FACT SHEET · IMAW 2026

Family Violence and FDR

What support professionals need to know about family dispute resolution (FDR)

Why bring an FDR practitioner into the team

- **Protected.** What is said in FDR is confidential (s 10H) and generally can't be used in court (s 10J). This also covers what your client says to a professional the FDR practitioner refers them to.
- **Qualified.** Graduate Diploma level study, accreditation by the Attorney-General's Department and ongoing family violence training.
- **Safety-first.** Safety and suitability are assessed before and throughout. The practitioner can decline, pause or stop FDR and issue a s 60I certificate.
- **Trauma-informed.** The process changes to fit the person: shuttle or online sessions, shorter sessions, breaks and support people.

FDR practitioners are impartial between the parties, but **never neutral about violence**.

What family law says now

- **Parenting (since 6 May 2024).** The first consideration is the safety of the child and each person who cares for them. There is no presumption of equal shared parental responsibility and no 50/50 starting point.
- **Property (since 10 June 2025).** The court considers the effect of family violence on each person's contributions and on their current and future circumstances, including the need to house the children.
- **Pets.** Companion animals now have their own rules. Cruelty or threats to an animal are relevant.
- **Coercive control.** Family violence includes behaviour that coerces or controls a family member, or causes them to be fearful (s 4AB). It is a pattern, not a single incident, and includes economic and financial abuse.
- **Evidence matters.** Conflict between parents is not always family violence (Pickford & Pickford [2024] FedCFamC1A 249). The behaviour, its context and its impact need to be shown.

Five things to tell your client

1. **The violence counts.** Don't play it down. It matters in parenting, property and pet decisions.
2. **Keep records.** In property matters, the effect of the violence needs evidence.
3. **Get legal advice early,** before agreeing to or signing anything.
4. **Don't assume an exemption from FDR.** It must be applied for and can be refused.
5. **Choose an accredited FDR practitioner,** not just any mediator. Only FDR practitioners carry the Family Law Act protections.

The FDR journey

1 Referral
From you, a lawyer, the court or self-referral

→

2 Private intake
Separate and protected. Family violence and risk assessed

→

3 Preparation
Information, coaching, safety planning, choice of format

→

4 Sessions
Shuttle, online or in person, with breaks and support

→

5 Outcome
Parenting plan, property agreement to formalise, or a s 60I certificate

Safety and suitability are checked at every step. The person can pause or stop at any time, and so can the practitioner.

Where you can help: at referral, at intake (with your client's consent), in preparation and safety planning, and with support after each session.

Safer ways to do FDR

- **Shuttle FDR:** the parties are never in the same room, in person or online.
- **Separate arrival and leaving times,** or joining online from a safe place.
- **A support person** present or nearby, or lawyer-assisted FDR.
- **Addresses and contact details** kept out of documents and held only by the practitioner.
- **Protection orders:** many allow communication through a mediator. Give the practitioner a copy of the order.

If you work with people who use violence

Withholding financial support, controlling money, making threats, and stalking or monitoring are all family violence under s 4AB. They can count against a person in parenting, property and pet decisions. Changing the behaviour is in their own interest, as well as their family's.

Questions to ask an FDR practitioner

- Are you accredited?
- How do you screen for family violence and assess risk?
- What safety options do you offer, such as shuttle, online or separate arrival times?
- Can I talk with you, or attend as a support person, with my client's consent?
- What happens if FDR isn't suitable?
- What are your fees, and are there free or low-cost options?

Find a mediator or FDR practitioner

Mi Find a Mediator directory: **www.mimembers.au/find-a-mediator**

Check a practitioner is accredited on the Attorney-General's Department FDR Register: **fdrr.ag.gov.au**

Plain-English guides from Mi: **www.mediationinstitute.edu.au/blog**

Need support? 1800RESPECT on 1800 737 732, 24 hours a day. In danger now? Call 000.