# Preparing for family dispute resolution: property settlement

This fact sheet will help you understand:

* how Victoria Legal Aid Family Dispute Resolution Service (FDRS) can help you with your property settlement after separation
* how the property mediation process works
* what may happen at a conference and afterwards.

## What is FDRS?

We are a mediation service that helps people sort out arrangements for their property.

At a property mediation, a mediator will help you and the other person talk about your financial arrangements, with your lawyers. If you can make an agreement, you may not need to go to court.

Sorting out your property issues can make a big difference for the future.

## Who can use FDRS?

To use our service, you or the other person must be eligible for legal aid funding and have a lawyer through this funding from Victoria Legal Aid. Because mediation is voluntary, the other person must also agree to participate.

## Do I need a lawyer?

For property cases at FDRS, you both need to have a lawyer help you prepare a financial statement and attend any mediation conference. Without legal advice it is difficult to finalise financial issues, even if you have an agreement. Lawyers can help you understand your options and give you advice about what could happen at court and how much it could cost.

If you are not eligible for legal aid and cannot afford a lawyer, we can refer you to a community legal service.

## What happens once I have a lawyer?

We will send you and your lawyer the FDRS Financial statement form. Family law requires you to make ‘full and frank disclosure’ about what you own, what you owe, contributions you have made and what you’re currently earning. This form collects that information. You must complete this form, so we encourage you to do this with your lawyer and then send it back to us.

### If we do not receive a completed financial statement from both your client and the other party, we may not be able to offer mediation

## How do I fill in the FDRS Financial statement?

You will need to gather financial documents that confirm the information you put in the financial statement. People often need to provide the following sorts of documents in a financial settlement:

* bank statements
* business documents (for a small business, for example)
* loan/credit card statements
* superannuation statements
* real estate appraisal, and
* vehicle valuations.

## What happens after we have both returned the FDRS Financial statement?

An FDRS case manager will contact you to book a time for a telephone screening interview, that goes for about an hour. During the interview, you can tell us about your situation (including any safety issues you are worried about) and ask any questions.

The case manager will interview the other person separately. They won’t share any information from your interview with the other person and won’t share their information with you.

## When will my property conference be booked?

Once the case manager has interviewed you and the other person, they will decide if your case is suitable for mediation. If it is, a conference will be booked as soon as possible.

Before the mediation conference, your financial statement will be sent to the other person’s lawyer. Their financial statement will be sent to your lawyer.

## How does the conference work?

To help you feel safe at mediation, FDRS has different ways of setting up conferences. If you are in person, it may be a shuttle mediation where you and the other person are in separate rooms, or it may be by videoconference or over the telephone. Conferences can run for up to 3.5 hours.

The mediator (called a chairperson) will run the mediation. They will start by introducing themselves and explaining how it will work and will work with you and your lawyers to see what can be agreed.

If you make an agreement, this can be prepared by the lawyers as consent orders. and filed with the court. Sometimes you will need a second or third conference, to finalise things.

## What if my case is not suitable for mediation or we don’t settle?

FDRS may be unable to organise mediation if:

* the other person does not wish to attend mediation, or
* if we assess that mediation is not appropriate at this time after speaking with each of you.

We will let you know and will close your file. Talk to your lawyer about your options and next steps. You may be able to get funding to take your dispute to court.

## More information

Call 1800 136 832 (toll free) or (03) 9269 0500

Email [fdrs@vla.vic.gov.au](mailto:fdrs@vla.vic.gov.au) Visit [www.legalaid.vic.gov.au/fdrs](http://www.legalaid.vic.gov.au/fdrs)

We encourage you to tell us how you found working with FDRS

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