



Child Dispute Conferences

This fact sheet provides information for people who have not reached an agreement about their child/ren, who are involved in a case in the Family Court of Australia or the Federal Circuit Court of Australia and the Court has ordered that a Child Dispute Conference be conducted by a family consultant.

What is a Child Dispute Conference?

A Child Dispute Conference is a meeting with a family consultant. The conference is ordered by the Court and includes only the parties (children and lawyers are not included). The conference gives the Court a preliminary understanding of the family situation and what issues are in dispute. The conference focuses on what the children need, and can help the judicial officer hearing the case make short-term decisions about arrangements for the child/ren. It may also help the parties reach an agreement. The main purpose of the conference is to conduct a brief and preliminary assessment, but there may also be an opportunity to attempt to negotiate any or all of the issues if time permits.

Who are family consultants?

Family consultants are qualified social workers or psychologists, with skill and experience in working with children and families. They are appointed by the courts to help parents and judges achieve the best outcomes for children. Family consultants are recognised as court experts in relation to children's matters.

Are conversations with the family consultant confidential?

No. What is said to the family consultant is not confidential. All information gathered by the family consultant can be reported to the Court and is admissible in court.

How much does a Child Dispute Conference cost?

A Child Dispute Conference is ordered and provided by the Court. There is no cost to either party.

What happens after a Child Dispute Conference is ordered?

You may be given a date for the conference when you are in court. Otherwise, you, or your lawyer (if you have one), will receive a letter or phone call from the Court advising you of the appointment time. You will be asked to confirm the appointment by calling the National Enquiry Centre on 1300 352 000.

Attending your appointment

The Court has ordered that you attend a Child Dispute Conference—this means you must attend. If you do not attend, this may result in further delays and additional costs. Family consultants are obliged to tell the Court if you do not attend. Appointments can only be changed in exceptional circumstances. You should call the National Enquiry Centre on 1300 352 000 if you have difficulty attending your appointment.

Important information about personal safety

If you have any concerns about your safety while attending court, or any appointment ordered by the Court, call the National Enquiry Centre on 1300 352 000 before your court appointment or hearing. Options for your safety will be discussed. The Court takes allegations of violence very seriously and a safety plan will be put in place where the courts are aware of concerns. By law, people must inform a court if there is an existing or pending family violence order involving themselves or their children. More detail is in the brochure *Do you have fears for your safety when attending court?*

Interviews

The family consultant will conduct separate interviews with you and the other party. You are welcome to bring a support person with you, but they are not usually interviewed. Other significant people, such as a new partner or grandparents, are also not usually interviewed. The family consultant will speak to each party separately to gain an understanding of the issues in the case, identify any risks and work out what may be the best next steps in the matter. The family consultant may suggest speaking to parties together, but this will only happen if everyone agrees.

What documents do I need to provide for the Child Dispute Conference?

The family consultant has access to all documents filed by both parties. You do not need to bring any other documents to the conference.

The family consultant will focus on:

- risk factors
- the ability of parents to work together, and any possibilities for negotiation
- how the child/ren may be experiencing the family situation, and
- the child/ren's developmental needs.

What information will the family consultant give to the Court?

At the end of the conference the family consultant will prepare a brief document called a *Memorandum to Court*. This document contains the family consultant's assessment of your situation, with a focus on the child/ren's needs. The Memorandum will also include advice about what arrangements or processes will most likely help the Court decide on the next steps, and what arrangements may best meet your child/ren's care, welfare and developmental needs in the short-term.

Appointment details

Date: _____

Time: _____

When will I receive a copy of the Memorandum?

You or your lawyer (if you have one), will receive a copy of the Memorandum before the next hearing. It is possible (and not uncommon) for matters to settle based on what is contained in the Memorandum. If you are able to reach an agreement and submit signed consent orders to the Court you may not have to come back to Court. The Court encourages this and will provide assistance if you need it. Please inform the Court immediately (if you have a lawyer they can do this for you) if you reach an agreement outside of court.

The Memorandum is admissible in court as evidence in your matter. It cannot be shown to anyone other than the parties to the matter and their legal representatives. It cannot be shown to other people, such as other family members, without the Court's permission. This is the case even for people who may have been interviewed, but are not a party to the matter.

It is an offence, under s121 of the *Family Law Act 1975*, to publish or disseminate to the public, or a section of the public, any part of proceedings under the Act that identifies a party, a witness, or certain other persons.

What if I don't agree with the Memorandum?

The Court considers a range of information when making decisions about your case. The Court is not bound by any advice given by the family consultant. As with any evidence, the appropriate place to challenge the preliminary assessment is the Court itself. You should raise your concerns with your lawyer if you have one, or in court if you do not.

What if I have a complaint about the family consultant?

If your case is in the Family Court of Australia refer to the Family Court of Australia Feedback and Complaints Policy at www.familycourt.gov.au

If your case is in the Federal Circuit Court of Australia refer to the Federal Circuit Court of Australia Complaints Policy at www.federalcircuitcourt.gov.au

You should also discuss your concerns with your lawyer.