

What happens if you reach an agreement about the children?

Your agreement can be recorded as either a Parenting Plan or Consent Orders.

A parenting plan must be in writing, signed and dated by both parties.

If you want your agreement to be legally binding, you or your lawyer can apply to the court to have your agreement made into Consent Orders.

A Parenting Plan or Consent Orders can include details on how they can be changed and how you will work out disagreements.

What if Family Dispute Resolution is unsuccessful?

If you have tried FDR and couldn't reach an agreement, the Family Dispute Resolution Practitioner will issue a certificate and you may need to apply to court to resolve the dispute.



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**Family Dispute
Resolution Service**



What is Family Dispute Resolution?

Family Dispute Resolution (FDR) is a way of resolving your family law problems without going to court.

The term 'dispute resolution' describes different ways people try to come to an agreement, including:

- Mediation
- Counselling
- Negotiation
- Conciliation
- Arbitration



At the Legal Aid Commission we use a 'co-operative' mediation model, which means your lawyer can attend as well. Family Dispute Resolution Practitioners are independent, accredited professionals who chair the conferences and are specially trained to help people try to resolve their problems.

You can try FDR at any stage of your separation, even if you have already commenced court proceedings. Sometimes the judge recommends that the parties attempt FDR.

Who can the Legal Aid Commission help?

To take part in a FDR conference, either you or the other party must have applied for and been granted legal aid for your family law problem. A grant of legal aid provides a lawyer to represent you at the conference. If the other party has a grant of legal aid and you have been invited to attend the FDR conference, you can apply for legal aid yourself (either through the Legal Aid Commission or a private lawyer), engage a private lawyer or attend unrepresented. If you apply for legal aid to go to court, you may be required to attend a FDR conference first.

What happens at a Family Dispute Resolution conference?

FDR conferences provide you with a supportive environment to raise issues and think about what is best for your children. You will have an opportunity to express your point of view and hear what the other party wants to say. The Chairperson is independent. Their role is to guide and support both of you, it is important to remember that they will not make a decision for you. FDR conferences can take place with everyone in the same room, in separate rooms (called a 'shuttle' conference) or by telephone/ video conference.

The advantages of Family Dispute Resolution

- Usually takes less time than going to court
- You make your own decisions
- Usually less expensive than going to court
- May be less stressful for both of you

Family Violence

Certain conditions must be met before a FDR service can take on cases involving family violence. For example, if there is a Family Violence Order in place, the conditions must allow for mediation to take place.

What if the Other Person Refuses to go?

FDR won't work unless each person involved agrees to participate.

