

# Family Law Alert

October 2007, Revised April 2008

## ***Family Law - Children's Matters***

Recent changes to the Family Law Act state that if you wish to make an application in the Court for any order relating to your children you **must** file a certificate from a Registered Family Dispute Resolution Practitioner with your application. If no certificate is filed with the application, the Court will not hear your application **unless** the Court is satisfied that one of the exceptions apply (see below).

A Family Dispute Resolution Practitioner is an independent authorised person who is there to help you and the other parent resolve some or all of your issues. The purpose of the family dispute resolution is to ensure that all separated or divorced parents who have a dispute relating to children make a genuine effort to resolve the dispute by way of family dispute resolution before applying to the Court for a parenting order

### **What Certificates can the Family Dispute Resolution Practitioner Issue?**

The Family Dispute Resolution Practitioner may issue one of the following certificates stating that:-

1. You attended the family dispute resolution with the practitioner and the other party and all parties made a genuine effort to resolve the issues;
2. You attended the family dispute resolution with the practitioner and the other party and one of the parties did not make a genuine effort to resolve the issues.
3. You did not attend the family dispute resolution with the practitioner and the other party and your failure was due to a refusal to attend or the failure of the other party to attend; or
4. You did not attend the family dispute resolution with the practitioner and the other party because the practitioner considered it inappropriate in the circumstances.

### **I have not obtained a certificate. What exceptions might apply to me?**

The Court can dispense with the requirement to file a certificate with the application if one of the following applies in your circumstances:-

1. You have reached an agreement about the children by consent with the other parent;
2. You are applying for an order about the children in response to an application for parenting orders made by the other parent;
3. There are reasonable grounds for the Court to believe that there has been child abuse (or family violence) by one of the parents, or that there is a risk of child abuse (or family violence) if there is a delay in applying for an order;
4. A person has contravened a Court order made in the last twelve months and has shown a serious disregard for their obligations under the order;
5. The matter is urgent; or

6. One or more of the parties is unable to participate effectively in the family dispute resolution due to incapacity of some kind or physical remoteness.

If you wish to discuss parenting arrangements or require further information please do not hesitate to call us on (07) 3223 6424.

vision integrity achievement

contact us on (07) 32236400 or  
[www.qmtlaw.com.au](http://www.qmtlaw.com.au)