the separation place

Intake		$330 inc GST Per Person
Section 60i Certificate	If assessed as not suitable	$440 inc GST Per Person
Half Day Parenting or Property	10am to 1pm or 2pm to 5pm	$1,650 inc GST
Full Day	10am to 4pm	$3,300 inc GST

The Separation Place
Trust Account
BSB: 062 654
Acc: 1028 5225

For bookings please contact Kelly and her team at hello@theseparationplace.com.au

The Mediation Process

Intake

Enquiry
Contact us to hold a date for mediation. Date will be held for 7 days. Intake pack emailed to you

Intake form
Review the intake pack, complete the details and issues you would like to discuss, collate the documents

Return the intake pack and documents
Email the completed intake pack and supporting documents to us

We review your intake pack
We will contact you to book in your intake session with Kelly

Telelphone Intake with Kelly
This is your opportunity to review your intake pack with Kelly and discuss the process and issues

Intake Complete
Once we confirm payment has been received. We can lock in your mediation date.

Attention: Mediation Coordinator
"The Elizabeth"
Suite 6, 21-23 Elizabeth Street,
Camden NSW 2570
M: PO Box 1020, Camden NSW 2570
P: 1300 444 LAW or 02 4655 4845
E: hello@theseparationplace.com.au
W: www.theseparationplace.com.au

Family Dispute Resolution Confidential Intake & Assessment Checklist
Assessment Intake for Children and Property

Client Name: ……..…. **Our Ref No:** ……..…..

This checklist and a copy of any current AVO related to the protection of parties and/or the children, will be provided to the Family Dispute Resolution Practitioner.

Returning your completed form

Lawyers

- Complete the form in consultation with your client and email hello@theseparationplace.com.au together with the following documents (if applicable)

Parenting Matters
- Current Orders
- Current Parenting Plan
- Any ADVO

Property Matters referred from Court (COMP)
- Balance Sheet
- Case Outline
- Costs Notice
- Certificate of Dispute Resolution completed with all parties details and relevant court file numbers

Please return the completed form and attachments within 7 days.

Mediation type required

Choose One
Parenting ☐ Property ☐ Parenting and property (full day only) ☐

Choose One
Video (Teams or Zoom) ☐ Telephone ☐ In person ☐

Choose One
Full Day (10am to 4pm) ☐ Half Day (3 hours) ☐

Choose One
Face to Face ☐ Shuttle ☐

Parenting intake questions

What is your relationship to the child/ren in this matter? **Mother ☐ Father ☐ Other ☐ Specify**:……..……

What are the names and dates of birth of the subject Children and who do they live with?

Name	DOB	Living with

SECTION 1

Part A – Family Dispute Resolution

1. Have you attended a Family Dispute Resolution Conference in the past 12 months? **Yes☐ No ☐**
   If yes, what type of Section 60I Certificate was issued to you?
   (a) ☐ (b) ☐ (c) ☐ (d) ☐ (e) ☐

2. What issues would you like to discuss at the conference?

   Spend time with……..……..

Part B – Domestic and Family Violence

3. Is there a history of physical, verbal or emotional abuse in this relationship? **Yes ☐ No ☐**

   If yes……
   ……
   ……
   ……
   ……

   Please attach additional page if you require more room

4. Has there been any recent physical violence, threats or intimidation from the other party? **Yes ☐ No ☐**

   If yes……
   ……
   ……
   ……
   ……

5. Are you able to speak to the other party without feeling fearful or intimidated? **Yes ☐ No ☐**

6. Is there a current Apprehended Violence Order (AVO) in relation to you or the children? **Yes ☐ No ☐**

   If yes, at which Court was the order made? ……
   Please send us a copy of the AVO by email

7. Has there been an AVO previously? **Yes ☐ No ☐**

   If yes, how long ago?……

Part C – Child Abuse

8. Is there any current child welfare authority involvement? eg. Department of Community Services (DOCS). **Yes ☐ No ☐**
   If yes, please give details: Case worker's name:……

   DOCS office:…… Phone:……

   Details of involvement:……

   Please attach additional page if you require more room

9. Has there been any past involvement with a child welfare authority? **Yes ☐ No ☐**

   If yes, please give details:……

10. Do you have any concerns about your child/ren's safety or wellbeing when they are with the other party/ies? **Yes ☐ No ☐**
    If yes, please give details:……
    ……
    ……

Part D – Health

Health issues like depression, post-natal depression, anxiety, grief extreme emotional distress or upset can make it difficult to participate in a conference on an equal footing.

