

## **Midland Family Relationship Centre**



### **Information for Parents and Carers**



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## **Introduction**

The changes to the family law system are the most significant in 30 years and aim to assist families deal cooperatively and practically with relationship difficulties and separation.

The main focus to the changes is that children come first.

The changes focus on the way family separations are managed, moving away from long and costly court battles and towards more cooperative parenting solutions.

You have contacted the Midland Family Relationship Centre to assist you negotiate arrangements that are in the best interest of your child/ren.

This package is designed to provide you with information about;

- The recent changes to the Family Law System;
- Family Relationship Centres;
- Family Dispute Resolution and what you need to know;
- Obligations of Family Dispute Resolution Practitioners;
- Parenting Plans;
- Safety Issues;
- Confidentiality;
- Certificates;
- Further information and useful contacts.

Separation can be painful for everyone involved especially children. During this challenging time children need support, love and contact with both of their parents and other significant people, such as grandparents. Some certainty for the future is also important for everyone.

The new family law system encourages separating parents to work out arrangements for children between themselves without having to go to court.

One way parents can be more certain about arrangements for their child, is to make a parenting plan. Focusing on the best interests of the child is the most important thing for parents to consider when they make a parenting plan.

Separation is often a time of conflict between parents. Where family violence or abuse is present, making arrangements with the other parent may not be possible without some assistance. There are services available that provide information, advice on options and support to people affected by family violence or child abuse. The Midland Family Relationship Centre can provide information to allow clients to access these services.

## **Family Relationship Centres**

By July 2008, the Australian Government will have funded 65 Family Relationship Centres within Australia. Western Australia will have seven Family Relationship Centres located in Midland, Joondalup, Mandurah, Perth City, Bunbury, Kimberley/Pilbra and Geraldton. All these Centres are operated by a range of organisations.

The Midland Family Relationship Centre is run by Centrecare Incorporated (Centrecare). Centrecare is one of Western Australia's most well established, professional and innovative providers of specialist social services. With a not-for-profit status, the aims of Centrecare are to provide an excellent, respectful and caring service which encourages all persons to develop to their fullest potential.

Centrecare is committed to working with families in a culturally appropriate manner which is respectful of the diverse parenting styles and family dynamics. Centrecare is known for the delivery of high quality, professional services and support in the area of family relationships.

The Midland Family Relationship Centre provides information and referral to people of all ages and at all stages of their family relationships. We help families to find information about existing services in the community that may be helpful in strengthening relationships, to prevent family breakdown or to help separating or separated parents to focus on the needs of their children and to reach agreements on parenting arrangements.

We can refer you to other services that may be of help such as individual, couples, family counselling, specialist family violence support and advice, or legal advice.

The Family Law Act requires separating parents to first try dispute resolution before taking a parenting dispute to court (exceptions include cases of where family violence or child abuse is present). Family Dispute Resolution can be provided by an accredited Family Dispute Resolution Practitioner at the Midland Family Relationship Centre or provide you with information about alternative Family Dispute Resolution Practitioners in your area.

All Family Dispute Resolution Practitioners provide high quality services and are registered to provide the service by the Commonwealth Attorney Generals Department.

## Changes to the Family Law System

The current changes to the Family Law system are a part of the Australian Government's commitment to change the way people think about family breakdowns and to improve outcomes for children. It is being changed to work better for Australian families.

The changes also aim to ensure that as many children as possible grow up in a safe environment with the love and support of both parents.

The key changes are:

### *(i) Equal Shared Parental Responsibility*

Except where there are issues of family violence or abuse, the law presumes that it is in the best interest of the child for the parents to have equal shared parental responsibility. This does not mean that the child should spend equal time with each parent. It means that both parents have an equal role in making decisions about the important issues that affect their children such as schooling and health care.

You may need to consider whether it is practical for your child to spend equal time with both parents in your particular circumstances. The types of things you could think about include:

- How far apart you and the other parent live from each other?
- The ability of you and the other parent to implement this type of arrangement. For example, what hours do you work and how close do you live to the child's school?
- How will you and the other parent communicate with each other and are able to resolve any problems that come up with the arrangement, and
- The impact the arrangement will have on your child?

