

Family Dispute Resolution Conference

What is Family Dispute Resolution (FDR)?

FDR Conferences help people talk about and resolve parenting or property disputes. FDR Conferences are run by a neutral third party called the Convenor. The Convenor can sometimes be called a FDR Practitioner. The Convenor helps you and the other party/ies to explore the issues you are having and come up with options for settling the dispute.

If requested at the end of the FDR Conference, the Convenor can provide a s60I certificate. A s60I certificate allows the parties to start Court proceedings.

An FDR Conference can happen at any time in a dispute, either before or after applications have been filed with the Court.

Why you should attend a FDR Conference?

A) Requirement (Family Law Act)

The *Family Law Act 1975* requires parties with parenting disputes to attend FDR before applying to the court for parenting orders. The court's role is to settle issues when parties cannot reach an agreement in another way.

You are only required to attend FDR if you want to file in court for a parenting order. You are not required to attend FDR if you are only trying to resolve a property dispute. If you are not sure whether you are required to attend a FDR conference, you should see a solicitor or speak to the FDR lawyer.

Legal Aid ACT offers free duty solicitor services at the Family Court. You can also seek advice over the phone by calling the Legal Aid ACT Helpline on 1300 654 314.

B) Benefits of attending an FDR Conference?

FDR allows you to talk about issues, make your own decisions with legal advice and come to an agreement. It also lets issues be talked about openly and honestly, even if an agreement is not reached.

The process is quicker, less stressful and cheaper than going to court.

Convenor, Confidentiality and Cost

A) Convenor

A Convenor is a neutral third party who runs the FDR Conference. The Convenor is a registered Family Dispute Resolution practitioner or accredited mediator. Most Convenors have significant Family Law experience.

The Convenor helps you and the other party/ies talk out the issues, reach an agreement that works for everyone and (if required) issues a section 60I certificate at the end of the FDR Conference.

The Convenor's role is to be realistic and direct with the parties about likely court outcomes and options they think are inappropriate.

B) Confidentiality

Everything said at the FDR Conference is confidential and cannot be used in court. However, if something is said at the FDR Conference that brings up concerns about the safety of a child, the Convenor might have to tell the police, court or a government authority.

C) Cost

The cost of an FDR Conference will depend on your circumstances. You will be told about costs in advance.

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Suitability and Exceptions

Suitability: You might feel or might have been told by other agencies that your situation is not suitable for a FDR Conference. In this circumstance it is important to speak to the FDR lawyer.

Exceptions: Sometimes going to a FDR Conference is not possible, so the *Family Law Act 1975* gives some exceptions, such as:

- ❖ the issue is urgent;
- ❖ the issue involves child abuse or family violence;
- ❖ a delay would create a risk of child abuse or family violence;
- ❖ it is unrealistic for the parties to attend a FDR Conference;
- ❖ the issue concerns a breach of an existing Order in the last 12 months.
- ❖ you are filing a response to the other party's originating application; or
- ❖ you are filing Consent Orders.

You should talk to a solicitor and/or the FDR lawyer if you think that one of the exceptions applies to you.

Agreement and Certificate

A) Legally binding?

Agreements reached in a FDR Conference are put into writing and can be later filed in Court as "Terms of Settlement" with a request that the Court make Consent Orders. A Consent Order is a written agreement that sets out parenting arrangements and is approved by the court. Once the court makes a Consent Order, it must be followed and there are penalties for breaking that Order without a valid excuse.

If you want an agreement, but do not want it to be legally binding, you should talk about your options with your solicitor, attend the Family Law Duty

Service at the Family Court or contact the Legal Aid ACT Helpline on 1300 654 314.

B) If no agreement is reached

If an agreement is not reached in a FDR Conference, the Convenor is required to file a report with Legal Aid ACT. Based on this and other related information, Legal Aid ACT might review and change the terms and conditions of a grant of legal assistance.

C) Section 60I Certificate

A s60I certificate is evidence that you have gone to FDR to try and resolve your issue. Certificates can only be given by a registered Family Dispute Resolution Practitioner.

