

Section 60I Certificates

What is a 60I Certificate?

This is a certificate made under Part VII (matters involving children), Section 60I of the Family Law Act 1975. Before you can make an application to the court for a parenting order, or to change an existing parenting order, you need to try family dispute resolution. Exceptions to this include where there is family violence, child abuse or the matter is urgent. If the dispute cannot be resolved using family dispute resolution, you will need a certificate from the family dispute resolution practitioner who helped you before going to court. This certificate needs to be filed with the court application.

What is on the Certificate?

The certificate contains information about the parties involved and the reason a certificate was issued.

The parties are the people who have a dispute about a child. Usually the dispute will be between parents but sometimes might involve other people, such as grandparents. The parties to the dispute will be invited to attend family dispute resolution and their names will be put on the certificate even if they did not attend.

What types of Certificates are issued?

A) One party to the dispute did not attend at family dispute resolution

This means that both parties were invited to attend family dispute resolution, but one party refused or failed to go. This meant the family dispute resolution could not go ahead.

B) The practitioner decided the case was not appropriate for family dispute resolution

Practitioners must not deliver family dispute resolution if they believe it would be inappropriate. Examples of matters which may mean family dispute resolution is inappropriate include: a history of family violence; a risk of child abuse; the safety of parties; the emotional, psychological or physical health of the parties or the ability of people to negotiate freely. When a practitioner believes a matter is inappropriate, family dispute resolution will not take place.

The reasons why a certificate of 'not appropriate' has been issued cannot always be discussed with each party as this can be a breach of privacy and confidentiality of one of the parties.

C) All parties attended and made a genuine effort to resolve the dispute

This means all parties made a genuine effort during the dispute resolution process but were unable to resolve the dispute. It is up to the family dispute resolution practitioner to make up their mind if a person has made a genuine effort based on the individual circumstances. A practitioner might take into account, each person's capacity and willingness to join in discussions and make compromises. If you don't reach an agreement, it is not necessarily because you did not make a genuine effort.

Whether an issue or dispute is resolved or not may not be because one or more parties did not make a genuine effort. There can be valid reasons why parties have different views on an issue.

D) All parties attended but one or both did not make a genuine effort to resolve the dispute

See (c) above for information about genuine effort.

E) The family dispute resolution started but part way through the practitioner decided it was not appropriate to continue.

See (b) above for examples of situations where it might not be appropriate to conduct family dispute resolution.

How does a practitioner decide which type of certificate to issue?

Family Dispute Resolution Practitioners issue certificates in line with the Attorney Generals Department guidelines. Practitioners will take into account individual circumstances of the case and of each party. In order to maintain privacy of both parties it is often not possible to disclose why certain certificate types have been issued.

How long is the certificate valid?

Certificates are valid for 12 months from the date of the last attempt at Family Dispute Resolution.