



kia tau

YOUR EXPERTS
IN DISPUTE
RESOLUTION

Family Dispute Resolution

Whakatau
Amuamu
ā-Whānau

Information for families



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Family Dispute Resolution is part of the Family Justice system



Family Dispute Resolution (FDR) is a nationwide mediation service and an important part of the Ministry of Justice's wider Family Justice system. It is designed to help families reach agreement on parenting arrangements after separation without the stress and expense of going to court.

This in turn frees up courts to focus on cases that most need judicial expertise, including those involving family violence.

The Family Justice system also provides other support to help people resolve disagreements. This includes the Parenting Through Separation course (which is free) and the Family Legal Advice Service. Find out more about these on the family justice website justice.govt.nz/family.

Anyone involved in a dispute about care of their children can go to FDR. Usually this is parents but extended family, whānau or others may be involved. In most circumstances, people are required to try to resolve disputes through FDR before going to court.

Sorting out your own arrangements, through FDR mediation, is better for you and your children and you'll have more control over the outcomes than you would by going to court.

Family Dispute Resolution is designed to help families reach agreement without the stress and expense of going to court.

Family Dispute Resolution is a confidential process in which an independent and impartial mediator helps parents and caregivers resolve their dispute.

What is Family Dispute Resolution?

Family Dispute Resolution (FDR) is a confidential process in which an independent and impartial mediator supports people to resolve disputes over care of children.

The focus is on helping people to best understand their children's needs and to develop a better co-parenting relationship. The emphasis is on improving communication so you can make your own joint decisions for your children into the future.

When using Fair Way as your FDR service provider, the first step is to talk with a Resolution Coordinator who will assess if mediation is right for you. If FDR is suitable, then a FDR mediator will talk individually with each of the people involved. At a later stage you'll have a joint meeting where the mediator will work with all parties to help you reach agreement about care arrangements.

FDR mediators will help you focus on:

- providing a safe and secure household for your children – physically, financially and psychologically
- your children's needs – recognising each as an individual with specific needs related to their specific circumstances. For instance, the need of very young children to see parents frequently; the need for older children to spend time with peers
- reality testing the decisions you are making to see how these decisions will impact on your children at every level
- development of a civil co-parenting relationship, whereby children can have a strong relationship with each parent and with their extended family
- achieving arrangements that will encourage both of you to have quality time with the children
- providing you with skills to use if future disputes arise.

The mediator will not make decisions but will help you work together to reach an agreement that works best for you and your children.

When a dispute is resolved in mediation, the agreement will be written down and signed by you and the other party as a record of your agreement.

All Fair Way FDR mediations focus on the children and their ongoing needs. However every family has its own unique circumstances, so we listen and find out what matters. We have a flexible and adaptable approach so we can design the right process for each family. For example, if you would like your children to have a say, your mediator can discuss a range of different ways that their views can be incorporated, including appointing a Voice of Child Specialist.

What is Preparation For Mediation (PFM)?

Preparation For Mediation (PFM) is an opportunity for a person to work one on one with a professional who is both a mediator and a counsellor, to help them personally prepare for their mediation. It is a brief and highly positive intervention that increases a person's capacity to participate in mediation constructively. It is a mixture of deep support work and coaching. It is therapeutic in content, but it is not counselling.

There is no cost to attend PFM – it is part of the 12 hours available to parents.

Often people participate in PFM prior to their joint mediation session, but they can return to PFM at a later stage in the FDR process.

FDR involves several steps designed to help you resolve parenting arrangements yourselves.

To start the FDR process to resolve a dispute about parenting arrangements:

- please call our FDR team on **0800 77 44 20**,
- email us at **fdr@fairwayresolution.com**,
- or register online at **fairwayresolution.com/register**.

What does FDR involve?

FDR involves several steps designed to help you resolve parenting arrangements yourselves. Each family's path through FDR may be different, depending on various factors.

To start the FDR process, call our FDR team on **0800 77 44 20** or email **fdr@fairwayresolution.com**. Alternatively you can register online by going to our website at **fairwayresolution.com/register**.

We understand this may be a stressful time and we will work with you to help make your journey through the FDR process as easy as possible.

Do I have to go to FDR?

You do not need to attend FDR if there is any risk to you or the children or if you need urgent help. In these circumstances you should contact 111 (NZ Police) or a family lawyer immediately.

