

FDR Conferences: A guide for solicitors

This guide is to help solicitors prepare for Family Dispute Resolution (FDR) Conferences held at the Legal Services Commission's FDR Unit. Following this guide will allow matters to proceed to a Conference as quickly as possible.

Before a Conference is arranged

1. Check there is a grant of legal aid for FDR

At least one party must have a grant of legal aid in South Australia to participate in FDR at the Legal Services Commission. The other party may be represented by a legal aid lawyer (if eligible) or a private lawyer or may attend unrepresented.

2. Provide a briefing letter to the FDR Unit

Solicitors for an initiating party must provide a comprehensive briefing letter to the FDR Unit once they have funding for FDR. Templates for children's matters and property matters are available on [our website](#).

You must provide all relevant information to the FDR Unit including intervention orders, bail agreements and any other existing court orders. The FDR Unit will not share any information you provide with the other party.

Failing to provide sufficient information to the FDR Unit can cause delay and may lead to the FDR Unit closing the file. The FDR Unit needs to know about anything that may affect the viability of a Conference including drug use, mental health concerns and family violence. The FDR Unit also needs a current email or postal address for the other party. A phone number is not sufficient.

3. Prepare clients for Intake and Assessment

The FDR Unit is required to assess the suitability of FDR by completing an Intake and Assessment process with the parties personally (not their solicitors).

The FDR Unit conducts an Intake with the initiating party by emailing a list of intake questions directly to them, or by calling them, once the briefing letter is received.

4. The FDR Unit invites the other party

The FDR Unit will invite the other party to participate in FDR (by email, post or via their solicitor) once the initiating party has completed their Intake (but no earlier).

In the meantime, if you know the other party is represented, you may write to their solicitor suggesting that they participate in FDR. Waiting time for a Conference may be reduced if the other party confirms via their solicitor that they are willing to participate.

If the other party is not represented, they can seek legal advice or apply for legal aid. This can take some time. The FDR Unit will notify parties if there is anything preventing the matter from progressing.

5. After the FDR Unit invites the other party

If the other party agrees to participate in FDR, then, once their Intake is complete, the FDR Unit will contact the parties to schedule a Conference. The date and time will be confirmed in writing.

The FDR Unit provides the other party with every opportunity to participate. If the other party does not wish to participate, you will be notified and the FDR Unit will issue a Section 60I Certificate.

If a matter involves property settlement, adult child maintenance or spousal maintenance, the parties' financial details are required before a Conference can take place. Templates for full and frank disclosure are available on [our website](#).

If the matter is assessed as unsuitable for FDR at any time, the FDR Unit will notify you and issue a Section 60I Certificate.

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Once a Conference is arranged

Let your client know

Once you are notified of the time and date of the Conference, tell your client. The FDR Unit does not send a separate notice to parties who are legally represented.

Please ensure you and your client read and sign the Confidentiality Agreement and FDRP Regulations Form. Return both to the FDR Unit before the Conference.

Check which type of Conference has been scheduled. FDR Conferences may be held in person, by phone or via Microsoft Teams.

If the Conference is in person, let your client know which entrance they should use. There may be different entrances for each of the parties.

Your client may bring a support person to the Conference if needed. Check the support person understands that they are a silent observer and will not be involved in discussions.

Children are not permitted to attend the Conference.

Explain the roles of the FDR Unit and the people involved

The FDR Unit provides a confidential and independent dispute resolution service. It has a high success rate in helping families reach agreement.

The main benefit of undertaking FDR at the FDR Unit is that the process is facilitated by a legally qualified Chairperson and advisors. Chairpersons are independent, highly trained and experienced accredited family dispute resolution practitioners.

Prepare thoroughly

Prior to the Conference, prepare thoroughly by:

- taking detailed instructions
- collecting all relevant documents, such as drug screen tests, medical reports, and reports relating to the children, and providing copies to the FDR Unit
- reality testing next steps if the matter does not resolve, and
- preparing a draft proposal for settlement and providing it to the other party and the FDR Unit.

Availability and safety

Make sure you and your client are available for the whole duration of the Conference (usually 3 hours, or 2 hours for a Review Conference). If you brief counsel, ensure that they are also available for the whole Conference.

Identify any safety concerns or other needs that your client might have and notify the FDR Unit beforehand.

At the Conference

Be ready to start on time, whether you are attending in person or by phone or Teams. If you are attending in person, remind your client which entrance to use.

Most Conferences are conducted by way of a shuttle process where parties are in separate rooms. A round table approach may be facilitated if appropriate.

Parties and their solicitors are expected to be respectful and make a genuine attempt to resolve issues at the Conference.

After the Conference

If parties cannot reach agreement at a Conference, the Chairperson will discuss next steps and whether a Section 60I Certificate should be issued.

If an agreement is reached, it should be recorded in writing by the solicitors in a Heads of Agreement or Draft Minutes of Consent Order. Parties should sign it and receive a copy before they leave.

In some cases, a Review Conference can be scheduled in the future to review how the agreed arrangements are working.

For more information, contact us

Parties can contact the FDR Unit to ask questions about the Intake process or anything else by calling **8111 5534** or emailing FDRsecretary@lsc.sa.gov.au.

FDR Unit staff cannot provide legal advice or disclose confidential information.