

Frequently Asked Questions

On the following slides, we answer some frequently asked questions (FAQs) about Family Dispute Resolution (FDR) at our Family Relationship Centres (FRCs)

Acknowledgement of the Traditional Owners of the Land

Relationships Australia Victoria acknowledges the Aboriginal and Torres Strait Islander peoples as the Traditional Owners of the land and waterways of Australia.

We pay our respects to Elders past and present, and recognise and value the ongoing contributions of Aboriginal and Torres Strait Islander peoples which enrichen all communities within Victoria.



Question 1: What is FDR?

- FDR stands for Family Dispute Resolution. This name was introduced in 2007 when the Family Law Act was amended.
- FDR is different from other services and processes, such as counselling and court-based mediation.
- FDR is often called mediation.
- FDR uses step-by-step process to help people involved to negotiate and reach an agreement on the care of their children and/or financial or property settlements.



Family Dispute Resolution Practitioners (FDRPs) are the mediators who provide FDR.

FDRPs have specialised training and are registered as accredited practitioners with the Australian Government Attorney General's Department.

Our practitioners are very experienced and skilled in providing a safe, structured and professional process to facilitate communication and decision-making.



Question 3: When is FDR required?

FDR can help separating or divorcing couples to resolve disputes and reach agreements about parenting and/or property matters.

Australian family law requires parents to attempt FDR before they can file an application for parenting orders. There are some exceptions to this requirement, however.



Reaching an agreement through FDR can give you a greater sense of agency and control, and lead to a more satisfactory agreement for everyone including your children.

When it is safe and appropriate, FDR is an affordable alternative to formal legal processes.

Research shows that FDR can improve communication, reduce conflict and strengthen co-parenting skills.

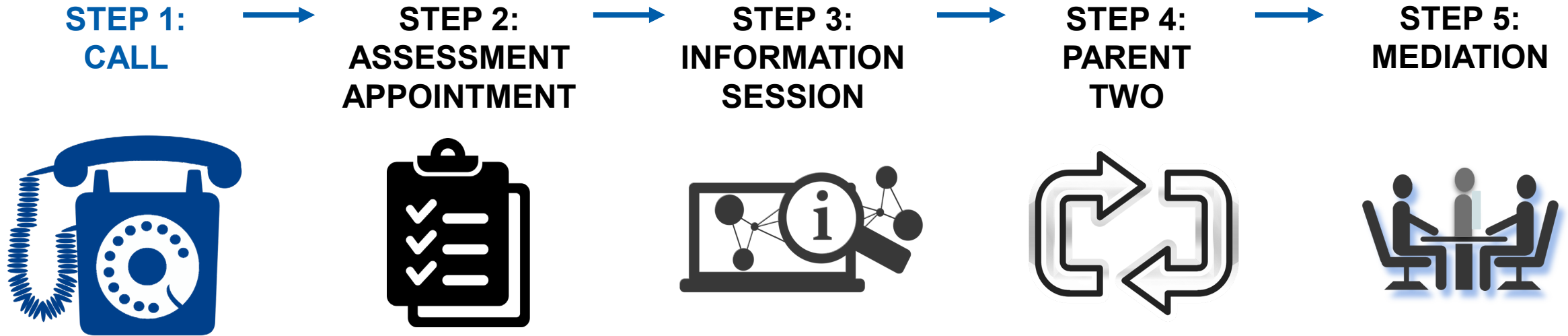
“FDR really reaffirmed for both of us what’s in the best interest of our boys... We were reminded to continually focus on that and that’s actually been a really cool thing. I can actually communicate with the boys’ mother if it’s about the children. I can do it with ease, like, and friendly and respectfully.

I can’t speak to her about other things, but through mediation we were reminded a bit you’re just focusing on the interests of the children. It’s really cool to be able to talk with her about that.”