You also do not need to attend FDR if you can reach a private agreement about care arrangements. You can download a parenting plan that takes you through the types of issues you may wish to discuss from the Ministry of Justice website **justice.govt.nz/family**.

Optional

Legal advice

Initial advice and assistance from the Family Legal Advice Service is free if you qualify for government funding. You can find a government-funded family lawyer at **justice.govt.nz/family**

Parenting through separation

You are encouraged to attend a Parenting Through Separation (PTS) programme before coming to mediation. This is a free service for all families. You can find a PTS programme by visiting **justice.govt.nz/family**

The FDR process

Visit our website at fairwayresolution.com/fdr to watch a video on the FDR process.



Have a chat with us

Check whether Family Dispute Resolution is the right option for your family and see if it is available for free. You can get in touch with us by:

Phone **0800 77 44 20**

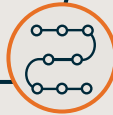
Email **fdr@fairwayresolution.com**

Web **fairwayresolution.com/fdr**



One on one meeting

Meet with the mediator individually. You can do this by phone, online or in person.



Preparation for mediation

Optional

A professional can help you prepare for mediation.



Mediation

Meet and make a plan for your family. There are ways to include children in the process, including engaging with a Voice of Child Specialist.



Agreement

You can keep your agreement private, or you can apply to have your agreement made into a Court Order.

OR



No agreement

You can make an application to the Family Court.

Did you know?

In addition to Family Dispute Resolution (FDR), Fair Way also offers separate Relationship Property Resolution services.

What happens if I don't want to go to mediation?

We encourage you to talk to us about any concerns you might have about attending mediation. You might also like to talk with a lawyer or others who can give you information about mediation.

Under certain circumstances, you may be granted an exemption. Our Duty Mediator can work through this process with you.

What happens if the other parent doesn't go?

We strongly encourage both parties to attend mediation, however if one party refuses to attend, the person requesting FDR may be granted an exemption, and go to court to ask for the dispute to be resolved.

The court may still refer you back to mediation if the Judge thinks it is the best way to resolve your dispute.

Can my dispute be fast tracked through FDR so I can get to court more quickly?

No. We do our best to arrange your FDR quickly so you can move on with your lives.

How do I apply for FDR?

Applying for FDR is easy. Just phone Fair Way on **0800 77 44 20** and a FDR Resolution Coordinator will help you.

Alternatively you can email us at **fdr@fairwayresolution.com** or register online at **fairwayresolution.com/register**.

What do I need to do before attending FDR?

Mediation is an opportunity for you to talk about your children and reach the best decisions for them. Before mediation we encourage you to:

- participate in Preparation for Mediation
- consider how you would like childcare arrangements to work and what would be best for your children. Take into account things like school holidays, special occasions like birthdays, and contact with extended family and friends
- consider attending the (free) Parenting Through Separation programme. You can find a provider at the Ministry of Justice website **justice.govt.nz/family**. After attending the course and using the parenting plan, you may find you can reach agreement without proceeding with FDR
- find out from Work & Income and/or IRD Child Support how any financial entitlements/benefits might be affected by the parenting arrangements you make
- think about what support you need to be the best parent you can.

What happens during mediation?

The mediator may either talk to you on the phone or arrange a face to face meeting with you before the joint mediation meeting.

The mediator will help everyone at the joint mediation, usually the parents and/or support people, to discuss the children's individual needs and the most suitable care arrangements for them.

The mediator will then help you draw up a parenting plan which may include:

- how much time the children will spend with each of you
- contact arrangements and changeovers
- special occasions such as birthdays, Christmas, Mother's/Father's Day
- holidays
- school
- health
- religious and cultural matters.

During mediation, everyone has time to talk, consider suggestions, take a break, and to talk individually with the mediator before making any final decisions.

If you are happy with the parenting plan reached at mediation, the mediator will write this up and you will be asked to sign it.

We know this may be a stressful time for you. Please be assured that Fair Way mediators are well qualified and experienced in family disputes and will ensure all sides are heard so you can reach lasting parenting decisions that are the best for your children.

You can view our mediators on our website.

How do children get a say?

Children are always at the centre of the FDR process.

