# COMMUNITY JUSTICE CENTRES (CJC)

# Fact sheet – family law certificates

# Logo of the Department of Justice

## What is a family law (section 60I) certificate?

Under family law, you cannot start a case about the care, welfare and development of children in a family law court before you try to resolve your dispute through Family Dispute Resolution (FDR). FDR is a mediation process conducted by an accredited Family Dispute Resolution Practitioner (FDRP). There are some exceptions to the requirement (see below).

The certificate is a document issued by an FDRP to tell the court about your attempt to resolve the matter.

The certificate will not disclose what was discussed at mediation. It will only tell the court what the result of mediation was, namely **one** of the following:

* You and the other party attended and made a genuine effort to resolve the dispute.
* You and the other party attended but one or both of you did not make a genuine effort to resolve (e.g. by refusing to participate).
* The other party did not attend for FDR.
* The FDRP decided (either before or during mediation) that your case was not appropriate for FDR.

## Do I need a certificate?

You only need a certificate if you want to ask a court to decide a dispute about the care, welfare and development of children (for example following separation) and none of the exceptions to the requirement apply (see below).

Unless one of the exceptions applies, the court will not allow you to start a case until you provide a certificate.

The requirement relates to children’s issues only. You do not need a certificate to start a case about the distribution of your property.

## When don’t I need a certificate?

You will need a certificate in order to start court proceedings about children’s issues except if:

* You reach an agreement and want to file consent orders.
* You are responding to the other party’s application.
* The matter is urgent.
* There are child abuse or family violence issues.
* You already have a court order made in the last 12 months and the application is about non-compliance and the other party has shown a serious disregard for their obligations.
* One party is not able to participate in FDR.

## Can the Community Justice Centre (CJC) mediate family law disputes about children?

Yes. CJC can mediate disputes about children. If you reach agreement about the care of children at CJC mediation, the agreement can be written down in the form of a Parenting Plan (see fact sheet on Parenting Plans) or made into a consent order at the court.

CJC can also assist you in resolving any property issues with your ex-partner.

## Can CJC provide a certificate?

Sometimes. If you tell us you need a certificate, we will try to allocate your matter to a CJC mediator who is also an FDRP, and therefore accredited to issue a certificate. If you don’t reach an agreement on the day and you decide you want to start court proceedings you can use this certificate.

However, we cannot guarantee this. If the mediator in your matter is not an FDRP, they will not be able to issue a certificate.

## What if CJC can’t provide a certificate?

If you don’t reach an agreement at mediation and CJC can’t provide you with a certificate, you will not be able to apply to the court until you have obtained a certificate, for example by attending another FDR session with an FDRP. This may be through CJC or another organisation.

## Where else can I get a certificate?

A certificate can only be provided by a FDRP. Family Relationship Centres or other Family Dispute Resolution Services can provide you with a certificate. For further information on services that can assist you in obtaining a certificate you can contact:

Family Relationship Advice Line: 1800 050 321

## Family Relationships online: www.familyrelationships.gov.au