



The Family Law Dispute Process

When a couple separates, one of the most common concerns for the parties involved is often the thought of having to attend Court to finalise the dispute.

Whether your family law dispute involves the division of assets and negotiation of a property settlement, parenting arrangements for the children of a relationship, or a family business, generally speaking, the majority of disputes do not have to involve the Court.

At Karen L Haga & Associates, our team of experienced family lawyers has a strong commitment to the resolution of disputes. We will work hard on your behalf to reach a fair and equitable resolution in the most effective way possible.

Resolving disputes without the Court

At Karen L Haga & Associates, our philosophy is simple. We aim to give you the best possible advice, obtain the best possible outcome for you, and deliver the best possible service every step of the way.

There are numerous ways in which we can help you to achieve a resolution without referring a matter to the Court.

1. We can negotiate with the other party's solicitor on your behalf to reach an agreement on issues including parenting plans that stipulate where a child will live and how much time they will spend with each parent, child support arrangements, and the division of assets in a property settlement.
2. If both parties agree, we can use the Collaborative Family Law Process to reach an agreement to your issues. The collaborative process relies on direct face-to-face negotiations at meetings between each party and their legal representatives.
3. Family Dispute Resolution (FDR) and Mediation is a process designed to assist parties reach an agreement. It involves both parties attending meetings with an independent mediator or Family Dispute Resolution Practitioner to discuss issues and hopefully reach an agreement on the key areas in dispute. The FDR process is actually compulsory for couples with children so even if a matter is referred to the Court, the parties must prove that they have attempted to reach an agreement through FDR.

Once an agreement has been made using any of these processes, the terms are then formalised and sent to the Courts for Orders to be made.

If you and your former partner or spouse cannot reach an agreement using these methods, or if there are special circumstances involved such as the threat of family violence, then the dispute will be referred to a Court for resolution.

The Court Process

Sometimes, parties involved in a family law dispute cannot agree on how the matter should be resolved and one party is required to commence Court proceedings.

The Courts that deal with family law matters are:

- Federal Circuit Court of Australia; and
- The Family Court of Australia (FCA)

Almost all family law matters are now heard in the Federal Circuit Court of Australia, while the Family Court handles complex parenting and financial matters. If your matter does proceed to Court, then it is important to note that it is still possible for the matter to be resolved before a full hearing or trial, because the process is designed to afford opportunities for discussion, negotiation and resolution at various stages.

If you do find yourself party to a Court proceeding, your family lawyer at Karen L Haga & Associates has the skills, knowledge and experience to represent you and achieve the best possible results on your behalf.

We are available to help and can provide information as to what you can expect throughout the matter. In addition to our information sheets and diagrams outlining the dispute process, we are also available to answer your questions in person, or by phone and email. From where to park, to how to address the Magistrate and how long each stage of the process might take, your lawyer will guide you through the process and answer any questions you might have. Both the Federal Circuit Court of Australia and the Family Court also have excellent websites setting out their procedures, information and forms. More information can be found at:

www.familycourt.gov.au & www.federalcircuitcourt.gov.au

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