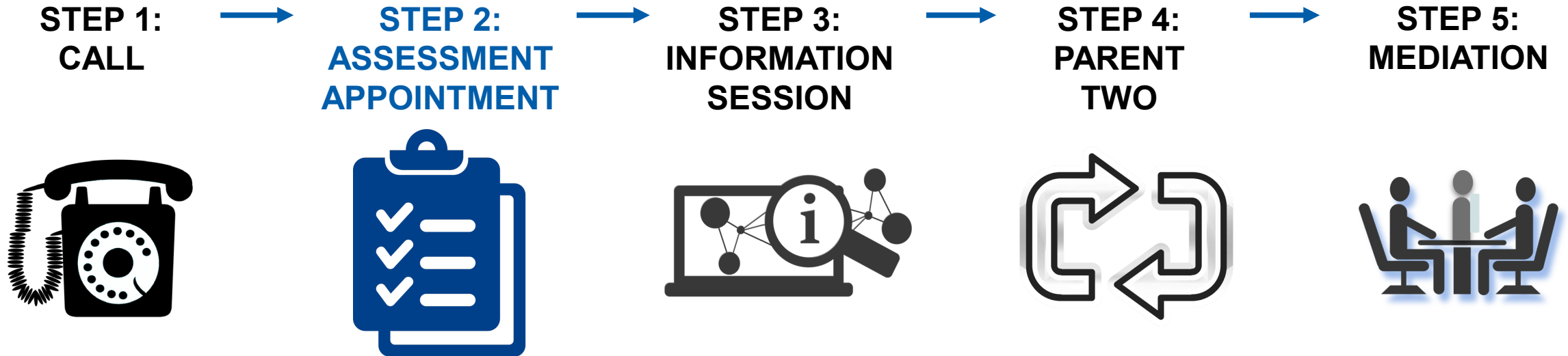
[Dad, 41]

Question 5: What is the process for FDR?

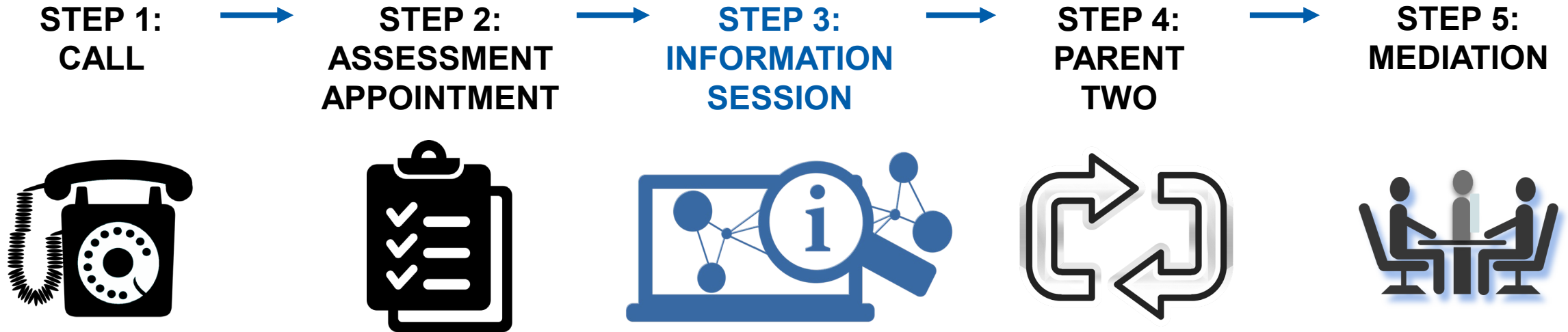
The process involved in FDR is explained throughout this presentation, however the next five slides provide a quick summary of this process.