11. Are there any health issues that may affect your ability to fully participate in a conference? **Yes ☐ No ☐**

    If yes, please give details:……

12. Are you aware of any health issues that may affect the ability of the other party/ies in a conference? **Yes ☐ No ☐**
    If yes, please give details:……

    Difficulty with concentration, staying focused, understanding lots of information and taking medication (including alcohol, methadone and other drugs) can also affect your ability to participate in a conference.

13. Is there anything of this nature that may affect the ability to participate? **Yes ☐ No ☐**
    If yes, please give details:……

14. Is there anything of this nature that may affect the ability of the other party/ies to participate? **Yes ☐ No ☐**
    If yes, please give details:……

Part E – General Information

15. Do you have any special needs relevant to the conference? eg. Interpreter/support worker/disability requirements? If you need an interpreter, state what language and dialect. **Yes ☐ No ☐**
    If yes, please give details:……

Part F – Legal Proceedings

16. Are there any current orders/ parenting plans/ written agreements? **Yes ☐ No ☐**
    If yes, please send us a copy of the order by email or fax.

17. Have legal proceedings been commenced in relation to the family law issues? **Yes ☐ No ☐**
    If Yes, complete section 2.
    If No, go to the end of the form (Certification)

SECTION 2 – To be completed ONLY if the matter is in Court

Part G – Matter Details

18. If there an Independent Children's Lawyer involved in the matter? **Yes ☐ No ☐**

    If Yes, what is the lawyer's name?.....

19. If applicable, when did you relationship with the other party begin?

    When did you separate?.....

20. When is the next Court date?.....

21. What is the matter listed for at Court?.....How many days?.....

22. Is there a report by a Family Consultant or other expert? **Yes ☐ No ☐**
    *If yes, please send us a copy of the order by email *if you have permission of the Court to do so*

23. If there is no existing expert report, has one been ordered by the Court? **Yes ☐ No ☐**

    If yes, when will it be released?.....

24. How much time does the child/ren currently spend with each parent or other party?

    .....

25. What order do you seek or what would you like to change about these arrangements?

    .....

26. Why do you think the orders you seek are better for the children?

    .....

27. Do the children have any regular out of school activities (eg. social, hobby, sport)? **Yes ☐ No ☐**

    If yes, please give details:.....

28. Additional information:.....

    .....

    .....

    .....

    .....

    .....

    .....

    .....

    .....

    .....

Property intake questions

SUMMARY OF ASSETS & LIABILITIES

ASSETS	Value $	In whose possession? Wife/Husband
Real Estate - *write address*		
Real Estate – *write address*		
Bank Accounts – *write account number and bank*		
Bank Accounts – *write bank*		
Motor Vehicle – *write make, model and year*		
Motor Vehicle – *write make, model and year*		
Shares – *write number held and company*		
Interest in business – *write name of business*		
Superannuation – *write name of fund*		
Superannuation – *write name of fund*		
Interest in a deceased estate – *name of estate*		
Other assets		
TOTAL ASSETS	**$**	

ABILITIES	Value $	In who's name
Mortgage – *details of security property*		
Mortgage – *details of security property*		
Loan account - *write account number and bank*		
Hire purchase – *write lender and account number*		
Credit card – *write lender and account number*		
Credit card – *write lender and account number*		
Child Support Liability		
Other debts – *write lender and amount*		
TOTAL LIABILITIES	**$**	

Prior to the mediation – To Do List

1. If you are seeking an order for superannuation splitting orders, please provide the Trustee of the Superannuation Fund with procedural fairness at least 28 days prior to the mediation.