### *(ii) Significant and Substantial Time*

If it is not appropriate for your child to spend equal time with both of you, you could consider an arrangement that allows both parents to spend substantial and significant time with the child, provided that this is reasonably practicable and in the best interests of the child.

Substantial and significant time refers to a child spending time with both parents on a mix of weekends, holidays and regular days and nights. This means both parents are involved in the child's daily routine, as well as sharing in special events (like birthdays) and other events of significance (like weddings).

### *(iii) Resolving Disputes Cooperatively*

Starting in mid 2007, the changes to the law phase in a requirement for parents to attend Family Dispute Resolution sessions and make a genuine effort to resolve the issues in dispute, before taking a parenting matter to court. This requirement does not apply if there is family violence or child abuse.

*(iv) Breach of Parenting Orders*

The courts have been given a wider range of powers to deal with people who breach parenting orders.

*(v) Failure to Fulfil Responsibilities*

Courts will now be able to take into account the times when parents fail to fulfil their major parenting responsibilities, such as not paying child support or not turning up for a contact handover.

*(vi) Time with Grandparents*

The changes recognise and acknowledge the importance of children spending time with their grandparents and other relatives, provided this does not put the child at risk.

You can find more information about the changes to the Family Law System by calling **the Family Relationships Advice Line on 1800 050 321** or visit **[www.familyrelationships.gov.au](http://www.familyrelationships.gov.au)**

## **Family Dispute Resolution**

Family Dispute Resolution is compulsory for parents who want to go to the Family Court concerning a new parenting issue. From July 2008, this will apply to all parenting matters.

Family Dispute Resolution can also be helpful for parents who are having difficulties communicating about the needs of their children and do not want to go to court.

The Family Dispute Resolution process at the Midland Family Relationship Centre helps parents reach an agreement about how they will co-parent children effectively and records this agreement in a Parenting Plan.

Family Dispute Resolution is a process involving you and the other parent discussing the future arrangements for your child. The Family Dispute Resolution Practitioner acts as an impartial mediator that will assist you in focusing on your children's practical and emotional needs. Our experience suggests that when parents are involved in negotiating and communicating about their children in a child focused way, the subsequent parenting plans are more workable over time. This contrasts with the emotional and financial costs of engaging in often lengthy and adversarial court proceedings.

The current regulations do not allow you to have a legal practitioner present during Family Dispute Resolution. However the Midland Family Relationship Centre strongly advises that you seek legal information and advice before the Family Dispute Resolution process begins. You can seek legal advice at any stage in the Family Dispute Resolution process.

The Midland Family Relationship Centre is able to provide up to 3 hours of Family Dispute Resolution for free. In those situations where a case is re-opened, for example

when you choose to use the Centre at a later stage over a different issue or because an agreement has broken down or where a court order has been breached, then we may provide further help for up to 3 hours free of charge. The limit is three times (including two re-opened cases) in any two year period. There is no cost to you for attending any parenting seminars or assessment interviews.

Where more than 3 hours of Family Dispute Resolution is required a fee will be negotiated. This will be assessed according to the following income scale:

- Over \$45 000 \$60.00 per hour
- Over \$30 000 – \$45 000 \$50.00 per hour
- Under \$30 000 \$40.00 per hour

Inability to pay will not result in refusal of service.

### **Follow Up**

As part of our commitment to providing a quality service, we have a policy of contacting you to ask you about your experience of our service and how your parenting arrangements have been working. We do this at regular intervals with your permission. Your Family Dispute Resolution Practitioner will give you more information about this when you attend for your assessment interview.

Following the making of a parenting plan, your Family Dispute Resolution Practitioner will discuss with you a review date. If you want to make any amendments to the parenting plan, you will need to book an appointment to see a practitioner who will then invite the other parent to review the plan at the same time.

## **Family Dispute Resolution at the Midland Family Relationship Centre**

### ***Induction interview***

Your first point of contact with the Midland Family Relationship Centre is normally with one of our Client Liaison Officers (CLOs). They are responsible for taking details of the services you are seeking. If it is a parenting issue, they can provide information about the wide range of services that can assist you with support, advice and information that can help you in resolving matters in relation to children and families.

