
Property & Financial Matters Family Dispute Resolution

Information Sheet 1 - Legal Advice

Obtaining legal advice is an important component of any property and financial matters FDR. Such advice needs to be obtained from an appropriate source independent from the Family Relationship Centre and the family dispute resolution practitioner/s conducting the FDR.

Legal advice, preferably from a family law specialist lawyer, will avoid any unrealistic expectations about possible outcomes, assist parties to make fully-informed decisions in FDR, and will allow parents to take into consideration those matters which they assess as important.

Also, legal advice will inform parents of any legal implications relating to their property settlement.

In seeking legal advice, it is suggested that:

- both parents seek independent advice;
- as legal fees can be expensive, parents prepare before consulting a lawyer by compiling a list of questions or matters for discussion so that maximum benefit is gained from time with the lawyer;
- the “Financial Checklist” be completed, and a copy be provided to the lawyer;
- parents advise the lawyer they consult that they are seeking advice for use in property and financial matters FDR, and therefore, they are not requesting that any legal proceedings be commenced.

To reach a property settlement, in most circumstances, parents negotiate in accordance with the legal advice they receive. Such advice from a lawyer is most helpful if it comes in the form of a range of possible outcomes for the parent in preference to one specific desired outcome which restricts the opportunity to negotiate.

In providing advice, it could be expected that a lawyer will lay out the reasoning for the advice given, and will explain how principles of the law apply to the circumstances and situation presented.

For most parents, confirmation in writing of legal advice given provides clarity and understanding and the opportunity to absorb information which may be detailed or complex.

The information contained in this handout is general information only. It is supplied on the understanding that the Family Relationship Centre is not providing legal advice on a particular matter, or at all. The handout contains information that is intended to assist those attending Property & Financial Matters Family Dispute Resolution.

Errors and omissions can occur in the preparation of material.

The Family Relationship Centre does not accept any responsibility for any errors or omissions in the accuracy or completeness of this material.

We strongly recommend the obtaining of specific independent legal advice.