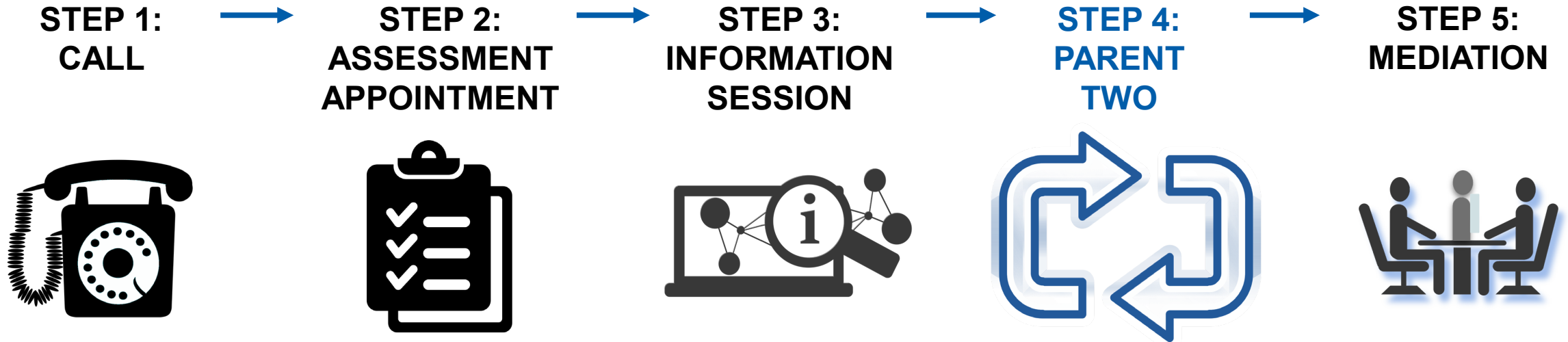
- **Contact** the Family Relationship Centre
- **Answer** a series of basic questions to help our staff understand your circumstances
- **Book** an assessment appointment to meet with a practitioner



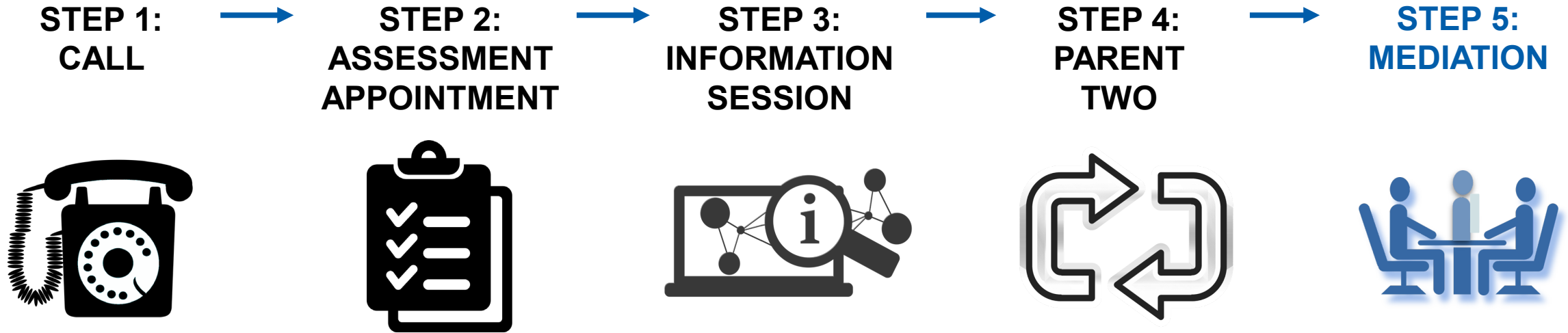
- **Meet** separately (one-to-one) with an FDRP
- **Discuss** the essential details about you, your children (if applicable), and your situation
- **The FDR process** will be explained, and appropriate referrals and necessary information will be provided to you



- **May be held** before or after your assessment meeting, either in person or online, depending on the centre and the current circumstances
- **Provides** information on parenting after separation and an opportunity to reflect on the children's experiences when their parents minimise conflict and focus on their interests
- **Suggests** how to prepare for mediation and how mediation fits in the family law system



- **The steps so far are repeated** for the other person/party
- **Suitability for FDR** is determined by the FDRP after meeting both parties.
The FDRP will discuss this with you
- **Confidentiality** is maintained throughout the process



- **FDR** can take place in a number of ways; in the same room, in separate rooms, by telephone or by video
- **Your FDRP** will ensure a safe, respectful, structured, professional process to support decision making
- **An agenda** is agreed upon by both participants, ideas are proposed and discussed, and agreements can be made

Question 6: What happens in an FDR assessment?

