

Legally Assisted Family Dispute Resolution

Factsheet for Legal Practitioners

Positive Solutions is piloting Legally Assisted Family Dispute Resolution (LAFDR) in Southern Tasmania for parenting and property matters, in response to client demand for lawyer-supported mediation. Below are some frequently asked questions regarding the pilot.

What steps are involved in LAFDR?

Initiated by lawyers: Both lawyers contact Positive Solutions to commence the process. Phone: [\(03\) 6223 5612](tel:0362235612) Email: admin@positivesolutions.com.au

Individual sessions: Each party attends a free 2 hour private and confidential intake session with the FDR Practitioner (FDRP) to assess suitability. Lawyer attendance at intake is optional.

Joint mediation sessions: Where LAFDR is suitable, a 3-hour joint or shuttle session will be conducted with parties and their legal representatives present. Several joint mediation sessions may be required. Mediations will be held at 165-167 Davey Street, Hobart, Tasmania.

Who conducts the sessions?

All sessions are run by accredited FDR Practitioners with legal or social science qualifications, holding a Graduate Diploma in FDR and registered with the Attorney-General's Department.

How are appointment times set?

Lawyers are the primary contact throughout the process. Positive Solutions will only contact clients directly if requested (e.g., to book intake sessions).

Once both intake sessions are complete, Positive Solutions provides 3 proposed mediation slots (held for 7 days). Lawyers coordinate with each other and their clients to confirm a time.

What is the cost of Legally Assisted Family Dispute Resolution?

Intake sessions: Free.

Joint mediation sessions: Charged hourly per client based on the client's individual income. Fees are:

- For those earning under \$50,000 gross per annum and concession card holders \$30.00 per hour.
- For those earning over \$50,000 gross per annum, \$1.00 for each \$1,000 of income, to a maximum \$250 per hour.
- Fee waivers available based on assessment by the Manager and inability to pay.

Legal fees: Clients are responsible for their own legal costs, including attendance and drafting fees.

How soon can mediation begin?

Timelines depend on Practitioner, client, and legal representative availability. Joint mediation can only be scheduled after both parties complete their individual sessions and the case is deemed suitable for mediation.

What is the role of legal practitioners during Legally Assisted Family Dispute Resolution?

Legal practitioners play a key supportive and advisory role throughout the LAFDR process.

During mediation, the role of legal practitioners is to:

Attend sessions: Lawyers must be present in all joint or shuttle mediation sessions.

Support and advice: Provide real-time legal advice to their client, clarify legal implications of proposals, and help ensure any agreements comply with relevant laws.

Negotiate: Advocate for their client's interests while working collaboratively toward resolution.

Manage power dynamics: Help protect their client's rights, especially in cases involving complex legal or financial issues.

Are parties required to exchange information ahead of mediation?

For property matters only, parties are required to exchange the following information 7 days prior to the date of mediation:

- Agreed summaries of issues and/or
- Schedules of assets and liabilities

Can Child Inclusive Mediation form part of LAFDR for parenting matters?

Yes, Positive Solutions can also offer Child Inclusive Mediation for LAFDR.

The FDRP will assess if Child Inclusive Mediation is appropriate, and both parents must consent for the process to begin. Child Inclusive Mediation can be discussed during intake or during the joint mediation session.

How to prepare for mediation:

Confirm whether you will attend the intake session with your client (optional)

Ensure you and your client are available for the joint mediation session. Confirm your availability with the other legal representative and with Positive Solutions.

Exchange documentation with the other party 7 days prior to the joint mediation session for property matters and share with Positive Solutions.

Prepare your client for mediation including preferred outcomes, realistic settlement options and alternative proposals, and next steps if no agreement is reached.

Who will draft agreements?

Lawyers are responsible for drafting any agreements reached. FDRPs do not prepare parenting plans or property settlement documents in LAFDR.

Will parties have access to facilities on the day?

Two rooms will be booked to accommodate all LAFDR sessions. These rooms are available for breakout sessions for clients to use with their legal representatives, as required.

Staggered arrival times may be scheduled, particularly where mediations are being conducted via shuttle. Please be aware of your client's designated arrival time.

Basic office amenities will be available, including wifi access for legal representatives.

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 and 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.