If you are looking to resolve a parenting issue and it is a Family Dispute Resolution service that you require, then you may be offered an appointment to see one of our practitioners for a screening and assessment interview. This interview, which normally lasts for about 90 minutes, is a very thorough assessment of your capacity to become involved in Family Dispute Resolution. There is a clear focus on the needs of children and the current parenting arrangements. Once you have attended this interview, you will be required to attend one of our Children in Focus Seminars. This seminar provides information on the Family Law changes, a look at the benefits of Family Dispute Resolution, what can go into a Parenting Plan and a presentation on the importance of maintaining a child focus. Once you have attended this seminar, a staff member will provide you with a Record of Attendance which you need before a Family Dispute Resolution session can be offered.

### **Screening and Assessment Interview**

Once you have made contact with our Centre, you will be booked in for a Screening and assessment interview with one of our experienced practitioners. Family Dispute Resolution involves parents being seen separately for this assessment interview. The kind of questions that you will be asked will focus on your children's needs to maintain a relationship with both parents. For example the interview will explore issues such as

- The current arrangements for your children;
- What the future arrangements could look like;
- Any history of family violence that may affect your children's well being;
- The need for your children to have a relationship with the other parent;
- The need for your children to maintain relationships with extended family;
- Your ability and willingness to be involved in negotiating arrangements concerning your children;
- Any concerns you have about your children's wellbeing
- Any concerns you have about the other parent's care of your children

### **Children in Focus Seminar**

Our Children in Focus seminar is a very informative and helpful group session facilitated by one of our FDR practitioners along with an experienced family worker from Relationships Australia. The session runs fortnightly for two hours on Tuesday evenings from 6-8pm and fortnightly Wednesday mornings from 10-12 midday.

The seminar assists parents and carers with an understanding of the Family Law changes, how Family Dispute Resolution works, what a Parenting Plan looks like and the importance of maintaining a focus on children. Feedback from parents attending these seminars in Family Relationship Centres around Australia has been very encouraging. Some parents have attended and have been referred on to other Family Services programmes such as Men and Family Relationships, Children's Counselling or Specialised Family Violence Services.

### **Joint Family Dispute Resolution**

Following both parents being assessed as being suitable for Family Dispute Resolution, an appointment will be made for joint Family Dispute Resolution. A Client Liaison Officer will contact you to arrange this appointment. A letter will then be sent confirming your appointment. Please note that there is a high demand for our services so we operate a clear policy on cancellations or postponements. When you accept an appointment for joint Family Dispute Resolution, if you decide to cancel, postpone or if you do not attend, then no further appointments will be offered until the case is referred back to a Case Management meeting where the Centre Manager will decide if a service can continue to be offered. We have this policy to ensure that delays are avoided in resolving children's matters.

It is important that you think about what you would like to achieve for your children in Family Dispute Resolution. The joint meeting can last for between one to three hours, depending on the issues and willingness of both parents to negotiate. This meeting will be facilitated by an experienced Family Dispute Resolution Practitioner who will assist you to develop a workable and child focused parenting plan.

In cases where distance is an issue, Family Dispute Resolution may be facilitated by the use of video/ teleconferencing.

If it is assessed that safety is an issue, please discuss this with the Practitioner who may decide to conduct shuttle mediation. This is a process involving the Family Dispute Resolution taking place without parents being in the same room together. The Family Dispute Resolution practitioner would assist you in talking about arrangements for your children. Parents remain in separate consulting rooms without the need to speak directly to each other. Communication is made through the practitioner. A parenting plan or agreement can then be finalised.

It is the Family Dispute Resolution Practitioner's role to:

- ensure they remain impartial;
- ensure you receive information about Family Dispute Resolution;
- assist you to understand the Family Dispute Resolution Process and have access to an interpreter if required;
- assist you to identify the specific issues in dispute;
- develop options for resolving the issues;
- explore the appropriateness of these options.
- meet with you together or separately as appropriate.

A Family Dispute Resolution Practitioner is **NOT** able to:

- Give legal or personal advice;
- Make decisions for you;
- Impose a solution or specific course of action;
- Act as an advocate or spokesperson for either party during the Family Dispute Resolution Process.