There are five different types of certificates that can be issued:

1. that you did not attend FDR due to the refusal or failure of the other party/ies to the dispute to attend;
2. that the parties did not attend FDR as the FDR practitioner made a decision that the matter was not suitable for FDR;
3. that you attended FDR, but the matter did not resolve because you or the other party/ies to the dispute did not make a genuine effort to resolve the issues;
4. that the parties attended FDR and made a genuine effort to resolve the issues in dispute; and
5. that the parties attended FDR, but the Convenor determined that it was not suitable to continue.

D) What happens if a certificate is issued?

If you are given a certificate, you or the other party will be able to file an application with the court for parenting orders. You have 12 months from the date of the most recent FDR Conference or attempted FDR Conference to file in court.

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Safety and other assistance

A) Safety concerns and Orders in place

If you are worried about your safety, have a protection order or bail conditions in place it is important to let your solicitor and the FDR lawyer know before coming for a FDR Conference. Your safety is very important, and steps can be taken throughout the FDR Conference to make you feel comfortable and safe.

B) Interpreter & Disabilities

If you, or any party/ies, need an interpreter or have a disability, please tell the FDR Lawyer before the FDR Conference. They will manage any concerns to the best of their ability. If you are on a grant of legal assistance, the cost of the interpreter will be included in the grant.

C) Cultural & Social Assistance

If you, or any party/ies, identify as an Aboriginal or Torres Strait Islander and would like support from Legal Aid ACT's Aboriginal Liaison Officers please tell the FDR Lawyer before the FDR Conference. Legal Aid ACT has Cultural Liaison Officers and Family Violence Officers to help you throughout the FDR Conference. Please speak to the FDR Lawyer if you would like more information about these services.

How do I prepare for an FDR Conference?

Before coming to the FDR Conference, please think about:

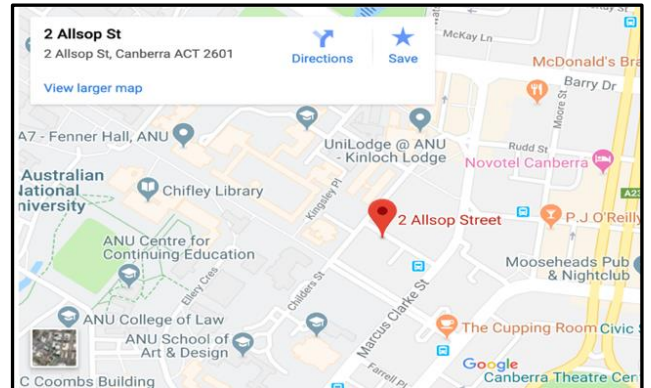
- ❖ How do my proposals support the best interest of our child?
- ❖ If I have concerns, what can the other party do to address them?
- ❖ How is the current conflict effecting our child/ren and what can we do to reduce it?
- ❖ How can we improve communications about our child/ren?

For more information please contact the FDR Lawyer on 6173 5433

Information about the day

A) Where it is held?

FDR Conferences are held at Legal Aid ACT, 2 Allsop Street CANBERRA, ACT.



B) How it is held?

During the FDR Conference you will be in a separate room to the other party/ies while solicitors and the Convenor move between the different rooms. This means that you could spend long periods of time on your own.

C) How long is it?

FDR Conferences usually last up to three hours. Please make sure you have paid for enough parking and made child care arrangements for this time.

D) Who can come?

The only people at the FDR Conference are:

- ❖ You and the other party/ies;
- ❖ Solicitors for each party;
- ❖ The Convenor;
- ❖ An interpreter (if needed);
- ❖ An independent Children's Lawyer (if one has been appointed by the Court); and
- ❖ You can bring a support person with you to the FDR Conference if you wish, but they are only there in a limited role and the Convenor can ask a support person to leave the room at certain times.

CHILDREN ARE NOT ALLOWED TO ATTEND FDR CONFERENCES.