



**kia tau**  
YOUR EXPERTS  
IN DISPUTE  
RESOLUTION

# Family Dispute Resolution

## Whakatau Amuamu ā-Whānau

Guide for families



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# About FDR

**Family Dispute Resolution  
is a mediation service to help  
you make plans for your kids**



Family Dispute Resolution (FDR) is the first step if you need some support making a plan for your whānau. The focus is on building better co-parenting relationships and communication with the assistance of a mediator. It is designed to help you make your own decisions for your children's future, so you can resolve childcare issues without the time, expense and stress of going to court. Going through the FDR process is also something the Family Court usually requires families to complete before applying to the court.

Anyone with a dispute relating to children's care can use the service. This includes wider family members, such as grandparents or extended whānau (family).

When you use the Fair Way FDR service, one of our qualified and experienced mediators works with all parties to help you reach a practical co-parenting agreement that supports the best interests of the children. Our mediators work with separated families every day, so they understand what you are going through. Tamariki (children) and rangatahi (young people) are always at the heart of the process.

Our service is affordable and may even be free if you qualify for government funding. Up to 12 hours of FDR services are available for your whānau in a 12 month period.

There are also lots of added benefits. On top of the mediation, you can get support from a dedicated Voice of Child or Child Specialist for your whānau. Also, through Preparation for Mediation, you can learn communication tools for the future at dedicated coaching sessions. These are all part of the FDR experience with Fair Way.

We understand that every situation is different, so contact us on 0800 77 44 20 to see how we can help.

We assist thousands of families each year and around 80% of people are able to resolve some or all matters with the help of one of our family mediators.

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

## 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](mailto:fdr@fairwayresolution.com) or register online at [fairwayresolution.com/register](https://fairwayresolution.com/register)

## Is FDR free?

FDR is free for many families. Our team will check if you qualify for government funding which is based on your income and the number of dependents that you have. If you are not eligible for a free service, the good news is that FDR is affordable. The total fee is \$448.50 per person. Our team can talk to you about payment options.

## What's the first step?

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 and one of our Child Specialists will speak with you about your children. At a later stage you'll have a joint meeting (if you agree to it) where the mediator will work with all parties to help you reach agreement about care arrangements. There are lots of ways we can arrange the mediation, so the mediator will chat with you before to ensure the process works well for everyone.

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](mailto:fdr@fairwayresolution.com),
- or register online at [fairwayresolution.com/register](https://fairwayresolution.com/register)

# The FDR process



## Talk to us

Check if mediation is the right option for your whānau and find out about funding. We will answer your questions and walk you through the process.

Phone: **0800 77 44 20**

Email: **[fdr@fairwayresolution.com](mailto:fdr@fairwayresolution.com)**

Web: **[fairwayresolution.com/fdr](http://fairwayresolution.com/fdr)**



## One-on-one meeting

Meet with the mediator individually. This meeting can be on the phone, online or in person.



## Prepare for mediation – optional

This is a recommended coaching session to help you upskill and prepare for mediation. It can be online or in person with an expert who is not the mediator. These sessions often focus on good communication, so you can get the most from your mediation.



## Your child's views

We will chat with you about your tamariki and ways they can share their views about the arrangements being put in place for them.



## Mediation

Meet with all parties, including the mediator, to make a plan for your whānau.



## Resolution

At the end of the mediation sessions there may or may not be an agreement. If you do agree, you can keep that private or apply to have it made into a Court Order. If you can't agree, you can apply to the Family Court to hear your dispute.

### Did you know?

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

## 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](https://justice.govt.nz/family).

## 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.

### 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](https://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](https://justice.govt.nz/family)



## 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. FDR mediation is something the Family Court usually requires families to complete before applying to the court.

Under certain circumstances, you may be granted an exemption. Our team 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.

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.

# Getting ready



## 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](https://justice.govt.nz/family). After attending the course and using the parenting plan, you may find you can reach agreement without proceeding with FDR
- think about what support you need to be the best parent you can.

## Can I get help to prepare?

When people come to mediation it's often because communication has broken down. To help you communicate better through your mediation, and get the most from your meetings, your mediator may recommend arranging Preparation for Mediation coaching.