Your responsibility is to act in a respectful and cooperative way during the Family Dispute Resolution process that promotes constructive discussion and resolution to issues in dispute. Should the Family Dispute Resolution Practitioner believe that you are unable or unwilling or show a lack of genuine effort the Family Dispute Resolution process can be discontinued by the practitioner.

Please note that it is important to be punctual for your appointment(s). Our policy is that if you are more than 30 minutes late, you will not be seen. Another appointment will need to be made.

### **Safety Issues**

The Midland Family Relationship Centre takes you and your children's safety very seriously. Our assessment procedures are very thorough and are designed to ensure that no one is put at risk by engaging in the process of Family Dispute Resolution.

Practitioners have received specialist training in identifying cases involving Family Violence and the impact of children witnessing Family Violence or unresolved parental conflict.

It is important that you tell the Practitioner if you are concerned about meeting the other parent or have concerns about your children's safety and well being.

In certain circumstances, the Family Dispute Resolution Practitioner may decide to issue a certificate to say that Family Dispute Resolution is not appropriate. The Practitioner will talk to you about you and your children's safety and provide you with information about services which specialise in Family Violence.

### **Parenting Plans**

A parenting plan is a voluntary agreement that covers the day to day responsibility of each parent; the practical considerations of a child's daily life, as well as how parents will agree and consult on important issues about their children. It can be changed at any time as long as both parents agree.

To be a parenting plan under the Family Law Act, the plan must be made and signed by both parents of the child. However, other persons, such as grandparents or step parents, can be included in a parenting plan.

A copy of the Parenting Plan should be kept by each parent as a record of your agreement and commitment to your children's needs. (For more detailed information, please see the attached Australian Government's parenting plans leaflet.)

Your Family Dispute Resolution Practitioner will be able to provide you with more information regarding parenting plans at your assessment interview. Further information can also be found on the website [www.familyrelationships.gov.au](http://www.familyrelationships.gov.au) or **Family Relationship Advice Line 1800 050 321**

### **Confidentiality**

Under the Family Law Act, a Family Dispute Resolution Practitioner is required to keep everything you say confidential – except in certain circumstances where it is assessed that there is potential harm to yourself or others, to prevent the commission of a crime and where child abuse is disclosed.

Anything that is said during Family Dispute Resolution cannot be used as evidence in any court other than in circumstances where the disclosure relates to child abuse.

### **Obligations of Family Dispute Resolution Practitioners**

Professionals providing services in the Family Law System have specific roles to fulfill and obligations to meet. Some of these obligations are set out in the Family Law Act and include;

- The provision of specified information on parenting plans(e.g. services available to assist in the development of a plan, issues that the plan must address etc)  
This information must be provided by any legal practitioner, family counsellor, Family Dispute Resolution Practitioner or Family Consultant who is giving advice or assist about parental responsibility or about the making of a plan;
- The provision of specified information:
  - the court and non court services that are available to assist those affected by separation or divorce
  - The services available to help with a reconciliation between parties to a marriage,
  - The family counselling services available to assist the parties and the children, to adjust to court orders.

Unless authorised by the Family Law Act, Family Dispute Resolution Practitioners must not disclose communications made in Family Dispute Resolution.

### **Conflict of Interest**

Conflict of Interest is when a Family Dispute Resolution Practitioner:

- Has acted previously in a professional capacity (otherwise than as a family dispute resolution practitioner, a family counsellor or an arbitrator); or
- Has had a previous commercial dealing;
- Or is a personal acquaintance

The Family Dispute Resolution Practitioner will not be able to provide Family Dispute Resolution to the party unless:

- each party to the family dispute resolution agrees; and
- the previous professional dealing (if any) does not relate to any issue in the dispute; and
- the previous commercial dealing or acquaintance (if any) is not of a kind that could reasonably be expected to influence the Family Dispute Resolution Practitioner in the provision of his or her family dispute services.

