

**Certificate by family dispute resolution practitioner —
section 60I of the *Family Law Act 1975 (Cth)*
*Dispute about matters that may be dealt with under
Part VII of the Act between***

_____ (parties)
in relation to

_____ (issues in dispute)
I, _____, (*Name of family dispute resolution practitioner)
state (select only one of the following paragraphs):

(a) _____ (party or parties) did not attend family dispute resolution with me and the other party or parties to the proceedings but that person's failure to do so was due to the refusal, or the failure, of the other party or parties to the proceedings to attend.

(b) _____ (party or parties) did not attend family dispute resolution with me and the other party or parties to the proceedings because I consider, having regard to the matters mentioned in subregulation 25 (2), that it would not be appropriate to conduct the proposed family dispute resolution.

(c) _____ (parties) attended family dispute resolution with me and all attendees made a genuine effort to resolve the issue or issues in dispute.

(d) _____ (party or parties) attended family dispute resolution with me and the other party or parties to the proceedings but _____ (party or parties) did not make a genuine effort to resolve the issue or issues in dispute.

(e) _____ (party or parties) began attending family dispute resolution with me and the other party or parties to the proceedings but I consider, having regard to the matters mentioned in subregulation 25 (2), that it would not be appropriate to continue the family dispute resolution.

_____ (*Name of family dispute resolution practitioner)

_____ (**Signature of family dispute resolution practitioner)

_____ (Registration number)

_____ (Organisation, if applicable)

_____ (Date of certificate)

_____ (Date of last attempted attendance at family dispute resolution (for (a) or (b))

OR

_____ (Date of last attendance at family Dispute resolution (for (c), (d) or (e))

*The family dispute resolution practitioner has the discretion to give, or not to give, his or her surname.

**The family dispute resolution practitioner has the discretion to sign, or not to sign, the certificate.

About the family dispute resolution certificate form

This is a certificate made under Part VII (matters involving children), Section 60I of the Family Law Act 1975. Before you can make an application to the court for a parenting order, or to change an existing parenting order, you need to try family dispute resolution. Exceptions to this include where there is family violence, child abuse or the matter is urgent. If the dispute cannot be resolved using family dispute resolution, you will need a certificate from the family dispute resolution practitioner who helped you before going to court. This certificate needs to be filed with the court application.

Who are the ‘parties’? The parties are the people who have a dispute about a child. Usually the dispute will be between ex-partners but sometimes might involve other people, such as grandparents. The parties to the dispute will be invited to attend family dispute resolution and their names will be put on the certificate even if they did not attend.

What are the ‘issues in dispute’? The issues in dispute are what people disagree about. For example ex-partners might disagree about where the child lives, how much time a child spends with each parent or where they should go to school. A brief description of these issues will be entered onto the certificate.

What is included under ‘name of family dispute resolution practitioner’? The practitioner’s full name does not need to be included but the form does require the practitioner’s ‘Registration Number’. Only Registered practitioners can issue 60I Certificates.

How does the practitioner decide whether (a) (b) (c) (d) or (e) is the right outcome? The certificate shows the outcome of the attempted dispute resolution. The practitioner will fill in the parties’ details against the most relevant category on the certificate. The choices are:

(a) One party to the dispute did not attend at family dispute resolution

This means that both parties were invited to attend family dispute resolution but one party refused or failed to go. This meant the family dispute resolution could not go ahead.

(b) The practitioner decided the case was not appropriate for family dispute resolution

Practitioners must not deliver family dispute resolution if they believe it would be inappropriate. Examples of matters which may mean family dispute resolution is inappropriate include: a history of family violence; a risk of child abuse; the safety of parties; the emotional, psychological or physical health of the parties or the ability of people to negotiate freely. When a practitioner believes a matter is inappropriate, family dispute resolution will not take place.

(c) All parties attended and made a genuine effort to resolve the dispute

This means all parties made a genuine effort during the dispute resolution process but were unable to resolve the dispute.

It is up to the family dispute resolution practitioner to make up their mind if a person has made a genuine effort based on the individual circumstances. A practitioner might take into account, each person’s willingness to join in discussions and make compromises. If you don’t come to an agreement, it is not necessarily because you did not make a genuine effort. There can be many reasons why people have different views about an issue.

A practitioner should not issue a certificate where parties come to an agreement in relation to the issues in dispute.

(d) All parties attended but one or both did not make a genuine effort to resolve the dispute

See (c) above for information about genuine effort.

(e) The family dispute resolution started but part way through the practitioner decided it was not appropriate to continue.

See (b) above for examples of situations where it might not be appropriate to conduct family dispute resolution.

What detail does the family dispute resolution practitioner provide about themselves on the certificate? Family dispute resolution practitioners must provide the registration number they are authorised to use, the organisation they represent (if applicable), the date they issued the certificate and the date of any previous attendance at family dispute resolution (if applicable). The family dispute resolution practitioner can choose whether or not they provide their surname or sign the certificate.

More information To find out about services and advice for families visit the Family Dispute Resolution page on Family Relationships Online at www.familyrelationships.gov.au or call the Family Relationship Advice Line on 1800 050 321 between 8am and 8pm Monday to Friday and 10am to 4pm Saturday (except public holidays). To find a Family Relationship Centre see Family Relationships Online or call the Family Relationship Advice Line