2. Obtain 3 market appraisals / valuations for each piece of real estate that you own;

3. Obtain a valuation for each motor vehicle you own or have control of;

4. Obtain up to date financial statements for each company or family trust that you own or have control of;

5. Provide financial disclosure to the other party at least 14 days prior to the mediation so that you both are aware of what the property pool is that you will be discussing.

6. Bring a copy of all disclosure documents to the Mediation for the Mediator – can be an electronic copy.

ISSUES IN DISPUTE:

.....

.....

.....

.....

.....

.....

.....

.....

.....

CERTIFICATION

Parties please complete (Part 1)

Lawyers please complete (Part 2)

Part 1
I certify that this information is true to the best of my knowledge

Your signature	*Date*	*Phone No.*

Part 2
Lawyer's certification and signature (required if lawyer has completed this form)

Do you consent to the disclosure of your business contact details to the other party or their lawyer? **Yes ☐ No ☐**

I certify that I have consulted with above-named client and considered all the questions on this checklist. I consider that my client's matter is suitable for family dispute resolution. I will retain a completed copy of this intake/screening sheet signed by myself on my file.

Name (Block Letters)	*Signed by Lawyer*	*Date*

The Mediation Process

Mediation

Welcome and opening Statements
Kelly will remind you of your obligations, and talk about our goals and the process. This is your opportunity to speak frankly.

Discussion of issues
We will discuss each concern you have, we will listen to each other and we will focus on future solutions

Private Sessions
You will have a private and confidential session with Kelly and your lawyer. A chance to brain storm

Joint session resumes
We will talk about possible solutions and ways to help everyone achieve their goals

Resolution
This is where we will talk about all of the things we have agreed upon and what your next steps are

Agreement to Mediate and participate in Family Dispute Resolution

1. What is Family Dispute Resolution?

Family Dispute Resolution is a process in which a trained independent and impartial third person will help you to:

(a) Isolate issues in dispute;

(b) Develop and consider options to resolve the issues;

(c) Attempt to agree to one or more of the options;

(d) Attempt to agree to options (if a child is affected) that are in the best interest of the child.

2. If the dispute involves a Child

If the dispute involves your child it is important to acknowledge:

(a) The best interests of your child are the paramount consideration in any decision that affects him or her.

3. When is Family Dispute Resolution not appropriate?

Family Dispute Resolution may not be appropriate for all disputes, particularly if a dispute involves violence or intimidation that makes one party unable to negotiate freely because of another's threats.

4. The Process

We have participated in equivalent pre-mediation intake and assessments on an individual and confidential basis. The FDR process will be conducted by an approved Family Dispute Resolution ("Practitioner") and takes the form of mediation with the following steps:

(a) Explanation of Opening Statement – by Practitioner and Parties;
(b) Clarification and Identification of issues in dispute and Agenda Setting – by Practitioner;
(c) Exploration joint session;
(d) Negotiation of future focussed options for resolving issues – joint session; and
(e) Agreement formalising.

5. Duty of Disclosure

We agree to fully disclose all relevant facts, documents and other information relevant to the dispute. We undertake to each other and agree not to use a document disclosed by each other for a purpose other than the resolution of the dispute.

6. Family Dispute Resolution Practitioner's role and legal advice

(a) The practitioner/s shall remain impartial throughout the process and shall not support or promote the interests of one or the other;

(b) The practitioner/s shall disclose any interest or bias;

(c) The practitioner's role is to facilitate discussion between you and the other person and not to advise you what to do or provide legal advice.

(d) You have the right to obtain legal advice at any stage in the family dispute resolution process. It is strongly recommended that you receive legal advice prior to the commencement of the process.

7. Confidentiality

(a) Section 10J of the Family Law Amendment (Shared Parental Responsibility) Act 2006 provides that evidence of anything said, or admission made, in family dispute resolution is not admissible:

- In any court (whether exercising federal jurisdiction or not); or

- In any proceedings before a person authorised to hear evidence (whether the person is authorised by a law of the Commonwealth, a Sate or a Territory, or by the consent of the parties).

