



Section 60I Certificate

What is a Section 60I Certificate?

It is a requirement under the Family Law Act 1975 that separating couples wanting to apply or return to the Family Court for a parenting order or amendment to a parenting order need to first indicate that a genuine effort to resolve the dispute by Family Dispute Resolution has been attempted.

To show that a genuine attempt has been made it is required that a Certificate Section 60I (s60i) is obtained. Only registered Family Dispute Resolution Practitioners can issue a Section 60I certificate.

There are five types of Section 60I Certificates that can be issued, these are:

- a) You did not attend because the other party refused or failed to attend;
- b) You did not attend because the practitioner (mediator) considered that your circumstances were not appropriate for Family Dispute Resolution;
- c) You did not attend and the parties did not make a genuine effort to resolve the issues;
or
- d) You did attend and the other party (or you) did not make a genuine effort to resolve issues.
- e) You and the other party started the mediation process, but the practitioner considered that it would not be appropriate to continue

The Court requires that a copy of the Section 60I Certificate be filed with the Court Application.

It is important to be aware that if you do not attend FDR or make a genuine effort to attend there is the potential that the Court may also order you to pay the other party's legal costs.

The Court will be able to take into account your refusal to attend FDR if there is an application for costs. It is possible that the Court will make an order for the other party's costs on the basis that you refused to attend mediation and thereby increased the costs of each party.

For more Information contact Bendigo Mediation on 0438023155