

# FDR: A guide for the invited party

Have you been invited to participate in **Family Dispute Resolution** at the Legal Services Commission? This guide explains what a Family Dispute Resolution (FDR) Conference involves and how attending may benefit you.

## Benefits of attending FDR

FDR is a confidential and independent process that allows separated parties to discuss and reach arrangements about **children** or **property** outside of the court system through a **Family Law Conference**.

A legally qualified Family Dispute Resolution Practitioner (called a **Chairperson**) facilitates a Family Law Conference. Chairpersons are neutral, highly trained, and experienced in family law. The Chairperson does not make decisions but can help parties discuss a way forward.

At a Conference, both parties may be represented by a lawyer. It is recommended that you **seek legal advice** and have legal representation at a Conference.

Generally, parties will remain in separate and secure rooms during a Conference. The Chairperson will move between rooms ('**shuttle**') to discuss the issues with each of the parties and their lawyers.

Family Law Conferences often succeed in helping families reach agreement more **quickly** and with much **less cost** and **stress** than going to court.

## Eligibility and process

To participate, at least one party must have a **grant of legal aid for FDR**. The invited party may be represented by a legal aid lawyer (if they qualify), a private lawyer or may attend self-represented.

Before a Conference is held, the FDR Unit must assess the suitability of FDR by completing an **Intake and Assessment** process with each party (not with their lawyers). Usually the other party will be invited to

participate in FDR once the initial party has completed their Intake and Assessment.

You should seek legal advice as soon as you are invited to participate in a Conference. You can **apply for legal aid** if you think you may be eligible. Visit [lsc.sa.gov.au/cb\\_pages/legal\\_aid.php](https://lsc.sa.gov.au/cb_pages/legal_aid.php) for more information.

The other party's lawyer may also write to you or your lawyer (if you have one) suggesting you participate in a Conference at Legal Services. Confirming with the FDR Unit early that you are willing to participate can reduce wait times.

The FDR Unit will give you every opportunity to participate in a Conference. If you do not wish to participate, the FDR Unit may issue a section 60I Certificate which is a Certificate that allows a party to file court proceedings under the Family Law Act.

If you agree to participate, the FDR Unit will ask you to complete an Intake and Assessment. A Questionnaire will be sent to you via an online link for you to complete. The FDR Unit will also contact you if you decide to represent yourself, you cannot complete the Questionnaire, or we require more information.

Once the matter is assessed as suitable for FDR, the FDR Unit will contact the lawyers and/or the parties to schedule a Conference. The FDR Unit can usually book a Conference in **4 to 6 weeks** once both parties have completed the Intake process.

A Conference involving property, adult child maintenance or spousal maintenance cannot proceed until both parties have provided their financial details.

The information each party provides to the FDR Unit is not disclosed to the other side as the process is **confidential**.

Once a Conference has been scheduled, the FDR Unit will notify the parties and/or their lawyers of the date and time in writing.

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If the matter is assessed as unsuitable for FDR at any time, the FDR Unit may issue a section 60I Certificate (only in matters involving children).

## Types of Conferences

Most Conferences are held **in person** at the Legal Services office in the city. Conferences may also be held by **telephone** or **online** (via Microsoft Teams) where necessary, such as when parties live in regional areas.

For Conferences held online or by telephone, the Chairperson will contact you at the time of the Conference. Make sure you are in a private space. The Chairperson calls from a private number.

For Conferences held in person, please attend at your arrival time.

Parties and their lawyers should make sure they are **available for 3 hours** for a Conference (or 2 hours for a Review Conference).

## Preparing for a Conference

**Speak with your lawyer** (if you have one) ahead of the Conference about the issues you would like to discuss at the Conference.

If you do not have a lawyer, **prepare a list of issues** you would like to discuss. Prepare a **proposal** to provide to the other party and the FDR Unit before the Conference. You should seek legal advice before attending a Conference unrepresented.

Gather any **documents** needed for the Conference, such as drug test results, medical reports, Children's Contact Centre reports, and financial information (for property settlement matters) and provide copies to the FDR Unit. Information provided will not be disclosed to the other side.

The FDR Unit will also send you a **Confidentiality Agreement** which you must read, sign and return before a Conference can proceed. By signing the Agreement, you agree not to record or use any information from the Conference in later court proceedings.

## Safety

In many cases it is possible to hold a Conference where safety concerns exist. The FDR Unit assesses the suitability of FDR and can take steps to ensure safety for everyone involved, such as by providing separate, secure

rooms for each party. If you have any safety concerns or other needs, **advise the FDR Unit** prior to the Conference.

## At a Conference

The Chairperson will speak with both parties and **'shuttle'** between rooms to help reach an agreement. Parties usually remain in separate rooms during a Conference.

In addition to your lawyer, you may bring one **support person** to a Conference if required. Please inform the FDR Unit beforehand if you plan to bring a support person. For Conferences by telephone or online, you must tell the Chairperson that a support person is with you.

Your support person must remain **silent** and cannot participate in the Conference. They must also keep anything they hear **confidential**.

Children are **not** permitted to attend a Conference.

The FDR Unit can arrange an **interpreter** to attend at a Conference if you require one.

## After the Conference

If an agreement is reached at the Conference, a **written agreement** will be prepared for the parties to sign. A copy of the signed agreement will be provided to each party after the Conference. In some cases, a **Review Conference** may be scheduled to check how an agreement is working.

If the matter does not resolve at the Conference, the Chairperson will discuss the next steps. Your lawyer will also discuss options with you. The Chairperson may issue a section 60I Certificate to enable the matter to proceed to court.

The Chairperson may also make recommendations to Legal Services about whether legal aid funding should be continued, based on the legal merits of the case, including whether there is a reasonable chance of success with court proceedings.

## Further information

If you have any questions about FDR or the Intake and Assessment process, contact the FDR Unit. The FDR Unit cannot provide legal advice or disclose information about the other party.

Call **8111 5534**

Email **FDRsecretary@lsc.sa.gov.au**

This information is general and not a substitute for legal advice. The Legal Services Commission provides free advice for most legal problems.

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