Once someone calls us and asks for FDR, they are offered an individual assessment appointment.

This assessment helps the FDRP to understand the person's situation, determine if the service is appropriate for them and their circumstances, and work through the next steps for both parties (people in dispute) participating in FDR.



They're also offered relevant information and referrals to a range of services, and are invited to attend an Information Session.

During COVID-19, the assessment appointment is via telephone, and the Information Session is online, however usually these are provided as face-to-face services.



Question 7: What type of families do your FRCs help?

FDR can be used by all families, including:

Families where the mother and father are separated



Extended families; parents and grandparents



Aboriginal and Torres Strait Islander families



Families from the LGBTIQ+ community



Others with significant relationships with the children



Families from culturally and linguistically diverse backgrounds



The safety of our clients and their families, and our staff, is our number one priority. We are committed to:

- Safety for clients when attending our centres or using our services remotely (e.g. telephone or video appointments).
- A thorough assessment and an ongoing focus on the safety and welfare of clients when participating in FDR.
- The safety and best interests of children. This is a primary consideration in the FDR process.

Question 9: If FDR is appropriate for a family, what happens during an FDR session?

If after an assessment, an FDRP determines that FDR may be a helpful process for a family's current situation:

- An appointment is booked for both parties to attend FDR.
- The participants may be present in the same room or they may be in separate rooms – a process called shuttle FDR. The FDRP decides this.

During FDR:

1. The FDRP will help to identify what is in dispute (an agenda).
2. With the help of the FDRP, the parties will consider and discuss options that are in the best interests of the children. In property FDR parties go through a process to help achieve a property settlement.
3. After a period of negotiation, the FDRP may ask to talk to both clients separately to check in or explore ideas. Clients may also ask for this.
4. Finally, the FDRP will assist clients to make a Parenting Plan or other agreement about their children. For property matters, a property agreement or other options may be explored. In some cases, the FDR process may take more than one appointment.

We take family violence very seriously:

- During the individual assessment that all clients attend, the FDRP screens for and explores any safety issues, and works through next steps.
- People who are impacted by family violence are provided relevant information and referrals.
- We know that FDR can still be helpful for some families impacted by family violence, and will only proceed where it is assessed as safe to do so.

Clients will NOT be forced into making an agreement.

One of the conditions of a Parenting Plan or any other parenting or property agreement is that it has to be made voluntarily and without threat, duress and coercion.

The purpose of FDR is to provide a safe process where issues can be explored, options can be considered and clients can choose if they do or don't want to make any decisions or agreements.

Question 12: What is a Parenting Plan?

A Parenting Plan:

- Is a list of agreements, made between parents, about spending time with and caring for children. Other people with an interest in children's lives, such as grandparents, can also make written agreements in FDR.
- Is made voluntarily without threat, duress or coercion.
- If signed, will be considered by the Court should parents end up in Court at a later stage, however a Parenting Plan is not legally binding.



It is agreed that:
(set out the client's decisions/agreements in numbered paragraphs under appropriate headings e.g. as set out below or 'Changeover' arrangements, Travel, Child Support, Commencement date of the Plan).

Immediately below is an introduction where current Court Orders are being varied.

(Paragraphs (insert paragraph numbers) of the Orders of the Federal Circuit Court / Family Court at (insert place) on (insert date) are subject to the following agreements:)

1. Living / parenting arrangements for our child(ren)
 - 1.1.
 - 1.2.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Week 1							
Week 2							

2. Changeover
 - 2.1.
 - 2.2.

3. Future disagreement:
 - 3.1. If we have a future disagreement about any matter dealt with in this Plan, we shall first try to resolve the conflict constructively and co-operatively. If we are unable to reach a resolution. We agree to seek assistance from a family dispute resolution practitioner.