As part of your individual meeting with the mediator, they will talk with you about how your children's voices can best be incorporated into the mediation. The mediator will work with you to determine an appropriate way to do this. This can include parents speaking for the children and having a child-focussed mediation, a trusted family member sharing their thoughts, a trusted friend meeting with the children and bringing their voice to the mediation, to a Voice of Child Specialist. We strongly believe in the value of this process for families, and most importantly for children. At Fair Way we are dedicated to supporting the whole family through their journey, not just the parents.

There may be times, particularly with older children, that it may be possible to involve your children in the process so that they have a say in the decisions that are being made.

Role of the Voice of Child Specialist

When parties attend FDR and there are no court proceedings, they may choose to engage a Voice of Child Specialist ("VOCS").

The role of the VOCS is to share the views and thoughts of the children but not to advocate for them or express their professional opinion on the child's views or interests.

Who are Fair Way's Voice of Child Specialist's?

Fair Way has a list of approved Voice of Child Specialists on its website. Fair Way has approved these specialists on the basis that they have the required skills and experience to meet with a child, hear their voices and share what the child wants their parent or guardian to hear when considering care arrangements or guardianship decisions which affect them. Go to our website to view our VOCS profiles.

Is there a cost for a VOCS?

The Voice of Child Specialist time is part of the 12 hours of FDR services available to each family dispute in a 12 month period.

Do I have to attend mediation with the other parent?

Mediation requires both parties to attend and your mediator will design a process to help you manage attending mediation with the other party.

How long does a mediation session take?

There are usually two parts to a mediation session. First, the mediator will talk with you privately and explain the mediation process and discuss the arrangements you would like made in preparation for the joint mediation.

The second part is a joint meeting that may take a number of hours and a number of sessions, if required.

How does it work if we live in different places in New Zealand or overseas?

Fair Way will make arrangements for the mediation including using telephone, SKYPE or video conferencing if needed.

Do I need a lawyer?

FDR mediation isn't designed to include lawyers. If you are paying for your own lawyer, and the other party and mediator agree, then your lawyer may be able to attend but they cannot represent you during mediation sessions.

If you are eligible for government funding, you can also get free legal advice before mediation through the Family Legal Advice Service. Visit the Ministry of Justice website justice.govt.nz/family or call **0800 2 Agree (0800 224 733)**.

It is not intended for mediation to include lawyers. If you are paying for your own lawyer it is possible to have the lawyer attend mediation with the agreement of the other party and the FDR mediator. However the lawyer is not able to represent you during the mediation sessions.

What other things will I need to think about before mediation?

Childcare and car parking

The mediation often lasts three to four hours so you may need to arrange childcare and also ensure you have adequate car parking while you are there.

Support at the mediation

You may be able to bring a support person to mediation. Please talk to your mediator about this at least two days beforehand.

Refreshments

There may be tea and coffee facilities at the venue but you are welcome to bring refreshments to mediation sessions.

The mediated agreement



Is our agreement legally enforceable?

If you reach an agreement at mediation you can consider applying to the court to have it made into a legally enforceable Order.

To turn an agreement into a Court Order, the Judge must satisfy himself/herself that it is in the best interests of your children.

What happens if we reach agreement at mediation and one of us changes our mind after the mediation?

The mediator will work with both parties to ensure any agreement you reach is likely to work. However, sometimes people change their minds. You and the other party may be able to discuss and resolve any further issues that occur after mediation. If you kept your agreement private you can simply update it with the new arrangements.

You can access up to 12 hours of FDR services – which includes Preparation For Mediation and Voice of Child Specialist – over a 12 month period.

If you reach an agreement at mediation you are able to either keep this private or apply to the court to have it made into an Order at which stage it becomes legally enforceable.

What legal support is available to help me during FDR?

You can get legal advice at any step in the FDR process and/or before you sign an agreement.

If you're eligible for government funding, you can use the (free) Family Legal Advice Service, for instance, for advice about court processes and help with filling in application forms if you do proceed to court.

If you are not eligible for funding, you will need to pay for your own legal advice.

You can find a Family Legal Advice Service lawyer through the Ministry of Justice website justice.govt.nz/family or calling **0800 2 Agree (0800 224 733)**.

What happens if we don't come to agreement?

Usually people come to some agreement in mediation. If you do not resolve all issues, the mediator will discuss with both of you what further steps you might take. They will give you an FDR Outcome Form stating you have attended mediation. You can then make an application to the Family Court. You will need to attach the FDR Outcome Form when filing court forms.

