

RESOLVING DISPUTES POST SEPARATION



There are many joint decisions that need to be made following a separation, including how to ensure the ongoing support of your children and the separation of joint assets such as property. If you are unable to make these decisions on your own there are several options available to support you throughout this process.



Family Dispute Resolution

Family dispute resolution (FDR) is a regulated legal process in Family Law conducted by Family Dispute Resolution Practitioners (FDRPs) who are accredited by the Attorney General's Department.

Family Dispute Resolution helps to settle parenting arrangements after separation including how to structure shared parenting such as time with each parent, living arrangements, school, external activities, holidays, celebrations and other significant life events. It is also suitable for grandparents who want to connect with their grandchildren following their parents' separation.

If FDR is unsuccessful and agreements are unable to be reached, separated parents must obtain a section 60I certificate issued by an FDRP before applying to the Court for parenting orders, unless in urgent circumstances. FDR is most commonly accessed through the government funded Family Relationship Centres (FRC), such as Interrelate, at a low cost to the separated couple.



Mediation

Mediation is a private negotiation process used in Family Law for the negotiation of arrangements following separation. This negotiation process is conducted by a private mediator whose role is to assist the parties in negotiations with the aim to reach an agreement outside of the Court.

Ensure the private mediator is accredited having completed the requisite training and registrations. Family Law private mediators are often barristers, former judicial officers or experienced family lawyers.

Whilst mediation can be used for any or all issues arising from separation, Family Dispute Resolution is recommended for parenting matters because of the requirement of a section 60I certificate should negotiations fail.



Collaborative Family Law

Collaborative Family Law is a structured dispute resolution method unique to Family Law where the separated couple is assisted and supported by a team of multidisciplinary professionals including lawyers, child consultants, financial advisors and a coach to help them tailor an outcome that best suits their family.

The lawyers must be collaboratively trained in this method (not simply working 'collaboratively') and must agree to not take the case to Court if an agreement cannot be reached. The Australian Association of Collaborative Professionals manage the register of collaboratively trained lawyers and represent the practitioners who offer this highly successful method.



Arbitration

Arbitration is a legal process that provides an award (decision) by an Arbitrator that is then registered as an order with the Family Law Courts. The award can only be overturned on an issue of law. Arbitrators are often experienced solicitors and barristers who essentially conduct a hearing process outside of the courtroom. Parties can choose their own Arbitrator by agreement and to use the process to determine their whole case or some discrete issue. Evidence is presented like in Court. This is an alternative dispute resolution process which can provide a quicker resolution to parties than the delayed Court process.



Solicitor negotiated agreement

This is the most common process used by separated couples where their lawyers assist in private negotiations outside of the Courts. Family lawyers are then well placed to legally document the agreement to ensure certainty and avoid enforcement issues in future.

We're Here to Help

If you have any questions, are unsure about next steps or would like legal assistance speak to our team of experienced family lawyers or visit our website for more information.

Learn more: [Free Discovery Call](#)

For Legal Advice: [Book Initial Consultation](#)