

## What if I don't attend or make a genuine effort?

If family dispute resolution is required in your case but:

- you don't attend, or
- you don't make a genuine effort to resolve the dispute

the hearing of your case may be delayed.

In addition, the court may:

- order you and the other party to attend family dispute resolution and/or
- take this into account in deciding costs (you could be ordered to pay some or all of the other party's legal costs).

## How much will family dispute resolution cost?

The cost of family dispute resolution depends on the provider.

Private providers set their own fees.

Family Relationship Centres provide up to three hours of family dispute resolution free but may charge fees if further sessions are needed.

Family Relationship Centres and family dispute resolution services funded by the Australian Government are required to have a fees policy that takes into account the capacity of the client to pay.

## Who can provide family dispute resolution?

Any registered family dispute resolution provider can conduct family dispute resolution and, if needed, issue a certificate.

A registered provider could be in an organisation that receives government funding or in private practice.

All registered providers must meet appropriate standards of training, experience and suitability.

## More information

For more information about compulsory dispute resolution or to find a registered family dispute resolution provider in your local area, call the Family Relationship Advice Line on 1800 050 321 or go to [www.familyrelationships.gov.au](http://www.familyrelationships.gov.au). The Family Relationship Advice Line is open from 8am to 8pm Monday to Friday and 10am to 4pm on Saturdays.

For more information on filing an application with the court, call the National Enquiry Centre on 1300 352 000 or visit [www.familylawcourts.gov.au](http://www.familylawcourts.gov.au). In Western Australia, call the Family Court of Western Australia call centre on (08) 9224 8222 or the country areas free call number 1800 199 228 or visit [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au).



Australian Government

# Compulsory Family Dispute Resolution



*There are new requirements from 1 July 2007 for separating families who want to go to court to resolve arrangements for their children.*

Changes to the family law system encourage parents to agree on arrangements for their children without going to court. Family dispute resolution is a practical way for separating families to sort out these arrangements.

A family dispute resolution provider can help you discuss issues, look at options and work out how best to reach agreement.

If you can resolve your differences without going to court you'll save yourself time, money and a whole lot of stress.

### When is a family dispute resolution compulsory?

If you want to apply to the court for a parenting order from 1 July 2007 (and you have not previously applied) you will need a certificate from a registered family dispute resolution provider to confirm that an attempt at family dispute resolution was made.

It is expected that, from 1 July 2008, this requirement will apply to all applications, including those seeking changes to an existing parenting order.

There are some exceptions to this requirement, including cases involving family violence or child abuse.

### What are the exceptions?

You are not required to attend family dispute resolution:

- where you are applying for consent orders
- where you are responding to an application
- where the matter is urgent
- if the court is satisfied that there are reasonable grounds to believe that:
  - there has been family violence or child abuse by a party
  - there is a risk of violence by a party, or
  - there is a risk of child abuse if there were to be a delay.
- where a party is unable to participate effectively (for example, they are too far from a family dispute resolution provider or because of an incapacity of some kind), or
- where a person has contravened and shown a serious disregard for a court order made in the last 12 months.

When applying to the court, you will need to provide information to demonstrate that one of the exceptions applies to you.

If you use the exception relating to family violence or child abuse, you will also need to get information about your options and about

services that can help you. You will need to get this information from a family counsellor or family dispute resolution practitioner or by ringing the Family Relationship Advice Line on 1800 050 321.

However, you do not have to get this information if you can satisfy the court that there is a risk of violence or child abuse. If you have concerns for your safety you should advise the court.

### What if family dispute resolution doesn't work?

If you try family dispute resolution but still need to take your case to court, you will need a certificate from a registered family dispute resolution provider.

The certificate will say one of the following:

- the other party did not attend
- you and the other party attended and made a genuine effort to resolve the dispute
- you and the other party attended but one or both of you did not make a genuine effort to resolve it (eg by refusing to participate), or
- the family dispute resolution provider decided that your case was not appropriate for family dispute resolution.

Note: Party means the other person or persons involved in the parenting dispute, for example, your former partner.