Funding



What does FDR cost?

FDR (mediation, Preparation for Mediation and Voice of Child Specialists) are free of charge if you qualify for government funding.

To find out whether you qualify for government funding call us on **0800 77 44 20** or visit the Ministry of Justice website.

Eligibility is based on your personal income and the number of dependents you have.

If you do not qualify for full funding, you will still be able to access FDR at a cost of no more \$448.50 per person including GST.

You may be able to get government funding to cover the cost of FDR mediation. If you don't qualify for government funding, you will pay no more than \$448.50 for your share of the cost.

Costs are shared

The total amount of \$897 is shared depending on the number of parties involved – for example, if there are two people, then the cost per person is \$448.50 including GST.

Where one person is funded and the other is not, the cost will be \$448.50 including GST to the non-funded person.

Payment of the FDR fee

If you are not funded, the cost of FDR must be paid before you meet with your mediator or Preparation for Mediation provider.

The fee includes up to 12 hours of FDR services in each 12 month period.

Is there any cost to find out if FDR might be right for me?

It is free to contact Fair Way and begin the FDR process.

If as a result of the initial assessment a mediator decides that FDR is not suitable for your dispute, you will be provided with an FDR Outcome Form referring the family dispute to the Family Court.

To confirm your eligibility for government funding for FDR, you will need to provide proof of income. This could be:

- a letter from your employer or a pay slip
- your bank statements for the last three months
- a letter from Work & Income showing the income you receive from them
- a copy of your most recent tax return.

We will provide you with a Funding Declaration Form for you to sign.

How does it work if I qualify to have free mediation but the other party is not eligible and won't pay their share?

If the other party is not funded and refuses to pay the fee, then you will receive a form stating you were unable to participate in mediation. This will enable you to make an application to the Family Court for help to resolve the dispute.

Change of mediator and cancellations

The FDR mediation process begins at the first point of contact between you and your appointed FDR mediator, VOCS or Preparation for Mediation Provider. Individual meetings with your mediator and Preparation for Mediation sessions are counted as part of the 12 hours of mediation available.

The fee is non-refundable. There is no refund for partial completion of the process and any unused hours are not refundable.

If you wish to change mediator, you may need to explain your concerns or demonstrate to Fair Way the circumstances that affect the mediator's impartiality or independence in the eyes of anyone involved in the dispute. If a change of mediator is requested and undertaken for any other reason, any hours already undertaken in mediation by the original FDR mediator will not be refunded to the parties.

If you do not show up for your PFM session or any mediation meeting, or cancel with less than 24 hours' notice, one hour will be deducted from your 12 hour mediation time.

Questions and answers



How do I prove to the court that I've been to mediation?

When you file your court forms, you attach a copy of the FDR Outcome Form showing you have attended mediation.

Will the mediator sort out property?

The FDR service is primarily for resolving parenting arrangements. Fair Way provides a separate Relationship Property service. However you may discuss child support and how you can share the costs of supporting your children during FDR mediation.

I am feeling stressed. Where can I get support?

Your mediator may recommend that you attend Preparation For Mediation (PFM) to help you prepare for mediation. There are many other support services available including Barnardos and Skylight. We encourage you to talk to someone if you need some support.

How do I choose a mediator – what should I look for?

Fair Way mediators are highly trained. We will discuss with you any special requirements for mediation and help you make a decision about choosing a mediator.

My ex-partner and I won't be able to agree on a mediator. What then?

Fair Way will work with you and the other party to help you choose a mediator and can decide on one for you if needed.

I am confused and don't know what to do

Call us – we can talk you through the FDR process step by step.

Will my disability or language needs be met?

Fair Way tries to make the mediation process as easy as possible for everyone, by finding out if you have any special requirements and taking those needs into account.

Can special cultural requirements be accommodated?

We respect cultural needs.

We have mediators who are well-versed in tikanga Māori and can conduct meetings in te reo Māori and in Pacific Island languages. We routinely provide support and translation services.

Please let us know if you have any cultural and language needs.

Your privacy



Privacy statement

Fair Way is committed to managing your personal information in accordance with the principles of the Privacy Act 2020.

What is personal information?

The Privacy Commissioner defines personal information as information “about a living human being which identifies, or is capable of identifying that person.”

