

Family Dispute Resolution



What is a family dispute resolution?

The law encourages families who are in dispute regarding the arrangements for children or the division of property to come to an agreement where possible.

Family dispute resolution (FDR) is a way of resolving your family law problems, by agreement, without going to court. It can be called 'FDR' or 'mediation'.

In this process, an independent person helps to try to resolve some or all of the family law problems. The independent person is called a 'family dispute resolution practitioner' or 'FDRP' or 'mediator'. They are trained in assisting people to resolve disputes. They do not have any legal powers, they do not make any decisions and they do not give legal advice. They simply try to assist people to reach agreement.

FDR can also be used to resolve disputes about:

- Dividing your property;
- Maintenance matters; and
- Child support.

FDR can be used at any time including before, during or after a separation or once court proceedings have commenced.

Is family dispute resolution compulsory?

Before you make an application to a court for parenting orders, you must have attempted to engage in family dispute resolution to resolve your dispute. There are some exceptions, including when it is not safe to do so.

How do I start the family dispute resolution process and how much does it cost?

Many different organisations provide low cost or free family dispute resolution including:

- Legal Aid Queensland - Ph: **1300 65 11 88**
- Relationships Australia - Ph: **1300 364 277**
- Family Relationships Centre - Ph: **1800 050 321**
- Dispute Resolution Centre - Ph: **1800 017 288**

You can contact the family dispute resolution service and they will talk you through their individual process.

Generally, both parties will share the costs of the family dispute resolution. There are some exceptions to this.

What happens next?

Generally, one person contacts the dispute resolution service and the service will invite the other person to attend. If the other person refuses to respond or participate, then the service will let you know. They will also issue you a certificate (called a “section 60I certificate”) which you will need if you want to start court proceedings.

If the other person agrees to participate, the service will speak to each of you about what your individual concerns and goals are and will set a date for a family dispute resolution. You will then both attend the dispute resolution and try to reach an agreement. Whether you reach an agreement or not, the service will provide you with a section 60I certificate which you will need if you want to start court proceedings.

Do I have to be in the same room as the other person?

Different services can provide different options to avoid any direct contact between the parties. These include putting you in separate rooms, having you attend separate locations, or doing a conference over the phone so that the dispute resolution practitioner is “shuttling” between the parties.

If you feel intimidated, scared or think that you could feel intimidated during the process, it is important to tell the family dispute resolution practitioner, and tell them about any history of domestic violence between yourself and the other person.

What if I don't feel safe participating in a family dispute resolution or my situation is urgent?

Not all matters are appropriate for family dispute resolution. Your safety is the most important consideration.

You do not need to have family dispute resolution if:

- The problem is urgent.
- There has been domestic violence.
- There is a risk of domestic violence.
- There has been child abuse.
- There is a risk that a child could be abused if things are delayed.

You should get legal advice if you think one of the above issues apply to your situation.

What happens if we reach an agreement?

If you reach an agreement about parenting arrangements, you can either:

- Keep it informal
- Write down the agreement (this is called a 'parenting plan')
- Make formal parenting orders (this is called 'parenting orders' or 'consent orders')

See our **Children and Parenting** fact sheet for more information about the different types of parenting agreements.

This factsheet includes general information only and is not a substitute for legal advice.