

FAMILY DISPUTE RESOLUTION

INFORMATION FOR CLIENTS

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OUR CENTRE

The Melbourne Relationship Centre (MRC) is a place where parents and families can discuss the needs of their children following family separation. The MRC offers information, support and Family Dispute Resolution where appropriate, to parents and family members to enable them to discuss any issues they may have in relation to their children in a neutral, non-judgemental environment. At all times family members will be encouraged to focus on what is in the best interests of the children especially around reducing any family or parental conflict. Alternatively parents may come to our centre to simply formalise their current parenting arrangements into a parenting plan.

Our Centre also assists grandparents or other family members who would like to talk about the needs of related children. Often grandparents lose contact with their grandchildren if family relationships break down. The MRC is also a place for them to come and discuss the possibility of an ongoing relationship with their grandchildren.

Those clients who are not suitable candidates for Family Dispute Resolution at the time of their assessment are assisted with referrals and useful information appropriate to their situation. We hope that each client gains something useful from contact with our Centre regardless of the outcome. Clients may be ready at a later date and return to the Centre.

Anyone at any stage of their relationship can come to the Centre to receive information and referral regarding appropriate services both within the Centre and in the community.

OUR PROCESS

The Family Court requires that where appropriate, parties attempt to resolve their disputes through mediation rather than go through the court process. This is to encourage parents to develop an ongoing relationship where they can resolve their own parenting issues.

All parties are advised by the Centre to obtain legal advice pertaining to their case before proceeding with the dispute resolution process.

The Family Dispute Resolution Practitioner (FDRP)'s job is to assist you to make agreements that are in the best interests of your children. However, all through the intake interviews, individual sessions and any joint sessions, the FDRP is constantly assessing if it is still best to proceed with **Family Dispute Resolution (FDR)**.

INTAKE AND ASSESSMENT

Following a brief telephone intake an appointment is made for an Individual session where a parent or grandparent has an interview with an FDRP who will assess their needs and gather information to determine whether a dispute resolution process may be appropriate. This appointment is an opportunity for parents to explain their concerns about their children and their reason for wanting to have Family Dispute Resolution (FDR) with the other parent.

Parents are asked some questions about their relationship with the other parent and what they hope to achieve with the FDR process. Parents' ability to negotiate with and

willingness to compromise are important factors in suitability for FDR. Relevant Court Orders are sighted.

Suitability for FDR is also assessed at this stage including parents' ability to negotiate and compromise with each other. Family violence, past or present is always explored and safety of participants, risk of child abuse, equity of bargaining power, urgency of issues and ability to talk through the issues are all considered. If after interviewing the first parent the FDRP assess that FDR may be suitable, they will invite the other parent into the process.

The second parent will receive a letter of invitation and has 10 working days to respond with their decision. If there is no response from them a second letter will be sent, to which they have 5 working days to respond. If again there is no response from the other parent, we will assume that they do not want to be involved in the process.

If one parent does not wish to participate, this may have legal and financial ramifications for them, so seeking legal advice is recommended.

If the other parent is willing to participate he/she will attend for a separate intake and assessment interview.

FAMILY DISPUTE RESOLUTION (FDR) - JOINT SESSION

Following this, if FDR is suitable or needed, both parents will be invited into a joint session with the FDRP to explore some options for parenting arrangements for their children, with a view to arriving at some agreements that will be in the children's best interests. Both parents are encouraged to come to this session, prepared to negotiate, and with a willingness to see what things are and will be like through their children's eyes.

The resulting arrangements may be written up in a Parenting Plan. A Parenting Plan is an agreement between parents on how they will work together to parent their children. A Parenting Plan contains a list of statements drafted by your FDRP from the agreements made during Family Dispute Resolution (FDR) session(s).

Recent changes to Family Law have made Family Dispute Resolution a compulsory process prior to putting an application into the Family Court. This is to encourage parents to develop an ongoing relationship where they can resolve their own parenting issues.

CONFIDENTIALITY - CAN DETAILS OF THE SESSIONS BE USED IN COURT?

The *Family Law Act* determines that anything discussed in the joint FDR session is not admissible in court. The agreements reached may be made into a parenting plan and then consent orders for court, but other information is confidential.

Please note: Individual assessment sessions are not deemed to be FDR. Your practitioner will also not share with the other party, what you have discussed in your individual sessions.

EXCEPTIONS TO CONFIDENTIALITY

The FDRPs have a duty of care to make sure that you and your children are safe, hence if you disclose that you are going to harm yourself or anyone else they are required by law

to breach confidentiality and notify someone who can help you. In addition, if you disclose that your child is in any danger or subject to abuse of any kind, we are obligated by law, to notify Child and Family Services.

SAFETY

The Melbourne Relationship Centre takes you and your children's safety very seriously. If you have any concerns for your safety at any stage during the process it is important that you let us know. If you have concerns about being in the same room as the other parent it is important to discuss this with your FDRP.

