How do I contact a Family Dispute Resolution Service?

The Australian Government funds a number of community-based organisations under the Family Relationship Services Program to provide Family Dispute Resolution Services across Australia.

For more information call the Family Relationship Advice Line on **1800 050 321** between **8am to 8pm Monday to Friday** and **10am to 4pm Saturdays** (except national public holidays).

You can also visit Family Relationships Online at www.familyrelationships.gov.au



Australian Government

Family dispute resolution



Where separated families are having problems agreeing on all the changes that come with separation and divorce, the Australian Government has funded Family Dispute Resolution Services to help them work through their differences and focus on the needs of their children.

What is family dispute resolution?

Family dispute resolution is the name in the Family Law Act for services such as mediation and conciliation that help people affected by separation and divorce to sort out their disputes with each other.

Why try family dispute resolution?

Family dispute resolution can help you see what you and your former spouse or partner agree on and what you don't and to work out solutions that suit both of you and your children. It's practical, confidential, and it works. It can help you reach workable agreements about separation.

Who can go to family dispute resolution?

The people having the disagreement need to be there. You can have a support person or other family members there, if no-one objects. You can also have your lawyer present, if you wish.

Is my child included in family dispute resolution?

No, but a family counsellor can see your child when you and their other parent are trying family dispute resolution.

When do we try family dispute resolution?

Family dispute resolution is a practical way of sorting out problems between separating couples on issues caused by their separation or divorce. You may have reached a point where you can't agree on issues concerning your property, children, or money. Or you might not be able to talk to each other at all.

You should try family dispute resolution before you go to a court. If you can resolve your differences you'll save yourself time, money, and a whole lot of stress. For family dispute resolution to work, both sides have to give it their personal commitment.

What information will a family dispute resolution practitioner provide me with?

Before family dispute resolution can be started, the family dispute resolution practitioner must provide you with a statement about the process and your rights and about the qualifications of, and fees charged by a family dispute resolution practitioner.

If you are trying to resolve disagreements about your children, the family dispute resolution practitioner must give you information about parenting plans and other services available to help you.

What happens in family dispute resolution?

A family dispute resolution practitioner can help you discuss issues, look at options, and work out how best to reach agreement. You can use family dispute resolution to develop a parenting plan which sets out the arrangements for your children.

Before family dispute resolution can commence, an assessment will be made to see whether family dispute resolution is suitable for your situation.

A family dispute resolution practitioner is impartial and will not take sides. They can help you to look at problems in an objective, positive and new way. Unlike counselling, family dispute resolution doesn't address the emotional side of relationships. It concentrates on resolving your specific disputes.

A family dispute resolution practitioner can help both of you to listen to each other without blame or competition. Once both sides have stated their case, the family dispute resolution practitioner can help you work through the issues and keep the heat out of discussions. The family dispute resolution practitioner also checks that everyone understands what is being said and agreed upon.

The family dispute resolution practitioner can help you recognise when family dispute resolution isn't working and can suggest other options. They can't give you legal advice. If family dispute resolution doesn't work for you, you can still take legal action on your dispute. If you like, you can see a lawyer before, during, or after going to family dispute resolution.

Are things said at family dispute resolution confidential and can they be used in court?

Under the Family Law Act, everything you say in front of a family dispute resolution practitioner is confidential – except in certain circumstances, such as to prevent a serious threat to someone's life or health or to prevent the commission of a crime.

What is said during family dispute resolution cannot be used as evidence in any court. However a family dispute resolution practitioner must report child abuse, or anything said that indicates a child is at risk of abuse and this may be used as evidence in some circumstances.

What if you are feeling unsafe?

Family Dispute Resolution Services have arrangements in place to protect the safety of clients and staff. If you have concerns about your safety or the safety of your children, you should let the Service staff know as soon as possible.