



Family Dispute Resolution at Legal Aid WA: Parenting

Legal Aid WA's Family Dispute Resolution (FDR) service can help you and your ex-partner work out parenting arrangements after separation.

Legal Aid WA uses qualified FDR practitioners (called mediators) to assess whether your case is suitable for FDR and to conduct the conference if suitable. All participants have lawyers to represent them during the conference.

The lawyer's role is to:

- give you family law advice,
- help you prepare for the conference,
- attend the conference with you, and
- help write out any agreements reached.

FAQs

Who is eligible to attend FDR?

To be eligible for FDR at Legal Aid WA at least one of the parties must qualify for a grant of aid, based on their financial circumstances.

How much does it cost?

There is no fixed fee to attend FDR at Legal Aid WA. If a person does not have a lawyer, they can have one appointed by Legal Aid WA if eligible, and we may require a financial contribution towards the cost of the conference, depending on people's financial circumstances.

If one person already has a lawyer, they can use that lawyer for FDR and pay their lawyer's fees privately.

What matters are eligible for FDR?

A mediator will assess each person separately to decide whether FDR is suitable for their situation, taking into account family violence and safety concerns.

The following matters may be eligible for FDR:

- Parents of children aged under 18 years who have separated and need help making long term parenting arrangements.
- Where there are allegations of family violence and abuse and/or there is a Family Violence Restraining Order (FVRO) protecting a person.
- There are complex parenting issues such as mental health, drug and alcohol concerns, parenting capacity, allegations of neglect or abuse, blended families and other issues.

What matters are not eligible for FDR?

The following matters are not eligible for FDR:

- Where there is a current FVRO that includes the children.
- Where there is a current FVRO or protective bail conditions that do not allow the parties to attend mediation.

If you are unsure whether your matter is eligible, it is best to contact Legal Aid WA to explain your situation.

Can I attend a Legal Aid FDR if I live regionally?

If you live in a regional or remote location, Legal Aid WA can arrange for you and your lawyer to attend FDR by video or telephone link. Some conferences can be conducted in person at Legal Aid WA's regional offices.

How can I be referred for FDR?

People can be referred to our service by:

- Calling Infoline or Legal Yarn (for First Nations callers) or attending our offices (self-referral).
- Speaking to a lawyer from Legal Aid WA or a community legal centre.
- The Family Court of WA.
- An Independent Children's Lawyer (ICL), if you are in court already and there is an ICL appointed in your case.

What happens before FDR?

You will meet with your lawyer before the FDR to discuss your matter and receive legal advice. Your lawyer will:

- ask you how you want to manage the parenting arrangements,
- go through different options,
- advise you on what to expect, and
- advise you on how the court views different aspects of arrangements.

What happens during FDR?

The mediator helps the parties talk about what is best for the children.

Depending on safety concerns, the parties can be in the same room or separate rooms.

FDR is a completely voluntary process, and you cannot be forced to agree to anything you don't want to.

The mediator keeps the conversation respectful and focused on the future and the children.

All discussions are confidential and cannot be used by either person in court.

You can ask for a break or ask to stop the conference at any time.

What are the benefits of FDR?

Reaching agreement with each other allows parties to make their own decisions, reduces financial and emotional costs and improves communication and your abilities to resolve disputes in the future.

What happens after FDR?

If there is an agreement, the parties can decide whether to file consent orders in court or have a parenting plan. The lawyers can help draft the orders or parenting plan and explain what they mean.

If there is no agreement, the mediator may issue a certificate for court. The mediator also makes recommendations about further Legal Aid WA funding. The next step may be getting legal advice about going to court.

Get help

To find out more about participating in Legal Aid WA's Family Dispute Resolution service, you can call the Infoline on or Legal Yarn (for First Nations callers).

Legal Aid WA contacts: Website + Chat www.legalaid.wa.gov.au
Infoline 1300 650 579, Legal Yarn 1800 319 803.

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