

FAMILY DISPUTE RESOLUTION INFORMATION

What is “Family Dispute Resolution”?

The process of Family Dispute Resolution (FDR) is one by which the people involved, with the assistance of a Family Dispute Resolution Practitioner (in this statement called the practitioner);

- Isolate the issues in dispute
- Propose and consider options to resolve those issues
- If appropriate, attempt to agree to one or more of those options
- When a child is affected, attempt to agree to options that are in the best interests of the child.

FDR is not appropriate for all disputes, particularly when one person is unable to negotiate freely because of another person’s threats, violence or aggressive behaviour. You have the right to feel safe and to safely participate in the FDR process.

If you have any concerns about your ability to negotiate freely or respectfully, please discuss your concerns with the practitioner. When there is a current Parenting Order or an Intervention Order naming any family member, it is necessary that we see the document/s so that any requirements of Court Order/s may be considered.

What other important aspects of family dispute resolution should I know about?

- 1) Practitioners are impartial and so do not support the interests of one adult over another.
- 2) When discussing issues related to children, the practitioner may adopt an advisory role so that the discussion focuses on the best interests of children as outlined in the Family Law Act.
- 3) Parenting Agreements reached during the FDR process and signed Parenting Plans are not legally binding, however you or your lawyer can make your agreement legally binding by following the relevant Court procedures.
- 4) General legal information may be provided, however legal advice must not be provided by a practitioner. It is strongly recommended that legal advice be obtained prior to signing any Parenting Agreement or any proposed finance & property agreement.
- 5) When discussing finances and property issues, the practitioner must not adopt an advisory role.
- 6) You must fully and honestly disclose relevant information, including but not limited to, Court Orders and documents relevant to the matters of discussion. Except as noted in paragraph 9 of this document, or unless ordered by a Court, the practitioner will ensure that everything discussed in the family dispute resolution process remains confidential.
- 7) Should you prefer not to seek advice from a private lawyer, you may prefer to consult with a lawyer from Eastern Community Legal Centre or Victoria Legal Aid. Both these services offer free legal advice.

- 8) You have the right to terminate this Family Dispute Resolution process at any time, as does the practitioner if the process ceases to be appropriate.
- 9) Under the Family Law Act, the practitioner **must** report child abuse, **may** report ill-treatment of a child to a child welfare authority and **may** disclose a communication or admission if they believe it is necessary to do so.

Disclosure may occur due to the following circumstances:

- (a) To protect a child from risk of harm; or
- (b) To prevent or lessen a serious or imminent threat to:
 - (i) the life or health of a person; or
 - (ii) the property of a person; or
- (c) To report the commission of or prevent the likely commission of an offence involving:
 - (i) violence or threat of violence to a person; or
 - (ii) intentional damage to property or a threat of damage to property; or
- (d) To assist an Independent Children's Lawyer to represent a child's interests under an Order (Section 68L) of the Family Law Act 1975.

What are the qualifications of the practitioners?

Family Dispute Resolution Practitioners at Ringwood FRC are accredited and registered with the Federal Attorney-General's Department.

What will the process cost?

For Children's Issues: Fees are payable when an individual's gross annual income is \$50,000 or more. Fees are charged on an incremental scale based on the individual's gross annual income. The first session of joint FDR - Children's Issues is Government subsidised. Please refer to our '*Fees for Family Dispute Resolution*' information sheet. There is provision for fees to be exempted or waived where appropriate.

For Financial & Property Issues: Each person is required to pay a fee. Fees are charged on an incremental scale based on your gross annual income. Please refer to our '*Fees for Family Dispute Resolution*' information sheet. Fee waiver does not apply for Financial & Property Issues.

ACKNOWLEDGEMENT

I have received and read this information and I agree to participate based on the conditions set out in this statement.

Name: _____

Signature: _____

Date: _____