FDRP's have a good knowledge of family violence and the impact on children witnessing family violence or unresolved parental conflict.

In some circumstances, Family Dispute Resolution may be unsuitable if safety is a concern. You and your child's safety are paramount over Family Dispute Resolution.

WHAT SHOULD YOU DISCUSS IN THE JOINT SESSION

- Parenting Time - Time spent with each parent.
- Communication between the parents - How, how often & when.
- Communication between the children and their parents - How will this happen and how often?
- Important parental decisions - Education, medical, development.
- Extra activities - What activities will the child do? Who pays?
- Special days - Birthdays, Christmas, Easter, Mothers and Fathers days. How will your child spend special days?
- Other family members - Does anyone else need to be considered in the plan, such as grandparents?

Where appropriate, FDR may be conducted via 'shuttle' arrangement, whereby an FDR facilitates discussion between parents in separate rooms, or with one person on the phone and the other in the room.

PARENTING PLAN & CONSENT ORDERS

If required, a parenting plan is drawn up, signed and dated by both parents. As this is not legally binding, it is sometimes appropriate to apply for a consent order. This application can be drawn up by your legal advisor.

HOW LONG DOES THE PROCESS TAKE?

The intake and assessment process and FDR sessions vary in time due to parent's availability, practitioner availability, being able to co-ordinate both parents into a joint session and holidays. Once parent one has contacted the centre, it may be up to 3 weeks before we have contact from the other parent. We acknowledge that parents are often motivated to resolve matters very quickly, but ask for your patience with the process.

The centre staff are highly committed to the clients they work with and to helping families resolve parenting matters, and as such they are very busy and may not be able to respond to your call for a couple of days. We will update you on the progress of your case as soon as things are ready for the next step in the process.

WHEN IS FAMILY DISPUTE RESOLUTION (FDR) NOT APPROPRIATE?

FDR allows you as the parents to be the ones who make the decisions for your children.

However, sometimes FDR may not be the best process for your needs, in such cases where, for example, there:

- is a recent separation and one or both parents are not ready or able to make decisions about their children, either on an emotional or psychological level,
- mental health issues may be present that may best be supported via another process,
- one parent may have physical health issues that may be impacting on their decision making capacity,
- high levels of family violence,
- child abuse,
- there are no contact details for the other parent,
- one parent may feel intimidated or coerced by the other parent and unable to feel they have equal negotiating power,
- there are safety issues of concern for either the children or one of the parties in the dispute,
- or any other reason that the FDRP determines that considering the circumstances, the case would be best not to proceed.

Please note: Due to the confidentiality of the information collected in the individual assessments, The Melbourne Relationship Centre is unable to disclose which one of the reasons has resulted in Family Dispute Resolution being unsuitable.

Applications can be made directly to the Family Law Court in exceptional circumstances such as family violence, child abuse/neglect, where the matter is urgent or there has been a recent contravention to an existing court order.

CERTIFICATES

Certificates are a standard form designed by the Attorney General, and issued when the Family Dispute Resolution process has been unsuccessful or unsuitable and one or both parents wish to pursue issues through the Family Law Court.

A Certificate is not a report to the Court nor will it breach your confidentiality, it is simply a way of letting the Court know that you have attempted to resolve your issues outside the court setting and that this has been unsuccessful.

The Certificate will highlight one out of five possible reasons for issue:

- Certificate (a), when one parent refuses to participate in FDR or fails to contact the Centre.
- Certificate (b), both parents have an initial assessment, but a professional decision is made by the FDRP to deem the matter unsuitable.
- Certificate (c), both parents make an effort to resolve the issues in a joint session, but are unable to reach an agreement on some.
- Certificate (d), Family Dispute Resolution takes place; the issues are not resolved due to one parent not making a genuine effort.
- Certificate (e), Family Dispute Resolution takes place, but a professional decision is made by the FDRP midway through the joint process that it is no longer suitable.

FEEDBACK PROCESS

Complaints from clients of the Centre will be taken seriously and given an immediate and efficient response. We are committed to providing services which are ethical, professional and of the highest quality. Client complaints can be an important source of information about the quality of the service. If you wish to make a complaint you may call us on 0400791633 or contact us in writing at Suite 15, 5 Everage Street, Moonee Ponds, Victoria, 3039. All feedback is welcomed.

WHO IS A FAMILY DISPUTE RESOLUTION PRACTITIONER.

A Family Dispute Resolution Practitioner (FDRP) is a neutral party who assists parents and grandparents through the process of Family Dispute Resolution. The role of an FDRP is to remain impartial between the parents while helping parents to focus on what is best for their children. All our Practitioners have specialist training in dispute resolution and are well qualified to assist families with parenting disputes. They also have tertiary backgrounds in a variety of areas such as mental health, counselling, family law and child protection.