

What happens to any agreement reached at FDR?

If you reach an agreement on arrangements for your children, 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.

Be aware that any changes to the care arrangements for your children can affect child support, income support, and family assistance payments. Special rules apply about including child support in your parenting plan. For example, if your parenting plan specifies amounts for child support, the Child Support Agency (CSA) cannot enforce it unless it is also a valid child support agreement, and you or the other parent ask CSA to accept it.

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 FDR doesn't work?

Even if you can't reach agreement, FDR may help you and your former spouse or partner communicate better. If you try FDR but still need to go to court for a Parenting Order, you will need a certificate from a registered FDR provider. The Certificate will say one of the following:

- you and the other party attended and made a genuine effort to resolve the dispute
- you and the other party attended but one or both of you did not make a genuine effort
- the other party did not attend, or

- the FDR provider decided your case was not appropriate for FDR.

You should also be aware that if you don't attend FDR or make a genuine effort, this can influence the timing of your hearing in court. It can also affect the court's decision in the awarding of costs.

What will it cost?

FDR can be quicker and a lot cheaper than going to court or paying legal fees. FDR Services may charge fees according to your financial circumstances. Let the FDR Service know if you are on a low income or experiencing financial difficulties.

How do I contact a registered FDR provider?

The Australian Government funds a number of community-based organisations under the Family Relationship Services Program to provide FDR 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



Recent changes to Australia's family law system encourage separated parents to agree on arrangements for their children without going to court.

To assist families to do this, the Australian Government funds Family Dispute Resolution services, to help Australian families discuss issues, look at options, and focus on the needs of their children.

What is family dispute resolution (FDR)?

Family Dispute Resolution (FDR) is the legal term for services such as mediation that help couples affected by separation and divorce to sort out their disputes with each other. FDR can help you sort out a range of issues relating to property, money, and most importantly – your children.

FDR can be provided by a range of individuals and organisations, such as Family Relationship Centres, community organisations, and legal aid commissions; and individuals such as lawyers, social workers or psychologists. If you are in a remote locality, there is also the option of accessing FDR via telephone. All FDR providers must be registered and must meet appropriate standards of training, experience and suitability.

Why try FDR?

FDR can help you and your former spouse or partner agree on solutions that suit both of you – and your children. It's practical, confidential, and it works!

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

Is FDR compulsory?

From 1 July 2008 changes to the family law system make FDR a requirement before you can apply to the court for a Parenting Order. This includes new applications, and applications seeking changes to an existing Parenting Order.

However, there are some **exceptions**. These are:

- Where you are applying for consent orders
- Where you are responding to an application

- Where the matter is urgent
- Where there has been, or there is a risk, of family violence or child abuse
- Where a party is unable to participate effectively (eg: due to incapacity or geographical location), or
- Where a person had contravened and shown a serious disregard to a court order made in the last 12 months.

Who can go to FDR?

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

Will my child be included in FDR?

No, but a family counsellor may see your child when you and their other parent are attending FDR. This will only happen with parental consent.

What information will an FDR practitioner provide me with?

Before you start FDR, your FDR practitioner must inform you about the process, your rights, his or her qualifications, and fees charged. They must also provide you with information about a complaints mechanism, should you wish to complain about the services they provide.

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

What happens during FDR?

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

An FDR 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, FDR doesn't address the emotional side of relationships. It concentrates on resolving specific disputes.

FDR can help both of you to discuss issues, look at options, and work out how best to reach agreement. Importantly, you can use FDR to develop a parenting plan to set out arrangements for your children. An FDR practitioner will also check that everyone understands what is being said and agreed upon.

An FDR practitioner will also help you recognise when FDR isn't working and can suggest other options, such as family counselling.

Are things said at FDR confidential and can they be used in court?

Everything you say in front of an FDR 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 FDR cannot be used as evidence in court. However an FDR 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?

If you have concerns about your safety or the safety of your children, you should let the service staff know as soon as possible. This may mean that FDR doesn't proceed; however, there are ways of conducting FDR without being in the same room as the other party. The practitioner will need to have particular skills for cases involving family violence. It's important that you feel safe, and are safe before, during and after FDR. There is no requirement to undertake FDR if there has been family violence or child abuse.