

COURT ORDERS – PARENTING ISSUES

Family Dispute Resolution

Before commencing proceedings in the Family Court or the Federal Magistrates Court and seeking orders about their children, a person must obtain a certificate from a registered family dispute resolution practitioner. Section 60I of the *Family Law Act 1975* creates the obligation to have one of these certificates.

In some situations, such as cases of urgency, or where domestic violence or child abuse is involved an exception applies and proceedings can be commenced without the certificate.

The family dispute resolution practitioner may issue certificates covering four different scenarios:

- a. The party or parties did not attend family dispute resolution with the practitioner and the other party to the proceedings but that person's failure to do so was due to the refusal, or the failure, of the other party to the proceedings to attend.
- b. The party or parties did not attend family dispute resolution with the practitioner and the other party to the proceedings because it is considered, having regard to the matters mentioned in the regulations that it would not be appropriate to conduct the proposed family dispute resolution.
- c. The parties attended family dispute resolution with the practitioner and all attendees made a genuine effort to resolve the issue or issues in dispute.
- d. The party or parties attended family dispute resolution with the practitioner and the other party or parties to the proceedings but did not make a genuine effort to resolve the issue or issues in dispute.

The purpose of the certificate is to encourage parents to resolve their disputes without going straight to court and hopefully to avoid the need to go to court altogether.

If the dispute is not resolved at the family dispute resolution conference, then a section 60I certificate must be issued.

A section 60I certificate may give an indication to the court of a person's willingness to make a genuine effort to resolve the dispute as shown by their willingness to attend and participate in the family dispute resolution conference and make a genuine effort to resolve the issues in dispute.

Ferguson Cannon Lawyers have extensive experience in this field. If you have any queries, please do not hesitate to contact Louise Ward.