Name: _____

Signed: _____

Name: _____

Signed: _____

On this date: _____

On this date: _____

The interests of children are represented by:

- FDRPs providing relevant information about, and referrals to meet, the needs of children.
- FDRPs keeping a focus on children throughout the FDR process. Parents are encouraged to make decisions in their children's best interests.



The interests of children are also represented by:

- Parents being encouraged to attend an Information Session that focuses on the needs of the children. This is usually a face-to-face session, however is currently online due to social distancing.
- Using an optional process known as Child-Inclusive Practice, where the children are interviewed. This practice is available when both parents agree and the FDRP thinks it is suitable.



Question 14: How can I best prepare for FDR?

Participants can prepare for FDR by:

- Considering your priorities.
 - What are the crucial, relatively important and less important issues?
- Thinking through both your best case scenario, and what you would be willing to accept as an outcome.
- Coming to FDR with an open mind and willingness to explore options that don't compromise safety.



FDRPs are required to assess whether FDR is suitable for each case, based on a range of different factors based in the FDRP Regulations (<https://www.legislation.gov.au/Details/F2008L03470>).

FDRPs make this decision carefully, often in consultation with supervisors and/or managers.

In such cases, FDRPs will explore other options with clients such as negotiation through lawyers and legal processes.

Question 16: How much does it cost?

We are only partly government funded so some fees are charged for family dispute resolution services.

We try to make our services as affordable as possible and will discuss this with you when you contact us to organise an appointment.

Question 17: How does FDR consider children's different stages of development?

We encourage careful consideration of the age of children in FDR.

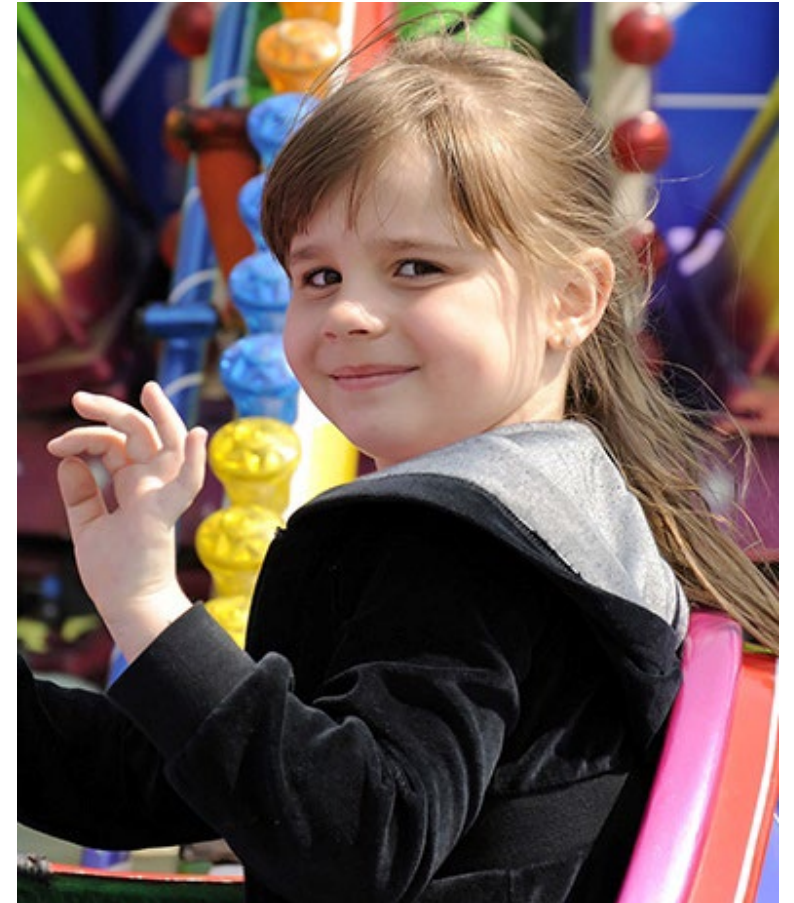
For children aged 0 to 5 years, we encourage you to:

- Provide lots of reassurance to your children and not just when they look distressed.
- Be patient when your children have disrupted sleep and are unsettled.
- Consider that any changes to their routine need to be brought in slowly and sensitively.
- Avoid putting the other parent down in front of your children.



