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## DISPUTE RESOLUTION

### Your Guide to Family Dispute Resolution

#### Family Dispute Resolution

Family Dispute Resolution (FDR) is the legal term for family mediation, a process for people who want to resolve issues that come under the Family Law Act.

FDR is suitable for matters arising post-separation or divorce, including parenting arrangements, children's living arrangements, property and other financial matters.

Mediation is a confidential and private solution to help you and your ex-partner discuss issues, explore options and work out the best way forward; for you, your family, and most importantly – your children.

#### Benefits of Family Dispute Resolution

FDR has many benefits to you and your ex-partner over other litigious pathways.

Family mediation can help you and your ex-partner work through your issues in a confidential and private setting, unlike a public court room.

You are both responsible for your own agreement and the decisions you make are yours, as opposed to decisions imposed on you by a judge.

With the help of your family dispute practitioner, you will be encouraged to discuss a wide variety of matters that are important to you and your family and to focus on the future.

Mediation is a cost-effective, time-efficient and private alternative to court proceedings.

Mediation provides valuable insights into each other's point of view and concerns, helps foster productive relationships, and typically results in better buy-in with agreements reached.

#### Role of the Practitioner

The Family Dispute Resolution Practitioner (FDRP) is an independent, impartial professional who guides you through the mediation process. This includes setting out guidelines and treating all parties fairly and equally.

Your mediator is a qualified Family Dispute Resolution Practitioner, registered with the Attorney-General's department; is a nationally accredited mediator and a Professional Member of the Resolution Institute, Australia.

It is not the role of the mediator to provide any legal advice or make decisions as to who is right or wrong. Rather, we will assist you work through your disputes and make your own decisions on what is in the best interests of your children.

#### Family Dispute Resolution Process

The process can be summarised as follows:

##### 1. Preliminary Meeting (60-90mins)

The first step is for the mediator to meet with each person separately, for a confidential meeting. This meeting will allow you to share your story and to ask any questions you might have.

The mediator will also be considering the suitability of mediation and any variations or safety concerns that needs to be considered. It is recommended that people seek independent legal advice prior to mediation.

The mediator will spend time becoming familiar with your family history and specific circumstances, in order to assist you explore your options moving forward.

Finally, the mediator will workshop with you how mediation may play out, reality test your initial assumptions and options, and generally help prepare you for mediation.

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#### 2. Mediation (4-6hrs)

The mediation takes place in a suitable venue that typically includes a boardroom style room, together with a separate breakout meeting room to cater for private retreat and one-on-one sessions.

Mediation commences with each party sharing their story or concerns with the other. This is an opportunity for each party to speak uninterrupted and for the other party to hear the other's point of view.

An agenda is then agreed on to focus discussions, explore interests and consider underlying needs. Further group discussions continue to explore each other's concerns and start to consider options going forward.

Private sessions between the mediator and individuals will take place and will also be used for breaks when required. Private sessions are confidential and discussions will not be shared by the mediator.

The next phase of mediation focusses on generating ideas and proposals, negotiating and reality testing assumptions. Should an agreement be reached, these will typically be documented by the mediator on behalf of the parties.

Mediation is voluntary and parties, including the mediator, are free to discontinue the mediation at any point should they no longer feel it is appropriate, productive or safe to continue.

Outcomes at mediation can range from:

- (a) no agreement (with enhanced understanding of each other's concerns or views).
- (b) a verbal or goodwill agreement, only.
- (c) a Parenting Plan that is documented, signed and dated. It is not legally enforceable and can be reviewed and updated periodically, as required.
- (d) Consent Orders, using a nominated lawyer to convert your plan into orders for the Court to rubber stamp.

### About Your Practitioner

Matthew Maxwell, Principal of Maxwell Parker Dispute Resolution is a qualified Family Dispute Resolution Practitioner (FDRP), registered with the Attorney-General's Department. Matthew is also a nationally accredited mediator (NMAS) and a Professional member of the Resolution Institute.

As a FDRP, Matthew is authorised to issue certificates under Section 60I of the Family Law Act 1975.

Matthew has over 20 years experience working for several of Australia's leading banks, specialising in the management of high risk rural and regional clients. Clients ranged from commercial clients, small to medium sized family businesses and individuals. He is well equipped to deal with a wide range of issues, including business and family disputes, property settlements and parenting arrangements.

Matthew now resides in Kiama, NSW with his wife and 2 young children. As a solution-focussed facilitative mediator, Matthew works closely with his clients to explore outcomes that will stand the test of time and that are in the best interests of your children.

He is passionate about the benefits of mediation over other dispute resolution options. Mediation is cost-effective, timely and more suitable to dealing with family and relationship matters.

You can contact Matthew on:

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e: [info@maxwellparker.com.au](mailto:info@maxwellparker.com.au)



As a registered FDRP and nationally accredited mediator, Matthew follows the National Mediation Accreditation Standards (NMAS) ([www.msb.org.au](http://www.msb.org.au)) and Family Law Act 1975 (Regulations 2008).

If you wish to make a complaint about the mediation process, please contact the Resolution Institute ([www.resolution.institute/](http://www.resolution.institute/)).