

Family Dispute Resolution Service

Important Information

First, please click on these links to read these essential resources:

FAMILY DISPUTE RESOLUTION (FDR)

www.familyrelationships.gov.au/document/7226

FDR COURT REQUIREMENTS AND PROCEDURES

www.fcfcoa.gov.au/sites/default/files/2021-08/Compulsory-pre-filing-Family-Dispute-Resolution-court-procedures-and-requirements-0921V1.pdf

PARENTING PLANS (If you want to mediate about children)

<https://www.familyrelationships.gov.au/document/7236>

DISCLOSURE IN PROPERTY FDR (If you want to mediate about property)

<https://www.fcfcoa.gov.au/sites/default/files/2021-08/BR-Duty-of-disclosure-0921V1.pdf>

Next, please read this important information:

Qualifications of family dispute resolution practitioners

Family Dispute Resolution Practitioners (FDRPs) are registered with the Australian Attorney General's Department. They have a background in social science or law, have completed specialised mediation training and take part in ongoing clinical supervision and professional development.

Family dispute resolution practitioner's role

The Family Dispute Resolution Practitioner is impartial, meaning they do not take sides. They help you talk about what is in the best interests of your children and will:

1. Provide a safe environment;
2. Give you resources to assist you;
3. Identify the issues to be discussed;
4. Help you think about practical ways to resolve the issues;

Your FDRP will not give you legal or financial advice. We recommend that you get legal advice before you begin Family Dispute Resolution (FDR) and at any stage in the process when you have legal questions.

Conflicts of interest for family dispute resolution practitioners

The FDRP will tell you if they have a conflict of interest. There may be a conflict of interest if the FDRP:

1. Has acted professionally for either party;
2. Has had previous commercial dealings with either party; or
3. Is a friend or acquaintance of either party.

If so, the parties and the FDRP will then decide whether to continue or to arrange for another FDRP to be appointed.

Confidentiality & admissibility

What you say during the process of FDR is confidential, except in particular circumstances. What is said during FDR cannot be used as evidence in court unless it involves a disclosure of child abuse.

However, confidentiality does not apply where:

- a. A person making a communication is over 18 years and gives consent;
- b. The law requires mediators to give information; or
- c. There are illegal or exceptional circumstances.



FDRPs may also provide information to a relevant authority if they reasonably believe:

- a. That a child needs protection;
- b. There is serious threat to someone's life or health; or
- c. The information will prevent an offence from happening including violence, threats of violence or property damage.

An FDRP must report child abuse, or serious physical family or domestic violence. This may be used as evidence in some circumstances. The FDRP may also share information with an independent representative appointed for the child. The FDRP may seek professional advice from a Family Relationship Centre supervisor on any aspect of the FDR provided. The FRC stores records of FDR securely for seven years, until they can be legally destroyed.

Child consultation and child focused sessions

In some cases, the FDRP may offer you an opportunity for a specialist Child Consultant to meet with your children. Both parents need to agree for a Child Consultation to take place, and the case needs to be assessed as suitable for the process. The Child Consultant talks with your children about their feelings about what's been happening and then attends your next FDR session to give you feedback. This does not mean asking children to make decisions about their future.

Another option may be a Child Focused Session, provided, both parents agree to the session taking place, and the case is assessed as suitable. A Child Focused Session involves a Child Consultant attending an FDR session and providing general information about the developmental needs of your children.

Support people

You can ask for a support person to be part of your FDR process, such as a friend, a relative or a lawyer. Support people, including lawyers, do not talk for you or make decisions for you in FDR. The decision to allow a support person to be present at a Joint FDR session is made by the FDRP(s), with the agreement of all parties.

Mobile phones

Clients are not permitted to record FDR sessions on mobile phones or other electronic devices. If the FDRP has reason to believe the session is being recorded, they will terminate the appointment. Publishing a recording obtained without consent is an offence under the Surveillance Devices Act NT.

Giving complete information

It is important to provide all details and all documents about matters being discussed in FDR, including all relevant financial documents and all current court orders. If there are court proceedings, an agreement may be set aside if it is found to be based on incomplete or incorrect information. In cases that have been referred to FDR by a court, a person may be ordered to pay costs if the right documents have not been provided in enough time before the FDR is to take place. It is important to get legal advice about the correct procedural steps you need to follow in your case.

Mutual respect

You have the right to speak for yourself without interruption and to be treated with respect during FDR sessions.

Ending the process

Either party may end the FDR process at any time. FDRPs may also end the session/s if:

- a. They think that either of the parties is unable to present their point of view;
- b. The practitioner believes they are unable to help the parties resolve their dispute; or
- c. Incomplete or incorrect financial information is being provided. Please be aware, if the FDRP ends the FDR process, they may not be able to tell you why. The FDRP can speak with you about referrals and alternate options to FDR.

Complaints and compliments

Client feedback is an important part of maintaining our service delivery standards. If you have about any of our services or staff, you can provide this by:

- Phoning us directly on **1300 458 600**
- Completing the survey sent at the end of FDR.
- Sending us a message through our website
- Sending a letter (**GPO Box 4193, Darwin NT**) or email (rantreception@ra-nt.org.au) outlining your feedback.

FAMILY RELATIONSHIP CENTRES

Located within Relationships Australia NT Offices

DARWIN

5 Shepherd Street
Darwin NT 0800
08 8923 4999

KATHERINE

6 Katherine Arcade
15 Katherine Terrace
Katherine NT 0850

ALICE SPRINGS

5 Parsons Street
Alice Springs NT 0871
08 8950 4100

1300 458 600

rantreception@ra-nt.org.au
www.familyrelationships.gov.au
www.nt.relationships.org.au