



## FAMILY DISPUTE RESOLUTION

### What is Family Dispute Resolution?

Family Dispute Resolution (**FDR**), commonly referred to as mediation, is an informal process designed for you and the other party to engage in respectful discussions about the issues and goals involving your child.

### What is an Family Dispute Resolution Practitioner?

The FDR process is facilitated by highly trained, neutral professionals known as Family Dispute Resolution Practitioners (**FDRPs**) commonly referred to as mediators.

Every FDRP must be registered with the Commonwealth Attorney-General's Department to be able to conduct a FDR conference (mediations).

### What is the role of an FDRP?

The role of the FDRP is to facilitate discussions between you and the other party surrounding issues and goals concerns their child.

The FDRP must maintain neutrality during the FDR process and cannot give legal advice.

### Confidentiality

The FDR process is confidential. This means that everything discussed between you and the other party cannot be discussed outside of the mediation, including in any court proceedings. The process is designed this way to allow you and the other party to engage in discussions freely and openly.

The exemption to the rule in where there is a risk of harm to a child or another person, where there are threats to damage property or where there is a risk of a violent crime.

Support persons and lawyers are also bound by confidentiality and may be asked by the FDRP to sign a confidentiality agreement.

### Do I have to attend FDR?

Parents and/or carers who are in dispute about the care arrangements of the child are required to attend mediation in the first instance unless there are exemptional reasons. If you are invited to mediation but refuse to attend, the FDRP can issue a certificate (known as a "section 60I Certificate"). This means the other party can then commence court proceedings.

### Do I need legal advice?

Parties attending mediation are always encouraged to obtain legal advice before the mediation. You can also speak to your lawyer during the mediation by phone if you need advice.

### How do I prepare for an FDR?

- Make a list of your concerns and what you would like to discuss
- Think of solutions to your concerns
- How can the issue be resolved?
- How can both parents/carers make it work?

### How are agreements documented?

Agreements reached during the mediation process can be finalised as written parenting plan and FDRPs can assist with this.

You can also agree to enter into Consent Orders. However FDRPs cannot draft the Consent Orders and you and the other party will need to engage a solicitor specialising in family law as they are best equipped in preparing the relevant documents.

Consider our **Factsheet** – *Consent Orders or Parenting Plan?* For more information.

### No agreement. What next?

If you do not reach an agreement the first time for whatever reason, you and the other party can agree to try mediation at a later stage.

If you cannot reach an agreement during the mediation process, the FDRP can be requested to issue a certificate known as a section 60I Certificate. More information about section 60I Certificates can be found on the Federal Circuit and Family Court of Australia website, [fccoa.gov.au](http://fccoa.gov.au).

The above information is general information only. If you have further questions as to how these issues will be dealt with in your particular circumstances, please do not hesitate to contact us on (07) 3172 3474 or (07) 4659 9958 or [reception@redhilllegal.com.au](mailto:reception@redhilllegal.com.au)