For children aged 5-8:

- Reassure them that they don't have to choose between you and the other parent.
- Provide an opportunity for your children to talk about the anger and loneliness they may feel.
- Provide sensitive and age-appropriate answers to questions or statements; this age group often longs for their parents to get back together.
- Avoid putting the other parent down or burdening your children with adult issues.



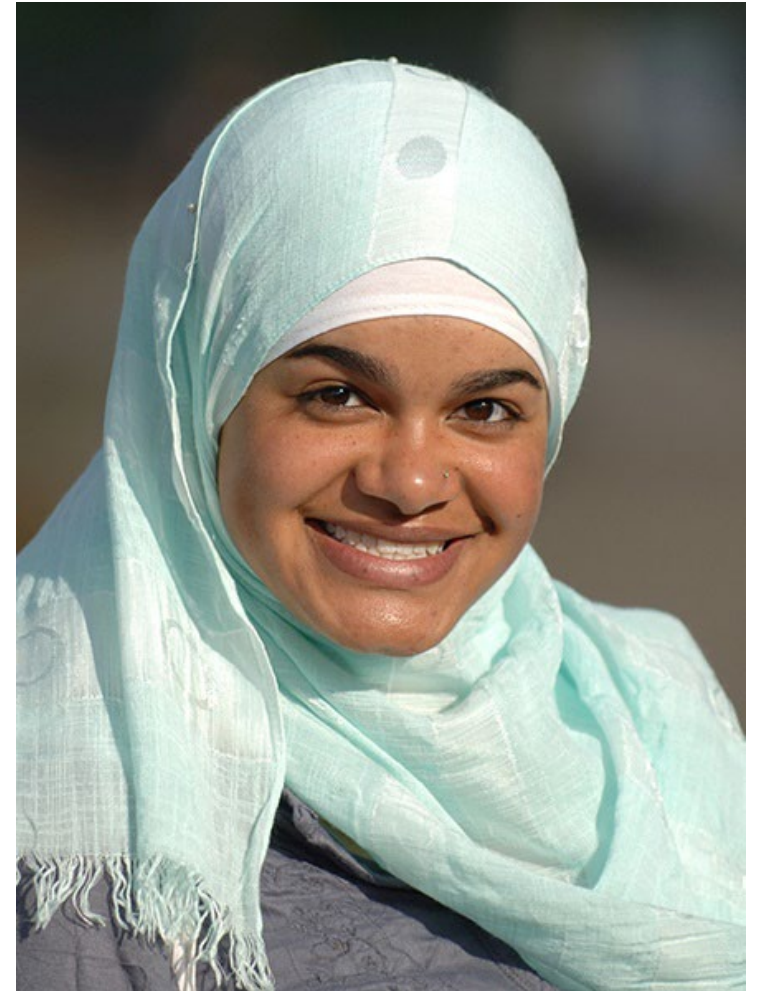
For children aged 8-12:

- Give them an opportunity to talk about what is happening for them without asking them to choose between parents.
- Keep in mind how any arrangements impact on their sporting and social activities.
- Make it clear that you are the adult and they don't have to carry any adult responsibilities.
- Provide comfort and time to talk about their fears and concerns.
- Avoid putting the other parent down.



For adolescents:

- Be prepared to listen and talk with them.
- Find a confidant to talk to about your adult issues and keep your fears, anxieties and financial stresses away from your teenagers.
- Give them time and space to work through their own reactions to the separation.
- Don't put the other parent down.



Question 18: What is property FDR?

Property FDR enables separated people to address and negotiate a property and financial settlement.

The process involves:

- parties agreeing on a list of assets and debts and their value
- discussions about contributions and future needs
- presentation of options
- discussion and negotiation
- finalising agreements (if made).

