**This checklist – for all parties - will *help us decide whether mediation is suitable and safe.***

***If the party has a lawyer, this checklist is to be completed by the lawyer in consultation with their client.***

**We will provide a copy of the completed checklist to the mediator, but we will not give it to any other party.**

**Please email the completed checklist and any attachments to** **fdr.checklist@legalaid.nsw.gov.au**

|  |  |  |  |
| --- | --- | --- | --- |
| **Grant file number (24Fxxxxxx)** |  | **OR DR number (DR-2024xxxxxx)**  |  |
|  |  |  |
| **Name** |  |
|  |  |  |
| **Email** |  |
|  |  |  |
| **Phone** |  |
|  |  |  |
| **Date of birth** |  |  |  |

|  |  |
| --- | --- |
| What is your relationship to the child/ren in this matter? |  |
|  |  |
| What are the names and dates of birth of the children, and who do they live with? |

|  |  |  |
| --- | --- | --- |
| **Name** | **Dob** | **Living With** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**Part A – Family Dispute Resolution**

|  |  |
| --- | --- |
| 1. Have you attended Family Dispute Mediation in the past 12 months? |  |
|  |  |  |  |  |
|  | If yes, at which organisation? |  |
|  |  |  |  |  |
|  | Did you receive a certificate saying you attended?  |  |
|  |  |  |  |  |
|  | If so, what type? (Section 60i or DR) Section 60i |      | Or DR |  |
|  |  |  |  |  |
| 2. What issues would you like to discuss at the mediation? |
|  |  |  |  |  |
|  |  |  |  |  |

**Part B – Format of mediation – Legal Aid conducts mediations via Zoom**

**What format would you prefer?**

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Comments |  |  |
|  |
| 3. Do you have access to the internet?  |  |
| **Make sure your phone or device is fully charged before the mediation.** |  |

**Phone back-up**

Please provide your best contact number so the mediator can call you during the mediation if they need to.

|  |  |  |  |
| --- | --- | --- | --- |
| Party's number  |  |  Solicitor's number  |  |

**Part C – Matter Details**

|  |  |
| --- | --- |
| 4. Are there any current orders/parenting plans/written agreements?  |  |
|  | ***If yes, please attach a copy*** |  |  |
|  |  |  |  |
| 5. Were you and the other party married or did you live together? |  |  |
|  |  |  |
|  | If yes, when did your marriage or live-in relationship begin? |  |
|  |  |  |  |
|  | When did you separate?  |  |
|  |  |  |  |
| 6. How much time does the child/children spend with each party or parent? |
|  |
|  What would you like to change about the current arrangements?  |
|  |
|  Please provide any additional information – eg about the special needs of the children. |
|  |
|  |  |  |  |
| 7. Have legal proceedings commenced?  |  |
|  | ***If no, please go to Part D*** |  |  |
|  |  |  |  |
| 8. Is there an Independent Children’s Lawyer? |  |
|  |  |  |  |
|  | If yes, what is their name? |  |
|  |  |  |  |
| 9. When is the matter next in Court? |  | For how many days? |  |
|  |  |  |  |
|  | What is it listed for? |  |
|  |  |  |
|  | , |  |  |
| 10. Is there a report by a Family Consultant or other expert? |  |
|  | ***If yes, please attach a copy*** |  |  |
|  |  |  |  |
| 11. If there is no expert report, has one been ordered by the Court?  |  |
|  |  |  |  |
|  | If yes, when will it be released?  |  |

**Part D – Aboriginality**

|  |  |  |
| --- | --- | --- |
| 12. Do you identify as an Aboriginal person?  |  |  |
|  |  |  |  |
| 13. Do you identify as a Torres Strait Islander person? |  |
|  |  |  |  |
| 14. If you are Aboriginal or Torres Strait Islander person, would you prefer an Aboriginal/Torres Strait Islander mediator if available? |    |
|  |  |
| 15. Does the other party or children identify as Aboriginal? |  |
|  |  |
| 16. Does the other party or children identify as Torres Strait Islander? |  |
|  |  |

