

Family Dispute Resolution (Mediation)

A service to help you reach agreement about parenting arrangements when you separate

Family Dispute Resolution (FDR) is a mediation service that gives you extra help to reach agreement with your children's other parent or guardian or anyone else involved in the care of your children.

An impartial mediator runs the sessions, helps you identify the issues and makes sure you each get time to put forward your point of view. The mediator will help you focus on what's best for your children but won't force you to agree to anything or make a decision for you.

The mediator may suggest you take part in a preparation for mediation session before FDR. If you're feeling stressed or angry, this can help you manage those feelings so you can think more clearly about what arrangements are best for your children.

If you or your children's other parent or guardian live in different towns then both mediation and preparation for mediation can be carried out remotely using Skype or similar programs.

If you're separating or divorcing, you can also talk about relationship property but only if this helps you agree about the care of your children.

You can take a support person if everyone agrees. You should ask the mediator before the session.

When you should take part

FDR is an effective alternative to going to court to resolve a parenting dispute. It's cheaper, less stressful, takes less time and you still make the decisions regarding your children.

Most people need to do Parenting Through Separation and try Family Dispute Resolution before they can ask the Family Court to settle their dispute.

Sometimes, taking part in mediation might not be right for your situation. For example, you might need to apply for an urgent Parenting Order because of family violence, or your child is at risk, or because the other parent is going to take your child overseas without your permission.

There may also be a power imbalance or cultural barriers which prevent you from taking part effectively. In these cases, the court may exempt you from FDR.

Costs

You may be eligible for funding to cover the cost of Family Dispute Resolution mediation, including preparation for mediation. You may also qualify for free legal advice from the Family Legal Advice Service.

If you don't qualify for full funding, don't worry, the cost of mediation is capped by the government, so you'll pay no more than \$448.50 for your share of the cost. Private mediators can set their own prices.

What to expect at the mediation sessions

Your mediator will first meet or talk with each of you separately to assess whether your dispute is suitable for FDR and whether you might benefit from preparation for mediation. The mediator will then arrange your sessions.

They'll try to help you make decisions that are in the best interests of your children. They'll focus on how each of you will look after the children and when you'll see them when you're not looking after them. They can also help you work out things like pick-up and drop-off arrangements, where the children spend the holidays, and how you'll handle birthdays and other celebrations. And they'll help you develop skills you can use in the future to resolve parenting disputes.

The mediator will make sure everyone has time to have their say. They won't try to get you back together, make judgments about who's right or wrong, or make decisions for you.

Preparation for mediation

You may feel too angry or stressed about your relationship to think clearly about your children's needs. Preparation for mediation sessions may be offered to help you manage these feelings so you can put them aside and focus on the best result for your children.

If you agree at mediation

If you reach agreement at mediation, the mediator will set out what you have agreed in writing and give you each a copy. This is a private agreement. If it works for everyone involved, you don't need to do anything else.

The mediator will also give each of you an Outcome of FDR form which shows you completed FDR and all or some matters were settled.

If you still don't agree after mediation

If you haven't reached agreement at the end of your mediation sessions or if you only agree about some things, it may be worth taking a break for a few months and then trying again. If you still can't agree, you can ask the Family Court to make a decision for you.

Your mediator will give you an Outcome of FDR form which states that you have reached agreement on some matters or no matters, and which sets out what has been agreed and what still needs to be sorted out. You'll need to give this form to the court with your application.

Contact: FairWay Resolution **0800 774 420** (North & South Island)
Family Works Resolution Service **0800 737 6583** (North & South Island)
FDR Centre Ltd **0508 337 236873** (North & South Island)

justice.govt.nz/family