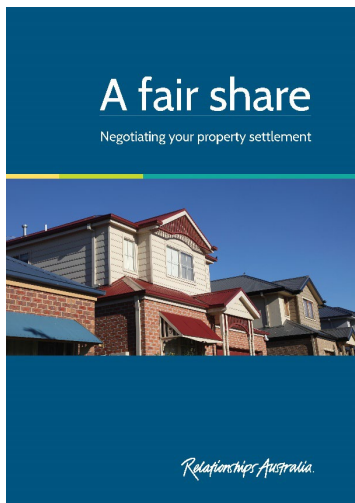


“A Fair Share”

By Relationships Australia

Provides information about property settlements and dispute resolution

<http://bit.ly/RAVfairshare>



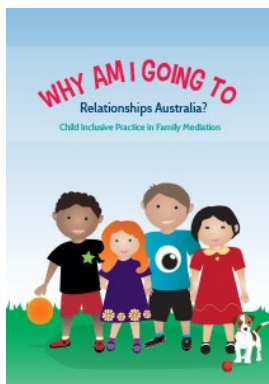
Question 19 – What are some useful resources for me?



“What About The Children” booklet

By Relationships Australia

<http://bit.ly/RAVchildren>



Child-Inclusive Practice Resources – “Why Am I Going to Relationships Australia?” booklet

By Relationships Australia
Victoria

<https://bit.ly/WhyGoingRA>

Video resources that make us reflect on what children may be experiencing

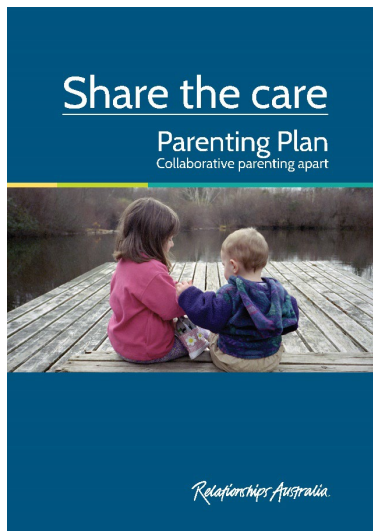
One example is: “Remember Me” which
shares four different stories of children
during separation:

www.youtube.com/watch?v=YPUnmt95N28



*Used with permission from the Attorney-General's
Department which is a Federal Government initiative.*

The following resources are available on Parenting Plans:



“Share The Care” booklet
By Relationships Australia
<http://bit.ly/RAVsharethecare>



Australian Government

support resolution
arrangements
parents help children

Parenting plans

Information for parents to consider when making a parenting plan

Separation can be painful for everyone involved – especially children. During this challenging time children need support, love and contact with both of their parents and other significant people, such as grandparents. Some certainty for the future is also important for

Parenting Plans resource

Family Relationships Online

https://www.familyrelationships.gov.au/sites/default/files/documents/06_2017/parenting-plans.pdf

For **immediate safety concerns**, call 000

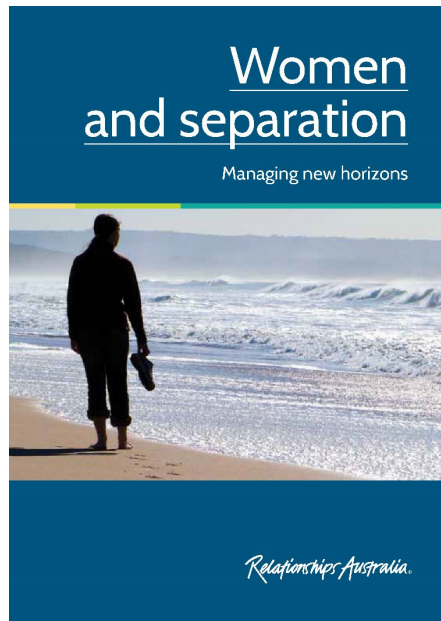
For **information and advice** where you are not in immediate danger, contact safe steps Family Violence Response Centre <https://www.safesteps.org.au/>