### **Certificates**

In cases where Family Dispute Resolution is compulsory, the Family Court cannot hear an application for a parenting order unless a certificate from an accredited Family Dispute Resolution Practitioner is filed with the application for an order. If Family Dispute Resolution does not work, your Family Dispute Resolution Practitioner can issue a certificate. You must make this request in writing to your practitioner.

Certificates can be issued by our practitioners under four different categories.

- a) one parent did not attend or refused to attend Family Dispute Resolution
- b) we consider that Family Dispute Resolution is inappropriate
- c) both parents tried Family Dispute Resolution but it did not resolve the issue or issues in dispute
- d) One or both parents did not make a genuine effort to resolve the issue or issues in dispute
  - Genuine effort: this term refers to the need for you to engage in the Family Dispute Resolution process with the aim of trying to resolve the issues in dispute. We will require you to make a commitment:
    - to attend appointments on time
    - to avoid delays in the Family Dispute Resolution process
    - actively participate in the Family Dispute Resolution process
    - listen to the other parent without interruption
    - behave respectfully towards the other parent
    - be capable of exploring a range of options in an attempt to resolve issues in dispute
    - act cooperatively with the aim of reaching an agreement focused on the best interests of your child/ren

## **Further Information**

If you need to find out more about the Midland Family Relationship Centre, or anything concerning the Family Law changes and how they might affect you, this can be obtained from;

- Family Relationship Advice Line      1800 050 321
- Family Relationship Online              [www.familyrelationships.gov.au](http://www.familyrelationships.gov.au)

## Other useful contacts

Name	Contact Number	Website
Child Support Agency	131 272	<a href="http://www.csa.gov.au">www.csa.gov.au</a>
Centrelink	1800 050 004	<a href="http://www.centrelink.gov.au">www.centrelink.gov.au</a>
Centrecare	9325 6644	<a href="http://www.centrecare.com.au">www.centrecare.com.au</a>
Anglicare	9263 2050	<a href="http://www.anglicarewa.org.au">www.anglicarewa.org.au</a>
Relationships Australia	92501242	<a href="http://www.relationships.com.au">www.relationships.com.au</a>
Domestic Violence Advocacy Service (DVAS)	9226 2370	Email: <a href="mailto:dvascentral@swiftdsl.com.au">dvascentral@swiftdsl.com.au</a>
Legal Aid WA	1300 650 579	<a href="http://www.legalaid.wa.gov.au">www.legalaid.wa.gov.au</a>
Crisis Care	9223 1111	<a href="http://www.community.wa.gov.au">www.community.wa.gov.au</a>
Department for Child Protection (Midland)	9274 9411	<a href="http://www.community.wa.gov.au/dcp">www.community.wa.gov.au/dcp</a>
Department for Communities	6217 8700	<a href="http://www.community.wa.gov.au">www.community.wa.gov.au</a>
Children and Adolescent Mental Health Service	9222 4222	<a href="http://www.health.wa.gov.au">www.health.wa.gov.au</a>
Men's Help Line	1800 000 599	<a href="http://www.community.wa.gov.au">www.community.wa.gov.au</a>
Kid's Help Line	1800 551 800	<a href="http://www.kidshelp.com.au">www.kidshelp.com.au</a>
Women's Domestic Violence Helpline (24 hr)	9223 1188	N/A
Men's Domestic Violence Helpline (24 hr)	9223 1199	N/A
Sexual Assault Resource Centre (24 hr)	9340 1828	<a href="http://www.kemh.health.wa.gov.au">www.kemh.health.wa.gov.au</a>
Multicultural Women's Advocacy Service	9227 8122	<a href="http://www.whs.org.au">www.whs.org.au</a>
Yorgum Aboriginal Counselling Service	9228 0407	<a href="http://www.yorgum.org.au">www.yorgum.org.au</a>
Koolkuna Women's Refuge	9255 2202	Email: <a href="mailto:koolkuna@iinet.net.au">koolkuna@iinet.net.au</a>
DVAS Midland	9274 7545	
Midland Dept Housing & Works	9250 9191	
Midland Police	9250 0333	
Midland Legal Aid	9274 3327	
Midland Information Debt & Legal Advocacy Service	9250 2123	<a href="http://www.midlas.org.au">www.midlas.org.au</a>