**Part E – Cultural Information**

|  |  |  |
| --- | --- | --- |
| **Cultural Identity** |  |  |
| 17. Do you identify with a cultural and/or religious background? |  |
|  |  |
|  | ***If yes, provide details*** |  |
|  |  |  |
| 18. Would you prefer a mediator from your cultural or religious background if available?  |   |
| **Interpreting and translation** |  |  |  |
| 19. Do you need an interpreter?  |  |  |  |
|  |  |  |  |
|  | If yes, what language/dialect?  |  |
|  |  |  |
|  |  |  |
| 20. Would you prefer male or female? |    |
|  |  |
| 21. Does the other party need an interpreter, or translated information? (eg. Letters) |  |
|  |  |
| If yes, what language/dialect? |  |

**Part F – Domestic and Family Violence**

|  |  |
| --- | --- |
| 22. Are there allegations of physical, verbal or emotional abuse between the parties? |  |
|  |  |
| 23. If yes, are you the victim? |  |
|  |  |  |  |
| 24. Has there been any recent threat, physical violence or intimidation? |  |
|  |  |
| If yes, please tell us what happened. |  |
|  |
|  |  |  |  |
| 25. Can you speak freely to the other party without feeling scared or intimidated?  |  |
|  |  |
| 26. Are you worried about your safety during a mediation?  |  |
|  |  |  |  |
| 27. Are you worried about your safety or your child’s safety as a consequence of attending mediation?  |  |
|  |  |  |  |
| 28. Is there a current AVO?  |  |
|  |  |  |  |
|  ***If yes, please attach a copy of the AVO - we cannot proceed until we receive it*** |
| 29. Was there a previous AVO?  |  |
|  |  |
|  | If yes, how long ago? |  |
|  |  |  |
| 30. Has there ever been a breach of AVO? |  |

**Part G – Welfare of the Children**

|  |  |
| --- | --- |
| 31. Do you have concerns about your children’s wellbeing when they are with the other party/ies? |  |
|  | ***If yes, please provide details*** |
|  |  |
|  |
| **DCJ Involvement** |
| 32. Is there any current involvement with Department of Communities and Justice? *(prev DoCS/FaCS)* |  |
|  | ***If yes, please advise which DCJ office and the current status*** |  |
|  |  |
|  |  |  |  |
|  | Caseworker’s name |  |
|  |  |  |  |
| 33. Has there been any past involvement with DCJ?  |  |
|  | ***If yes, please provide details*** |  |
|  |  |
| 34. Do you consent to Legal Aid NSW approaching DCJ to obtain information for the purpose of the mediation? |  |
|  |  |  |  |

**Part H – Accessibility needs**

|  |  |
| --- | --- |
| 35. Do you need anything put in place to assist you on the day of the mediation?  |  |
| This could include: * A support person attending mediation with you (please note that any request for a support person must be sent to the mediation organiser and approved by Legal Aid NSW before the mediation date)
* Regular breaks during the mediation
* Minimal background noise
 |
|  |  |
| ***Please provide details*** |  |
|  |

|  |  |
| --- | --- |
| **Other Party Details** |  |
| Other Party's Name |  |
|  |  |
| Email Address |  |
|  |  |
| Phone Number/s |  |
|  |  |
| Address |  |

***\*We will contact all parties in the matter to invite them to the mediation and help us assess the suitability of the mediation. Please let us know if you have any concerns for your safety or your client’s safety if we contact any party.***

|  |
| --- |
| ***Any further details*** |
|  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |
|  | **CERTIFICATION – if the party has a lawyer, the lawyer *must* certify suitability for mediation.** |  |
|  | Completed by (name) |  | On (date) |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  **Lawyers** |  |  |  |  |
| * *I have taken instructions from my party*
 |  |
| * *I believe this matter is suitable for family dispute resolution*
 |  |
| * *I consent to Legal Aid FDR providing my contact details to the other party or their Lawyer*
 |  |
|  |  |  |  |  |  |

**Note: In children and property matters:**

[ ]  *I am aware my contact details will be shared with the other party or their lawyer so that financial information can be exchanged*