

Family Relationship Centre Townsville - Centacare NQ

An Autrilia Courseur Indiants

2

2



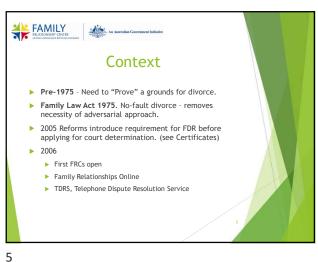
3

What is Family Dispute Resolution?

Bringing together two or more people to discuss family issues:

Post-separation parenting
Property division

FDR "sits" alongside Family Court processes but is independent of the courts.



Context - cont.

> 2016 Reforms - require Safety to be the primary consideration for parenting decisions. (AG Robert McLelland)

> 2019 FRCs authorised to conduct FDR on Property-only matters on the same basis as Parenting matters.

> 2021 Merging of FCA and Federal Circuit Court - ADR further normalised as a part of the legal process.

6



What is Mediation?

As a profession, mediation exists and is used in many contexts.

Mediation falls on a spectrum of interventions termed Alternative Dispute Resolution (ADR). From Adjudication to Arbitration, Conciliation, Mediation, Counselling.

More specifically, Mediation is a form of Nondeterminative Dispute Resolution (NDDR)

There are industry bodies, such as the Mediator Standards Board.

8

10

What is Family Dispute Resolution? • Bringing together two or more parties to discuss family issues: • Post-separation parenting • Property division • FDR "sits" alongside Family Court processes. • Can resolve issues without the need to involve the courts. • Is usually a pre-requisite activity to court. • Possibility of a court ordering people to attend FDR.

What is Family Dispute Resolution?

In the Australian Family Law context, the FDR process is regulated by the federal government (since 2006).

The mediation process is termed Family Dispute Resolution (FDR); the mediator is titled Family Dispute Resolution Practitioner (FDRP)

There are specialised training bodies and an accreditation process managed by the Department of Attorney-General.

9



The FDRP's Role

The Family Dispute Resolution Practitioner's role is to:

Assist the parties to prepare for FDR

Assess appropriateness for Family Dispute Resolution

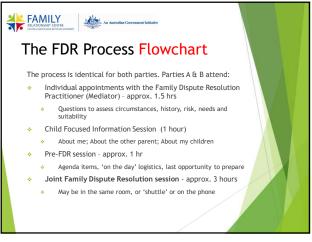
Facilitate the FDR process

Apply strategies to mitigate against power imbalances - alternate delivery modes, caucus throughout sessions

Issue any documents which arise from the process

Remain impartial

11 12



Considerations Presumption that parents are able to negotiate through their issues. Assessment of the suitability to conduct FDR is ongoing throughout the process. Central issues: Safety issues - Domestic and family violence, or child The willingness and ability of each parent to manage their own emotions and to express themselves. Cultural considerations (CALD & ATSI), interpreter services, location, support people, shuttle (arrival & departure) logistics

13 14



FAMILY RELATIONSHIP CENTR The Best Interests of the Child The Family Law Act is driven by 'the best interests of the child': (2) The primary considerations in s60CC are: (a) The benefit to the child of having a meaningful relationship with both parents (b) The need to protect the child from physical and/or psychological harm caused by abuse, neglect or family violence (2A) The Court is to give greater weight to paragraph (2)(b) So, with each option/proposal/issue the parents discuss, the Practitioner's work is to assist parents in considering what that option/proposal would feel like <u>from their child's perspective</u>.

16

15



FAMILY
RELATIONSHIP CENTRE
HELPHOLISMESS MEAN PRIVACE. Equal Shared Parental Responsibility The presumption of Equal Shared Parental Responsibility (s61DA) applies, unless otherwise ordered. This means both parents are equally responsible for making decisions together about all the major long-term issues that affect their children: · Education · Any change of name Religious and cultural beliefs and practices · Living arrangements NB: Many parents misinterpret this as an assumption of an equal-time living arrangement (ie, 50-50 care). Living arrangements should be guided by developmental, needs-based considerations for the child, which usually change over time.

17 18

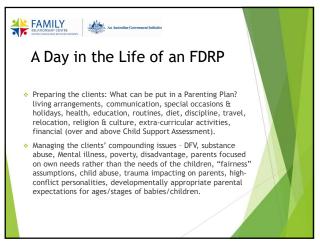


S60i Certificates (R/ship with court)

The Family Law Act specifies five types of certificates which may be provided by the Family Dispute Resolution Practitioner, but three main reasons:

a) One party to the dispute did not attend Family Dispute Resolution
b) The case was not appropriate for Family Dispute Resolution
c) All parties attended and attempted to resolve the dispute

19 20



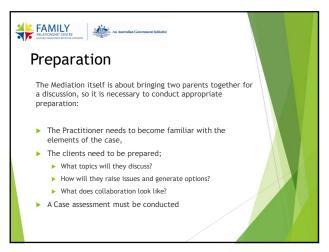
A Day in the Life of an FDRP

Managing the Family Dispute Resolution Joint session - preplanning, safety, balance between parties, impasses, conflict in session, where to from here?

Demographics - FIFO, Grandparent carers, ADF personnel, young parents, Outreach areas - Charters Towers, Mt Isa, Ingham, Ayr - logistics

22

21



Family Dispute Resolution
Practitioners (FDRPs)

An FDR practitioner is an independent person trained in mediation and negotiation and specialising in family disputes. They are neutral and don't take sides with any of the people involved in the mediation. They will facilitate the process by encouraging people to talk about the particular issues in dispute.

An FDR practitioner is accredited under the standards set out in the Eamily Law (Family Dispute Resolution Practitioners) Regulations 2008.

Family Dispute Resolution Practitioner obligations - case management model, ongoing screening and assessment of risks and appropriateness of case to proceed to joint Family Dispute Resolution session

23 24

