

How do I ask for a Conference?

The first step is to apply for a grant of legal aid for a Conference. To find out how to do this, call the **Legal Helpline** on **1300 366 424** or visit www.lsc.sa.gov.au.

If you have already been granted legal aid to begin court proceedings, you may still participate in a Conference.

Discuss conferencing with your lawyer. The FDR Unit may also be able to assist in relation to property settlement matters.

The FDR Unit cannot provide legal advice or disclose any information about the other party.

What does it cost?

If you have a grant of legal aid, a **contribution** towards your legal costs is generally required. The amount you must pay as a contribution depends on your financial situation.

If you own real estate and your legal costs (including costs for a Conference) exceed the statutory charge amount, Legal Services will register a charge over the property. This means that when the property is sold or refinanced, you will be required to **repay** Legal Services the amount of your legal costs, which includes half of the Chairperson costs.

You should discuss these costs with your lawyer.

If you do not have legal aid, you will have to pay your lawyer's fees to attend the Conference or you can attend unrepresented.

For more information, please contact us

Family Dispute Resolution Unit
Legal Services Commission
159 Gawler Place
Adelaide SA 5000

Telephone 8111 5534

Email FDRsecretary@lsc.sa.gov.au

Legal Helpline 1300 366 424
Child Support Advice 8111 5576

Legal Services Commission Offices

- Adelaide Office
159 Gawler Place
Adelaide 5000
Telephone 8111 5555
- Elizabeth Office
Suite 2 Windsor Building
1 Windsor Square
(off Playford Boulevard)
Elizabeth Shopping Centre
Elizabeth 5112
Telephone 8111 5400
- Noarlunga Office
Noarlunga House
Ramsay Place
Noarlunga Centre 5168
Telephone 8111 5340
- Port Adelaide Office
263 St Vincent Street
Port Adelaide 5015
Telephone 8111 5460
- Port Augusta Office
34 Flinders Terrace
Port Augusta SA 5700
Telephone 8686 2200
- Whyalla Office
17A Forsyth Street
Whyalla 5600
Telephone 8620 8500

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Visit us online at lsc.sa.gov.au

This information is general and not a substitute for legal advice. The Legal Services Commission provides free legal advice for most legal problems.

Family Law Conferencing



What is Family Law Conferencing?

The Family Law Act requires that, in most cases, unless there is an exception, before you can apply to the court for a parenting order, you must attend **family dispute resolution**. The Family Dispute Resolution (FDR) Unit at Legal Services helps separating families work out arrangements for children by providing a family dispute resolution service called **Family Law Conferencing**. This service enables parties to be represented by a lawyer during a Conference.

Who is eligible for a Conference?

Conferencing is arranged by the FDR Unit at Legal Services. To be eligible for conferencing, at least one person must have a **current grant of legal aid** for family dispute resolution.

Do I need a lawyer?

If you are granted legal aid to attend a Conference, your lawyer will attend the Conference with you and their legal costs will be met by Legal Services as part of your grant of aid. The other party does not need to be represented by a lawyer. However, the FDR Unit encourages everyone attending a Conference to obtain legal representation.

Why should I attend a Conference?

Conferences are a good way to settle family law issues in a **safe** and **confidential** environment, with the assistance of a lawyer. It is an opportunity to have a say and consider solutions that everyone can agree on. Conferencing can take place much more **quickly** and with much **less cost** and **stress** than going to court.

A Conference is convened by an accredited family dispute resolution practitioner (the **Chairperson**) who has a background in family law and helps the parties reach an outcome in the best interests of children. The Chairperson is independent of all parties.

Types of Conferences

Conferences can be held before court proceedings have begun. These are called pre-litigation Conferences.

In cases already before the court, the court may order the parties to attend a Conference at Legal Services if appropriate.

Legal Help for all South Australians

Who attends a Conference?

You and your former partner will take part in the Conference, together with your lawyers. Sometimes, other relevant parties may participate in a Conference where it is suitable.

If the court has appointed an **Independent Children's Lawyer** to represent the best interests of a child, they will also attend the Conference.

In addition to your lawyer, you may bring one other suitable **support person** to a Conference if required.

Before a Conference

Before a Conference can be held, the FDR Unit must assess if the matter is suitable for family dispute resolution. The FDR Unit completes a thorough **Intake and Assessment** process with each party. The FDR Unit checks if there is a background of domestic or family violence, child abuse, drug or alcohol misuse, mental health issues or any other concerns. The FDR Unit requires all relevant documents, including intervention orders and bail agreements, to be provided beforehand to ensure the Conference can proceed safely.

Safety

It may be possible to hold a Conference where safety concerns exist. The FDR Unit assesses if the Conference is suitable and can put measures in place to ensure safety for everyone involved. For instance, Legal Services provides separate, secure private rooms for each party where the Conference is conducted.

In some cases, a Conference may not be able to proceed if it is assessed by the FDR Unit as inappropriate. If you have any concerns about safety, please tell your lawyer and the FDR Unit before the Conference.

What happens at a Conference?

Most Conferences are held **in person** at a Legal Services office. The parties will be in separate and secure rooms and the Chairperson will move between rooms (shuttle) to discuss the issues with each of the parties and their lawyers.

Conferences can also be held by **telephone** or **online** (via Microsoft Teams) where necessary, such as when parties live in regional areas. The FDR Unit will tell you how the Conference will be held.



If the court has appointed an **Independent Children's Lawyer** to represent the best interests of a child, they will also attend the conference.

The FDR Unit can arrange an **interpreter** if needed.

The Chairperson helps the parties talk about the issues with the assistance of the lawyers in a neutral way. The Chairperson helps the parties determine what will be in the **best interests of the children** and develop options to resolve issues that are relevant and practical. The Chairperson does not provide legal advice or make decisions.

Your lawyer provides you with legal support during the Conference about any agreement that may be reached. If an agreement is reached at a Conference, the lawyers will prepare a written agreement for the parties to sign, and a copy is provided to each party afterwards.

After a Conference

Sometimes parties agree to come back for a Review Conference at a later stage to check how an agreement is working and discuss any other remaining issues. A Child Consultant can also become involved to speak to the children about their views in certain cases.

If the matter does not resolve at the Conference, the Chairperson will discuss the next steps. Your lawyer will also discuss the options with you. The Chairperson may issue a certificate for the purposes of the Family Law Act to enable the matter to proceed to court.

The Chairperson may also make recommendations to Legal Services about whether legal aid should be continued, based on the legal merits of the case, including whether there is a reasonable chance of success with court proceedings.