For **confidential counselling and support** for family violence and/or sexual assault, contact 1800RESPECT <https://www.1800respect.org.au/>

Women from culturally and linguistically diverse backgrounds, can contact In Touch <https://intouch.org.au/>

Aboriginal and Torres Strait Islander women can contact Djirra <https://djirra.org.au/what-we-do/legal-services/>

General information is available in Relationships Australia Victoria's booklet, "Women and Separation"
<http://bit.ly/RAVwomensep>

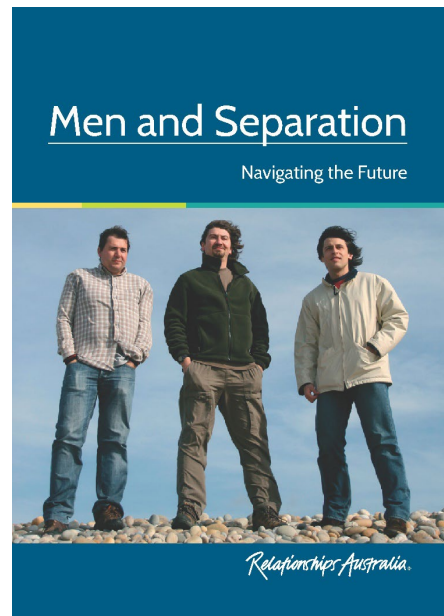


Those from **culturally and linguistically diverse backgrounds** can get telephone advice and support from the Domestic Violence Resource Centre Victoria
<https://www.dvrcv.org.au/immigrant-women%E2%80%99s-support-service-iwss>

For **general parenting support**, contact
<https://www.education.vic.gov.au/parents/services-for-parents/Pages/parentline.aspx>

For **crisis support**, contact Lifeline at
<https://www.lifeline.org.au/>

General information is available in Relationships Australia Victoria's dedicated booklet "Men and Separation" <http://bit.ly/RAVmensep>



For **counselling support and advice**, contact MensLine Australia
<https://mensline.org.au/>

For **advice on family violence**, contact the Men's Referral Service
<https://www.ntv.org.au/about-us/contact-us/>

General advice and support can be found at Switchboard
www.switchboard.org.au

Counselling and mental health support can be found at
<https://www.queerspace.org.au/> and www.thorneharbour.org/

For **support for Rainbow families**, contact Rainbow Families Victoria <https://pridecentre.org.au/resources/rainbow-families-victoria/>

You can get **legal support and advice** from:

- The Legal Aid Helpline <https://www.legalaid.vic.gov.au/get-legal-services-and-advice/free-legal-advice/get-help-over-phone>
- Community Legal Centres (eligibility criteria may apply)
<https://www.fclc.org.au/>
- The Law Institute of Victoria (for private legal assistance)
<https://www.liv.asn.au/find-a-lawyer>

- **For advice**, contact the Aboriginal Centre for Males Referral Centre <http://www.vacsal.org.au/programs/aboriginal-centre-for-males-referral-service.aspx>
- **For a comprehensive list of services** for Aboriginal and Torres Strait Islander people, visit <https://www.vahs.org.au/>

- For **resources for asylum seekers**, visit <https://www.asrc.org.au/>
Migrant Resource Centres are available in various locations across Melbourne. Please check your local area.
- Victorian Refugee Health Network
<http://refugeehealthnetwork.org.au/>
- Foundation House, whose mission is to help refugees rebuild their lives <https://foundationhouse.org.au/>

- Relationships Australia Victoria's website includes a **dedicated page on Post-Separation Parenting**
www.rav.org.au/post-separation-parenting
- Tuning in to Kids™ and Tuning in to Teens™ are very effective **programs that can assist parents to relate effectively to their children**
www.rav.org.au/ChildParentingPrograms

Thank you for taking the time to look at this presentation.

If you have any further questions, please talk to your
Family Dispute Resolution Practitioner.