These sessions are a mixture of support work and coaching by an experienced conflict coach. Many have a background in counselling or as mediators, so they can support you to get the most in your session. Preparation for Mediation is an opportunity to upskill and think about how our communication styles, behaviour and emotions impact us.

The sessions are 60 to 90 minutes long and are often held online. People generally find their mediation sessions to be more conversational, and that they are better able to reach agreement, because of this learning experience.

There's no extra cost for Preparation for Mediation – this time is included in the 12 hours of FDR services available over a 12-month period.

## How do children get a say?

We will talk with you about how your tamariki may be able to participate in the FDR process.

One of the best ways you can involve your tamariki is by having a Child Specialist chat with them. A Child Specialist is someone with training and experience in working with tamariki who understands their needs and can safely meet with them. They can arrange a time to meet with your tamariki or rangatahi where they get to share their views and experiences about matters that affect them.

The Child Specialist's role is to help understand each child's feelings, views and experiences so the parents can keep them front of mind during the mediation.

Even for small kids who are too young to meet or share their views the Child Specialist can join the mediation for a bit to talk about what's important to children at their age and their developmental needs.

## What is a child meeting?

The Child Specialist can arrange a time to meet with your child. It's usually a fun and positive experience, with games and activities, where they can freely talk about their feelings and views. They will meet somewhere neutral but safe, for example at school.

In addition to Fair Way's Child Specialists, we have a wider pool of Voice of Child. These are practitioners who are experienced in meeting with tamariki. In some circumstances we may arrange for a Voice of Child to meet with your tamariki, for example if you have specific cultural needs or if a Voice of Child is based in your area. If this occurs, the Voice of Child will work in collaboration with the other professionals involved in your case to support the child-inclusive mediation process. The Voice of Child's time will be taken from the 12 hours of FDR services time available to each whānau in a 12-month period.

# Mediation



# What is Family Dispute Resolution mediation?

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

The focus is on helping people to 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.

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.

# What happens during mediation?

First, the mediator will talk to you on the phone or arrange a face to face meeting with you individually.

Then they will arrange a time for the mediation, where everyone comes together in some way. 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.

A Child Specialist may join at the beginning to share your child's views or talk about their developmental needs. As experts in children's development and wellbeing, they might also share some information that you can consider when making a parenting plan. The aim is to help you make the best decisions together for your whānau.

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.

## **Do I have to attend mediation with the other parent?**

Mediation usually requires both parties to attend but 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 to be held online 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](https://www.justice.govt.nz/family) or call **0800 2 Agree (0800 224 733)**.

It is not intended for mediation to include lawyers, but it is possible by agreement. Instead of lawyers attending, we usually recommend that you get legal advice before the mediation.

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

### 1. 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.

### 2. 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.

### 3. 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?

You have the option to keep it private or 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 be satisfied 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 are also welcome to come back to mediation. You can access up to 12 hours of FDR services – which includes Preparation For Mediation and in some cases a Voice of Child – 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 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](https://www.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 is 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**.

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.

## 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.

We have payment plan options available. If required, you can chat to our team about this.

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 they 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 or Preparation for Mediation coach. 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 all 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

As part of the mediation process, we may need to share information about you with the other people involved in the mediation. You can let us know if there is anything that you would like to keep private.

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](mailto:privacy@fairwayresolution.com)

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**Phone** 0800 77 44 22

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**Post** Privacy Officer  
Fair Way Resolution Limited  
PO Box 12790  
Penrose, Auckland 1642

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 and Child Specialists 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](#)

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**Email** [complaints@fairwayresolution.com](mailto:complaints@fairwayresolution.com)

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**Post** PO Box 12790, Penrose, Auckland 1642

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\*\*](mailto:complaints@fairwayresolution.com) or by phone on **0800 77 44 22**.

For more information, please visit  
[\*\*fairwayresolution.com/complaints-and-feedback\*\*](https://www.fairwayresolution.com/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 25 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, MĀADRO or the Resolution Institute.

## Contact us



### Website

[fairwayresolution.com/fdr](https://fairwayresolution.com/fdr)



### Email

[fdr@fairwayresolution.com](mailto:fdr@fairwayresolution.com)



### Phone

0800 77 44 20



### Register

[fairwayresolution.com/register](https://fairwayresolution.com/register)

## Find us on social media



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YOUR EXPERTS  
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JANUARY 2025