

New Ways to Resolve Family Disputes

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Children are often the innocent casualties of marriage breakdown and post-separation conflict.

In December 2003 the House of Representatives Standing Committee on Family and Community Affairs released its report following an inquiry into child custody arrangements in the event of family separation.

The Committee's report recommended a range of reforms to the family law system.

A new network of 65 Family Relationship Centres is the centerpiece of the reforms.

Substantial funding has been allocated for the establishment of the Family Relationship Centres to provide information, advice and dispute resolution services to families to help them reach agreement on parenting arrangements.

Where parenting arrangements break down or court orders are breached, the centres will be a first port of call to help families resolve their problems.

The changes to the *Family Law Act* will recognize the importance to children of ideally having both parents meaningfully involved in their lives. They will include a new presumption of joint parental responsibility, except in cases involving child abuse or violence.

Other changes to be introduced will:

- require parents to attend dispute resolution, such as mediation, before taking a parenting matter to court (with exceptions including child abuse or violence);
- require the courts to consider substantial sharing of parenting time in appropriate cases;
- encourage parents to consider substantial sharing of parenting time when developing parenting plans outside the court; and
- better recognize the interests of the child in spending time with grandparents and other relatives.

Where a case is exempt from the requirement to engage in a dispute resolution process because it involves violence or child abuse, there will still be a requirement for the parent wanting to take the matter to court to obtain information from a family counsellor or dispute resolution practitioner about options and support services available.

Changes to the Act will require mediators, counsellors, and legal advisers to provide information about what a parenting plan is, the possible content of such a plan and appropriate organizations or individuals who can assist parties to develop parenting plans that best suit their individual circumstances.

It is proposed that amendments to the Act will be introduced to provide that a dispute resolution practitioner (such as a mediator) certify that a parent wishing to take a parenting dispute to court has attended a dispute resolution process with the other parent or that they attempted to do so but the other parent refused or failed to attend.

Private mediators will have a significant role in supporting the new Family Relationship Centres and in assisting parents to comply with the new requirements of the *Family Law Act*.

Mediators can offer a comprehensive service that assists parents to manage their dispute in the most timely and cost effective way and to achieve the best possible outcomes for their children.

Mediation provides an opportunity for parents to come together with a neutral third party to consider the issues in dispute and explore their options.

Above all, family mediators help parents find their own lasting solutions to conflict.

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