(b) The practitioner/s shall not voluntarily disclose to any other person or persons, details of anything disclosed during the family dispute resolution sessions except where:

- The person who made the communication is over 18 and gives consent;
- Practitioner/s are compelled by law to disclose;
- Illegal or exceptional circumstances exist.

8. Mutual Respect

Each party has the right to speak for him or herself without interruption and to be treated with respect during family dispute resolution sessions.

9. Conflict of Interests

If prior to family dispute resolution occurring or during a family dispute resolution session/s, a family dispute resolution practitioner discovers that in relation to a party the practitioner has:

(a) Acted previously in a professional capacity (other than a family dispute resolution practitioner); or

(b) Had a previous commercial dealing; or

(c) Is a personal acquaintance, of a party than the parties will decide whether the Family Dispute Resolution will continue with that session, or whether a new practitioner should be appointed.

10. Participation of others in Family Dispute Resolution

Other persons having a direct interest in the family dispute resolution may be present in the session/s with the consent of the parties and the practitioner/s

11. Support People

I acknowledge we can have a support person for assistance and/or support, however the support person:

(a) Cannot speak for or act on behalf of the mediation participant;

(b) Distract or interrupt the mediation process in any way; and

(c) Must be identified at the preliminary interview and agreed between parties.

12. Legal effect of Agreements

Any agreements reached in family dispute resolution are not legally binding. The parties understand that they may, by agreement, take steps to make their agreements enforceable.

13. Parenting Plans

The family dispute resolution practitioner will outline the nature of a Parenting Plan to you. A Parenting Plan is an agreement that sets out parenting arrangements for your children. Section 63C(1) of the Family Law Act 1975 provides that a Parenting Plan may be recognised by a court if it is in writing, is signed by the parents of the child, is dated and is made free from any threat, duress or coercion. Section 64D of the Family Law Act 1975 provides that a parenting order made by the court is subject to a parenting plan that is subsequently entered into by the child's parent or any other person to whom the parenting order applies. If you do wish to create a parenting Plan that will be considered by the court, you should seek independent legal advice about the meaning and effect of the plan.

The Family Law Act 1975 provides that if it is in the best interests of the child and is reasonably practicable, parents could consider including parenting agreements in their parenting plan such as:

(a) The child/ren spending equal time with each parent or;
(b) The child/ren spending substantial and significant time with each parent.

Parents could also consider including provision in their parenting plan for how decisions are to be made about the children. Section 63DA(3) of the Family Law Act 1975 provides that a child will be taken to spend substantial and significant time with each parent if the parenting plan includes:

(c) Time with each parent on weekends and holidays;
(d) Time with each parent that is not on weekends and holidays;
(e) Time that allows each parent to be involved in the child's daily routine and;
(f) Time that allows each parent to be involved in occasions and events that are of particular significance to the child and parents.

14. Private Sessions

The practitioner/s may, at the request of either party and with consent of both parties, see either of the parties separately to assist the negotiation PROVIDED THAT anything

disclosed in such private sessions may, at the discretion of the practitioner/s, be disclosed by the practitioner/s in an open session in the presence of both parties.

15. Termination

Because family dispute resolution is a voluntary process, either party may terminate the Family Dispute Resolution at any time. The practitioner/s likewise may at any time terminate the session if:

(a) For any reason the practitioner/s is of the opinion that either of the parties is unable to represent their point of view;

(b) The practitioner/s forms the view that he/she will be unable to assist the parties to resolve their dispute

16. Qualifications of Family Dispute Resolution Practitioner

All panel Mediators employed by The Separation Place have tertiary qualifications in Law or Social Sciences. The Separation Place has a policy of professional accreditation which ensures that staff have appropriate in-service training on family dispute resolution issues.

17. Costs of the Mediator

- I/We acknowledge that the Aspire Mediation Fee Policy and its exceptions have been discussed and explained prior to mediation and have been agreed and paid in advance.
- I/we certify that I have read this information and fully understand the contents and will abide by the conditions set out. I further certify that I received this information, at least 24 hours prior to the commencement of the family dispute resolution session.
- I/we agree to abide by the conditions set down.

