

Legally Assisted Family Dispute Resolution

Factsheet for Clients

What is Family Dispute Resolution?

Family Dispute Resolution (FDR) is a process that helps separating or divorced families sort out issues like parenting, property, or finances. A Family Dispute Resolution Practitioner (FDRP) acts as a neutral and supportive facilitator between parties, guiding the conversation through a structured process. For more information click [here](#).

How is FDR different to Legally Assisted Family Dispute Resolution?

Legally Assisted Family Dispute Resolution (LAFDR) is similar to regular FDR, but with lawyers present. Each person has their own lawyer with them during the mediation. The FDRP still runs the session, but the lawyers help explain legal rights, responsibilities and provide legal advice and guidance towards negotiating an outcome.

Do I need to have a lawyer to participate in Legally Assisted Family Dispute Resolution?

LAFDR works best if both people have lawyers and agree to participate. The process starts when both lawyers contact Positive Solutions or both parties indicate that they would like to engage in LAFDR. The FDRP will help make this assessment with you.

If your ex-partner doesn't want to do legally assisted mediation, the session can't go ahead under that model. However, we can still invite them to take part in standard FDR, where both of you will be supported by a neutral FDRP.

What are the fees for Legally Assisted Family Dispute Resolution?

The first 2-hour individual session (the Intake) with the FDRP is free.

LAFDR mediation sessions are booked for 3 hours. The costs for the joint mediation session are calculated in relation to parties' individual incomes. Please contact us for more information.

You'll also need to pay your lawyer separately for their time. Make sure to ask your lawyer about their fees before starting.

What if I am unsure whether Legally Assisted Family Dispute Resolution is right for me?

If you already have a lawyer, ask them for advice—they'll help you understand your options.

If you don't have a lawyer or want more information, you can book a free and confidential session with one of our mediators. They can help explain both options so you can decide what works best for you and your situation.

What should I do if I want to use Legally Assisted Family Dispute Resolution?

To do LAFDR:

- Both you and your ex-partner need to have lawyers.
- Both lawyers must contact Positive Solutions to begin the process.

Start by talking to your lawyer to see if this is the right option for you.

What are the steps of Legally Assisted Family Dispute Resolution?

The steps are similar to regular FDR:

1. Both lawyers contact Positive Solutions to begin the process.
2. You and your ex-partner will each have a private, free, and confidential 2-hour session with the mediator (your lawyer can join if you like).
3. If the mediator believes it's suitable to go ahead, they'll work with your lawyers to schedule a 3-hour joint mediation session. You may need several mediation sessions to reach an agreement.

Other common questions:**How many mediation sessions will it take to reach an agreement?**

It depends on your situation. Some matters are resolved in one session, while others may need several. It is common for parties to need between 1 – 3 mediation sessions.

What happens if one of us doesn't agree to participate?

LAFDR is a voluntary process. If the other party refuses to participate, we cannot force them to. The FDRP can discuss your options, including issuing a section 60I certificate for parenting matters.

Do I need to attend in person, or can it be done online/over the phone?

For LAFDR, our preference is for parties to attend in person with their legal representatives. However, this does not mean that you have to be in the same room as the other party for the mediation. If you would like to attend online or over the phone, please discuss this with the FDRP during your Intake session.

Can sessions be done separately (shuttle mediation) if I don't want to be in the same room as the other party?

Yes, LAFDR can take place via shuttle mediation. This means you and the other party sit in separate rooms (or separate online/phone sessions). Shuttle mediation is often used when there are safety concerns, there is a high level of conflict, or where being in separate rooms allows the parties to remain calm and negotiate freely.

The mediator moves between you, passing on information and helping with negotiation.

Is everything said in FDR confidential?

Yes, generally everything discussed during Intake sessions and at mediation is confidential. What you say in LAFDR cannot be shared outside of the process, except in limited situations (where there is a risk of harm to a person or child safety).

Can what I say be used against me in court later?

No, the law prevents most things said in FDR from being used in court. The idea is for you to be able to speak openly and encourage parties to work through the issues with the goal of reaching an agreement.

Can my lawyer speak on my behalf, or do I need to speak directly?

Both are possible. Your lawyer is there to give you advice, support you, and help you to negotiate fairly. You can speak for yourself, or your lawyer can help communicate your views. Usually it's a mix of both.

Can I stop the process if I feel uncomfortable or unsafe?

Yes. You can pause or end your participation at any time if you don't feel safe or comfortable. The FDRP can also end a session.

Will the agreements we reach be legally binding?

Not automatically. There are several options to make an agreement legally binding. Your lawyers can talk to you about what best suits your circumstance.

What happens if we can't reach an agreement?

If no agreement is reached, you may need to speak with your lawyer regarding legal options to resolve your dispute. LAFDR may still be useful to help narrow the issues in dispute, even if an agreement can't be reached.

Will I still be able to go to court if FDR doesn't work out?

Yes. If you are unable to reach an agreement through LAFDR, you can still apply to the court to resolve your matter. For parenting matters, the FDRP can speak with you about a section 60I certificate. Your lawyer can advise you on next steps.

What is Child Inclusive Mediation, and can it form part of LAFDR for parenting matters?

Child Inclusive Mediation provides a way for the child's voice to be brought into the mediation process in a safe and supportive way. It can form part of regular FDR as well as LAFDR.

Child Inclusive Mediation is designed to help separated parents make better decisions by understanding how their child is experiencing the separation and what their needs are—without putting the child in the middle of the conflict. The FDRP will assess if Child Inclusive Mediation is appropriate, and both parents must consent for the process to begin.

A Child Consultant will meet with both parents ahead of meeting with the child/ren. The Child Consultant then shares an overview of the child's experience, strengths and challenges in a feedback session with the parents which can help inform discussions at mediation.

About Positive Solutions

Positive Solutions has been providing support to individuals, couples, families, organisations and communities across Tasmania since 1991. We pride ourselves on being a Tasmanian not for profit organisation and supporting our local community through the provision of high quality, professional services.

Positive Solutions offers a range of services including:

- Family Dispute Resolution for both Parenting and Property
- Child Inclusive Practice
- Workplace and Community Mediation
- Counselling for individuals, couples, children and families
- GP Referred Mental Health Care Plans
- Employee Assistance and Workplace Services
- Workers Compensation Counselling
- Professional Supervision
- Training

Positive Solutions aims to make services accessible to all Tasmanians.