



# Resolving Family Law Disputes in Australia: What Are Your Options?

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When it comes to family law disputes, the emotional and legal challenges can have a profound impact on everyone involved. It's important to remember that there are various avenues available to help you navigate the complexities and find a resolution.

In this article, we explore the range of solutions and options at your disposal if you're in dispute with your ex-partner about any aspect of your family law proceedings. By understanding these options early on, you can make informed decisions and chart a path towards resolving your family law dispute.

## Direct discussion with your ex-partner

When it comes to resolving family law disputes in Australia, one approach that can be effective in certain situations is direct discussion. This involves open and honest communication between the parties involved, with the goal of reaching a mutually agreeable resolution without the need for formal (court) intervention.

Direct discussions allow both parties to express their concerns, interests, and priorities in a respectful manner. While this method can work well for less complex disputes, it may not be suitable for cases involving high conflict or significant power imbalances or for cases involving [family violence](#).

We recommend getting professional advice before starting any discussions and definitely before agreeing to anything. Getting advice early means you can set yourself up to have discussions in the right way and make sure you don't agree to something that is against your interests.

[Get help from an experienced family lawyer: 03 9006 8907](#)

If you are able to reach an agreement between yourselves, make sure to see a lawyer to make your agreement legal. Many people skip this important step, and this can result in dire consequences.

## Mediation in family law disputes

Mediation is a widely used dispute resolution process that involves the assistance of a neutral third party, known as a mediator. The mediator's role is to facilitate communication and help the parties explore potential solutions.

Mediation provides a structured and confidential environment where both sides can express their viewpoints and work towards finding common ground. The mediator does not make decisions but helps the parties identify and evaluate their options. It can often be less expensive and time-consuming than litigation and can be particularly effective in matters involving child custody, property division, and financial settlements.

You can learn more about this in our earlier blog, ["How does mediation work?"](#).

## Lawyer assisted dispute resolution

In some cases, it may be beneficial to seek the assistance of a family lawyer to navigate the complexities of the legal system and protect your rights. Lawyer-assisted negotiation involves each party retaining their own legal counsel to represent their interests during the negotiation process.

Lawyer-assisted negotiation can be particularly useful for complex legal issues. The lawyers can help you understand your legal rights and obligations, gather relevant evidence, and negotiate with the other party or their lawyer on your behalf. The lawyers will also ensure that any agreements reached are made legal, most often via a consent order.

## Collaborative law

Collaborative law is an alternative dispute resolution process that involves a team-based approach. In collaborative law, both parties and their respective lawyers commit to reaching a settlement without going to court.

The parties and their lawyers engage in a series of meetings where they work together to find creative solutions that meet the needs and interests of all involved. Collaborative law encourages open communication, transparency, and a focus on the best interests of any children involved. It can be particularly effective for cases where maintaining a cooperative relationship between the parties is important, such as co-parenting after separation.

## Litigation – taking your family law dispute to court

Litigation is the traditional method of resolving family law disputes through the court system. When all other options have been exhausted or are deemed inappropriate, litigation may be necessary.

In litigation, a structured court process is followed, with opportunities for resolution along the way. Litigation can be a lengthy, costly, and emotionally challenging process, as it involves deadlines, preparation and filing of lengthy documents and court hearings.

The outcome of litigation is often uncertain, as the decision rests in the hands of a judge who has a broad discretion. In our experience, most cases will settle along the court pathway and will rarely make it all the way to a final hearing.

## Seek help from a family lawyer

To resolve a family law dispute, it is beneficial to have an understanding of the available options before you attempt to resolve things yourself. At Emera Family Law, we stand ready to guide you through the options best suited for your personal circumstances.

Our commitment begins with a free initial consultation, where we dedicate ourselves to listening attentively to your concerns, helping you to know where you stand and what the best options are for your unique circumstances.

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*This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.*