Party full name (print) Date	Party full name (print) Date
Signature	Signature

The Separation Place Pty Limited Trading as Stanfords Solicitors & Mediators

Fee Policy (including GST)

Fee	Type	Total	Each Party
Intake	This fee is payable by both parties to The Separation Place for their telephone intake session with their Mediator or Family Dispute Resolution Practitioner	$330	$330
Assessment of Not Suitable	If the matter is assessed as not suitable for mediation (parenting matters only), or the other party refuses to participate, we are able to issue a certificate pursuant to section 60i of the Family Law Act. This fee is payable if you request this certificate	$440	N/A requesting party only pays the fee
Preparation Court Ordered Mediation Property only	This is a preparation fee payable by each party to cover the time of the Mediator who is required to read material filed by the parties in their current Court proceedings. This fee is limited to material that can be contained in a single lever arch folder single sided. If the material is greater than this, please note that the reading time will be		

	charged at an hourly rate calculated in 6 minute units at $550 per hour including GST.	$550	$550
Mediation fee	**3 hour Mediation** This is fee is payable by both parties no later than 7 days prior to the mediation	$1,650	$825
	Full day Mediation This fee is payable by both parties no later than 7 days prior to the mediation. The mediation will be scheduled between the hours of 10am and 4pm on a business day. This will include a break at 1pm for the parties, lawyers and Mediator to have lunch and refresh themselves ready for the afternoon session.	$3,300	$1,650
Cancellation Fee	A cancellation fee will be payable by the parties if the mediation is cancelled less than 2 business days prior to the commencement of the scheduled mediation. *Eg. If a mediation is scheduled to commence on Friday, if the mediation is cancelled after close of business Tuesday, this fee is payable*.	50% of the mediation fee	50% of the mediation fee

Dated: Thursday, April 11, 2024

_____

Kelly Stanford

On behalf of The Separation Place

ACKNOWLEGEMENT OF RECEIPT AND CONFIRMATION OF ACCEPTANCE

Party full name	Signature	Date

CONFIDENTIALITY AGREEMENT – FAMILY LAW

1. This is a conference to assist people to reach an agreement about matters that they have not yet been able to resolve.

2. I will do my best to use this conference as a genuine attempt to reach an agreement.

3) I understand it is very important that we feel we can talk freely in the conference. As a result of this, I agree that:
   a) What is said at this conference will always be private and confidential.
   b) I will not disclose to anyone, anything said or done during the conference, or any information that I receive during the conference, except:
      - any party may discuss the content of any agreement reached or proposal made at the conference with any person who is likely to be directly affected by that agreement or proposal if it takes effect; and
      - information may be disclosed which all parties agree may be disclosed; and
      - the written record of any agreement reached at the conference may be disclosed for the purpose of having orders made in accordance with that agreement.
   c) Evidence of anything said or done in the conference cannot be given in any legal or other proceedings at any time.

4) I agree that when I use the words "anything said or done" and "information that I receive" I am including:
   a) anything said or done whilst anyone at the conference is talking about the dispute;
   b) the willingness of anyone at the conference to consider any settlement proposal; or
   c) any information prepared for the conference

5) I will not seek to require the chairperson or anyone employed by The Separation Place to give evidence in any legal proceedings of anything whatsoever regarding this dispute.

6) I understand that in some situations, the chairperson may require or authorise the disclosure of things said or done, or information received, during the conference. Some of the reasons are:
   a) to protect the life or health of any person or to protect property;
   b) where each of the parties agree that this should happen;
   c) where the party from whom the information was received agrees to its disclosure;
   d) that it relates to some illegal act or to improper conduct by a lawyer or other professional person; or
   e) to obey a court order or other law.
   f) to investigate a complaint
   g)

Your Signature	Your name	Role:	Signature of witness	Date
		Party		
		Lawyer		
		Party		
		Lawyer		
		FDRP		