In your interactions with Fair Way this includes contact details such as your email address, and details about your dispute.

Collection of personal information

Fair Way collects personal information directly from you about your dispute, and from others whom you have provided authorisation to send your personal information to us.

If you are a party to a dispute, we may initially get in touch with you using contact details provided by the other party.

Use of your information

Fair Way uses your personal information primarily in relation to resolving your dispute.

We also use aggregated or anonymised information internally to improve our services or for marketing purposes, for example sharing anonymous feedback.

Disclosure and sharing of your information

Fair Way may disclose your personal information to parties involved in your dispute as required under your dispute resolution process.

Fair Way does not give information about you to other government agencies, organisations or anyone else unless there is a reporting requirement or reason under the Privacy Act – most commonly the reasons include:

- you have authorised us to give it to another person
- it will prevent or lessen a serious and imminent threat to your or somebody's life or health
- the information is to be used in a way that will not identify you; or it is to be used for quality assurance, statistical or research purposes and will not be published in a way that will identify you.

Information protection

We do need to keep a record of your case as part of our standard business processes. We also need to retain certain information by law. We keep your information in a secure environment

Your choices

If you want to check the personal information that Fair Way has about you or receive a copy of that information, you can contact us at:

Email privacy@fairwayresolution.com

Phone 0800 77 44 22

Post Privacy Officer
Fair Way Resolution Limited
PO Box 841
Christchurch 8140

If appropriate, you may request to have the information amended (referred to as correction under the Privacy Act). Where information is not amended, a note regarding this will be attached to your file.

If Fair Way is not responsible for the information you are looking to access or correct, Fair Way will redirect you to the appropriate party.

To learn more about your privacy rights, we recommend you visit the Office of the Privacy Commissioner website – [privacy.org.nz](https://www.privacy.org.nz)

Complaints



Complaints about Fair Way

Fair Way is committed to fair and thorough complaint handling — including complaints about our service. If you have concerns about our customer service or how your case has been handled by us, we encourage you to make a complaint. We will do all we can to help resolve the issues, and your feedback or complaint will help us to improve our systems and processes.

You can make a complaint about:

- the people who handled your case
- the service we gave to you.

All Fair Way mediators are accredited and belong to a professional membership body. If your complaint refers to mediator's conduct or the mediation itself, we may ask you to refer your complaint on to the appropriate professional membership body.

How to make a complaint

Online Complete Fair Way's online form.

Email complaints@fairwayresolution.com

Post Print Fair Way's complaint form and post it to:
PO Box 841, Christchurch 8140

Our Complaints Investigator will let you know when we have received your complaint. We will consider your complaint, will consult with the appropriate people and let you know the outcome. This will generally happen within 15 working days. We will let you know if we need more time to carry out an investigation.

If you require assistance at any time in making your complaint please contact our Complaints Investigator at complaints@fairwayresolution.com, by phone **0800 77 44 22** or **03 962 9073**.

For more information, please visit
fairwayresolution.com/contact-us/complaints-and-feedback

About us



**Kia tau means to settle, to resolve, to calm.
It's our job to kia tau.**

Working between all parties, we collaborate and negotiate, we discuss and we listen, we are informed and always fair. We treat our clients and their issues with empathy and understanding. Always, we are a safe and trusted pair of hands, working towards finding a fair solution, no matter the complexity.

Having introduced new services to Aotearoa based on international best practice, we are always looking for ways to resolve conflict early. For more than 20 years, Kiwi organisations have partnered with Fair Way to prevent and manage conflict.

Every day we support Kiwi businesses, families, and consumers through our range of private services and public schemes. We make a difference for New Zealanders each day.

We settle and resolve issues. We educate and innovate. You benefit from restored and strengthened relationships. We create the calm that everyone is looking for.

Kia tau – Fair Way.

Our team

All our Family Dispute Resolution mediators have professional qualifications and are fully accredited as FDR Providers through either the Arbitrators' and Mediators' Institute of NZ (AMINZ), NZ Law Society or the Resolution Institute.

Contact us



Website

fairwayresolution.com/fdr



Email

fdr@fairwayresolution.com



Phone

0800 77 44 20



Register

fairwayresolution.com/register

Find us on social media





kia tau

YOUR EXPERTS
IN DISPUTE
RESOLUTION