

What is Family Dispute Resolution?

Family Dispute Resolution (FDR) is mediation for separating or divorcing parents focussed on discussing and agreeing to parenting arrangements. Family dispute resolution is conducted by a family dispute resolution practitioner (FDRP) who is a mediator specifically trained to help parents explore options for reaching an agreement regarding parenting. This agreement works as a plan for parents moving forward, providing clear guidance on expectations, roles, and responsibilities of the parents involved.

Australia's legal system requires parents to attend family mediation before applying to court for a parenting order (although there are some exceptions to this requirement).

What is the focus of Family Dispute Resolution?

The focus of family dispute resolution is working out what is in the best interest and wellbeing of the children or child. It's the role of the mediator to help parents stay focussed on the needs and wellbeing of the children or child throughout the mediation process.

What is covered in Family Dispute Resolution?

Topics covered and discussed in family mediation will vary from family to family.

However, there are some practical items that are frequently explored in family mediation and included in a parenting plan, such as:

- Care and time spent with the children
- Living arrangements
- Finances
- Education and schools
- Health
- Religion
- The role of other people / new partners / grandparents and extended family

What is not covered in a Parenting Plan?

A parenting plan relates to matters involving the children and does not cover how you will divide up your assets. Division of property and assets can also be dealt with by the process of mediation, where a mediator works with parties to agree on their property division or settlement.

Legal status of Parenting Plans

A parenting plan must be in writing, signed and dated by both parents to be recognised as a parenting plan under the Family Law Act. While a parenting plan is not legally enforceable, if both parents agree, the parenting plan can be submitted to the court to be made into a Parenting Order, which would have the same effect as an order made by a judge in court. If the dispute ends up in court, the parenting plan will be factored into the judge's decision making process.

What is a Section 60I certificate?

A section 60I certificate is a certificate that can be issued by a family dispute resolution practitioner (the FDR mediator) to show that there has been an attempt at mediation that was not successful, for one of the following reasons:

- One party did not attend
- FDR was not suitable
- All parties attended and made genuine effort but could not resolve the dispute between them
- All parties attended but one or both parties did not genuinely engage in the mediation
- The mediation started but it became inappropriate to continue

The Section 60I certificate is submitted to the court when filing an application for a parenting order.