

**FMC**

Mediation and  
Counselling Victoria

# The Role of Lawyers in Child Centred Mediation



women's legal  
service victoria

# Corporate Snapshot

FMC was established in 1983

FMC services over 6300 clients annually

FMC provides services from 12 locations across Melbourne & Gippsland

**FMC Values**

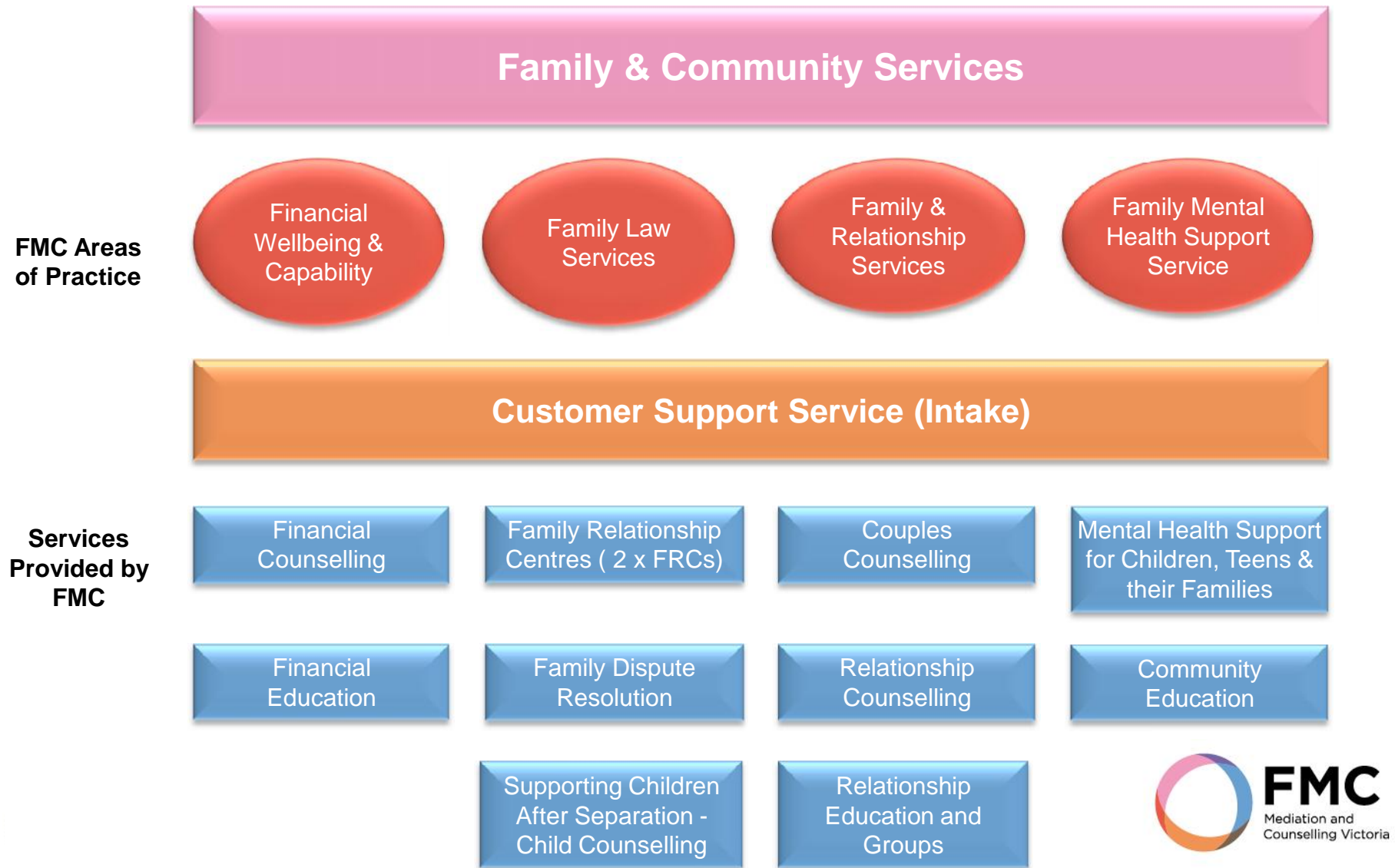
- C**ompassion
- O**ptimism:
- P**rofessionalism
- E**mpowerment

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FAMILY  
LAW  
LEGAL  
SERVICE

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# FMC accepts referrals for a broad range of services



# Presenters

## Henrietta Barclay

Henrietta is a senior lawyer at Family Law Legal Service, Women's Legal Service Victoria's sibling organisation. She has been practising in family law and family violence for the last 23 years in the UK, Brisbane and Melbourne. Henrietta has participated regularly in Legally Assisted Family Dispute Resolution for the last five years

## Deborah McCarthy

Deborah McCarthy is an accredited Family Dispute Resolution Practitioner and has been mediating in family disputes for the past 6 years. She has experience working in a range of family & children's services in Victoria, New South Wales & Queensland, including domestic violence, child protection and early childhood services.

# The Partnership

## FMC and WLSV/FLLS and the partnership

- Collaboration between mediation and legal service
- Inter-professional practice
- Child focussed

# Family Dispute Resolution

## **Family Dispute Resolution or Mediation**

- Develop a Parenting Plan
- Property/financial settlement

## **FDR Process**

- Separate Intake sessions for each parent with the practitioner
- Parents attend separate information sessions
- Mediation sessions 2 hours

## **Role of Mediator**

- To be impartial, ensure it is a safe & fair process
- Assist parents to communicate, generate options/proposals & negotiate
- Write up agreements

# Legally Assisted FDR

## Legally Assisted Family Dispute Resolution (LAFDR):

- s60CA Family Law Act 1975 – best interests of the child is paramount consideration
- Both parties have a lawyer through the Family Dispute Resolution session(s)
- FDRP and lawyer work collaboratively, modelling good communication
- Financial benefits
- Emotional benefits

# The Different Perspectives

LAFDR most suitable for

- Complex cases
- Unrealistic expectations of court outcomes
- Positional

Benefits of LAFDR

- Increases the likelihood of agreements
- Cost effective
- Less stressful for clients



# The Different Perspectives

## The lawyer's perspective:

- Within the spirit of *Family Law Act* that parents should reach agreement about child
- Parent led
- Provide on the spot legal advice
- Reality checking
- Re-focus on best interests of the child
- Reducing conflict

# Case Study

## Olivia and Jacob:

- Background
- Service appropriateness
- Service delivery method
- Outcomes

# Looking to the Future

- How to make this a sustainable program going forward
- Funding for both partners
- More participant Community Legal Centres and private lawyers.

Thank You!

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For more information, please contact

**Deborah McCarthy**

Tel: (03) 9564 6999

**Henrietta Barclay**

Tel: (03) 8622 0600