



# Court-based Family Dispute Resolution

This fact sheet is for people who have been ordered to attend a Family Dispute Resolution (FDR) conference in the Family Court of Australia or the Federal Circuit Court of Australia.

The Courts have the power to refer parties to FDR under s 13C(1)(b) of the *Family Law Act 1975* (Cth) and to ensure that parties who are able to come to an agreement about appropriate parenting arrangements are given the opportunity to participate in respectful, resolution focussed negotiations. The Court will only make these orders where it is safe and appropriate for all parties to participate meaningfully in FDR.

Unless threats of immediate harm to a person or child are made, all negotiations at FDR are confidential. You will be assisted by a Registrar and, where appropriate, a Family Consultant who is an expert in child development matters. Neither the Registrar nor the Family Consultant will decide the matter, but will work with both parties to find a mutually acceptable outcome that will allow you to formalise your agreement and exit the Court system.

## Process

The Court can refer your matter to FDR at any time in the proceedings. Prior to making an order that you attend FDR, the Judge or Registrar will carefully consider your matter and assess whether any issues, such as family violence or allegations of abuse, make FDR inappropriate.

If you have any concerns about your safety or the dynamic between you and your former partner, you can request that the FDR take place by shuttle (this is where the parties are in separate rooms and the Registrar and Family Consultant move between the private rooms).

The FDR conference can take place for a full day (9.00am to 4.00pm) or a half day (9.00am to 1.00pm) and will involve a Registrar (in the role of FDR practitioner) or a Registrar (in the role of FDR practitioner) and a Family Consultant (in the role of Family Counsellor). The time and resources to be made available to your matter will be carefully considered at the time the order is made.

Once the order for FDR has been made, you will be provided with:

- a time and date for Part 1 of the FDR conference, (which will take place by telephone), and
- a time and date for Part 2 of the FDR conference along with details how to attend (including details of any Teams link).

Please note the following:

- You do not need to file any affidavit material unless you are expressly ordered to do so.
- You must comply with the Court's directions, which includes completing a Parenting Questionnaire which the Court will provide to you.
- You must ensure the Court has your correct telephone number and those of any legal representative.

## What happens in FDR?

The FDR conference (also referred to in the Court as a Dispute Resolution Conference – Parenting) will take place in two parts. Both are confidential.

### PART 1

The Registrar will telephone you at the time nominated in the order. The call will take approximately 30 to 45 minutes. Please make sure you have privacy for this call. If you have a solicitor, they must attend this session with you.

This session is confidential and will:

- enable you to meet the Registrar who will conduct Part 2 of the process (the substantive negotiations), and
- ensure the expectations of the process and the next steps are clear to you.

You will be informed of what, if any, additional material you need to bring to the FDR conference and the time you are expected to arrive.

Any questions you have about the process, or concerns you have in relation to your safety, will be addressed in this call.

### PART 2

Each party (and any legal representatives) will, privately and briefly, meet the Registrar (and Family Consultant where relevant). The Registrar/Family Consultant will guide the rest of the process, which will consist of the following components:

- **opening** (where the Registrar and Family Consultant will discharge their technical obligations)
- **confirming** the issues to be addressed and agreed upon
- **negotiating** (these might take place together or by shuttle), and
- **documenting** the agreement.

The process is flexible and while most of the time will spent in negotiations, there may be times the Registrar/Family Consultant are working privately with you or with the other party. The Registrar/Family Consultant will explain the confidential nature of these discussions.

The Court recognises that the issues you will discuss at FDR are important and can be challenging, however you will be supported in raising the issues you wish to discuss and exploring options for settlement. Throughout the FDR conference, the Registrar and Family Consultant will address any discomfort you may have about the other party or any concerns that may arise about your safety.

## What happens when an agreement is reached?

Once an agreement has been reached and orders have been drafted, the Registrar can make the orders.

You will not be required to appear before the Judge.

## What happens if an agreement is not reached?

If no agreement can be reached, your matter will return to the Judge who ordered the FDR conference and will progress to the next stage of the Court process. You can negotiate an agreement at any time prior to the Judge making a final decision. It is possible that with the benefit of time following the FDR conference, further agreements can be reached.

## Legal Advice

If you are legally represented, your solicitor should attend the FDR conference with you. If you are eligible for Legal Aid you should speak with your solicitor about funding for this event.

You should seek legal advice before attending a court event. A lawyer can help you understand your legal rights and responsibilities and explain how the law applies to your case. A lawyer can also help you reach an agreement. You can seek legal advice from a legal aid office, community legal centre or private law firm. Court staff can help you with questions about court forms and the Court process, but cannot give you legal advice.

## Personal Safety

If you have any concerns about your safety while attending court, please call **1300 352 000** before the conference. Options for your safety at court will be discussed and arrangements put in place. By law, people must inform a court if there is an existing family violence order or proceedings for such an order involving themselves or their children. More detail is available in the brochure *Do you have fears for your safety when attending court?* available on the Courts' websites:


- [www.familycourt.gov.au](http://www.familycourt.gov.au), or
- [www.federalcircuitcourt.gov.au](http://www.federalcircuitcourt.gov.au)

## Need more information?

For more information about family dispute resolution see 'Dispute resolution in family law proceedings' on the Courts' websites:

- [www.familycourt.gov.au](http://www.familycourt.gov.au), or
- [www.federalcircuitcourt.gov.au](http://www.federalcircuitcourt.gov.au)

or

-  **LIVE CHAT** on the websites, or
- call the National Enquiry Centre on **1300 352 000**

## Family Law Registries

### AUSTRALIAN CAPITAL TERRITORY

**Canberra** ~ Cnr University Ave and Childers St, Canberra ACT 2600

### NEW SOUTH WALES

**Albury** ~ Level 1, 463 Kiewa St, Albury NSW 2640

**Dubbo** ~ Cnr Macquarie and Wingewarra Sts, Dubbo NSW 2830

**Lismore** ~ Level 2, 29-31 Molesworth St, Lismore NSW 2480

**Newcastle** ~ 61 Bolton St, Newcastle NSW 2300

**Parramatta** ~ 1-3 George St, Parramatta NSW 2150

**Sydney** ~ 97-99 Goulburn St, Sydney NSW 2000

**Wollongong** ~ Level 1, 43 Burelli St, Wollongong NSW 2500

### NORTHERN TERRITORY

**Darwin** ~ Supreme Court Building, State Square, Darwin NT 0800

### SOUTH AUSTRALIA

**Adelaide** ~ 3 Angas St, Adelaide SA 5000

### TASMANIA

**Hobart** ~ 39-41 Davey St, Hobart Tas 7000

**Launceston** ~ Level 3, ANZ Building, Cnr Brisbane and George Sts Launceston Tas 7250

### QUEENSLAND

**Brisbane** ~ 119 North Quay Brisbane Qld 4000

**Cairns** ~ Level 3 and 4, 104 Grafton St, Cairns Qld 4870

**Rockhampton** ~ 46 East St (Cnr Fitzroy St) Rockhampton Qld 4700

**Townsville** ~ Level 2, Commonwealth Centre, 143 Walker St, Townsville Qld 4810

### VICTORIA

**Dandenong** ~ 53-55 Robinson St Dandenong Vic 3175

**Melbourne** ~ 305 William St Melbourne Vic 3000

### FAMILY COURT OF WESTERN AUSTRALIA

**Family Court of Western Australia** 150 Terrace Rd Perth WA 6000

Telephone: 08 9224 8222

Website: [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au)