

PRACTICE GUIDE

Information sharing – accredited family dispute resolution practitioners and Child Safety

Family dispute resolution is the legal term for services (such as mediation) that help people affected by separation or divorce to resolve disputes, including disputes about parenting arrangements for children.

Mediation is provided by a range of accredited family dispute resolution practitioners including Family Relationship Centres, Legal Aid Queensland, Centacare, Uniting Care, Relationships Australia, and individuals such as lawyers, social workers, or psychologists.

A family dispute resolution practitioner must have regard for the safety and ability of both parties involved in the parenting dispute to freely negotiate in the process, when deciding if mediation can commence. Mediation is not suitable or appropriate where there are concerns about domestic and family violence or the safety of the parties and risks to children.

In some instances, a family dispute resolution practitioner may require information from Child Safety to help decide whether mediation is suitable and appropriate.

Who is an accredited family dispute resolution practitioner?

An accredited family dispute resolution practitioner is a family dispute resolution practitioner that is:

- employed by a commonwealth funded family dispute resolution provider; or
- self-employed receiving state or commonwealth funding to provide family dispute resolution mediation services.

Their accreditation is recorded on the Australian Government Attorney-General's Department family dispute resolution register.

Accreditation is confirmed at the time a request for information is received from a family dispute resolution practitioner by Child Safety. Information will not be released where accreditation cannot be confirmed.

Legal framework for sharing information

The *Child Protection Act 1999*, Chapter 5A, provides for the exchange of information between Child Safety, prescribed entities and service providers, to meet the protection and care needs of children and promote their wellbeing.

An accredited family dispute resolution practitioner is considered a specialist service provider (prescribed entity) under the *Child Protection Act 1999*, section 159M, for the purposes of information sharing and service delivery coordination.

Depending on the child's circumstances and in accordance with the *Child Protection Act 1999*, sections 159MC and 159MD, Child Safety may give an accredited family dispute resolution

practitioner, being a prescribed entity, information that it reasonably believes will help make plans or decisions, or provide services to:

- a child in need of protection's family
- decrease the likelihood of a child becoming in need of protection.

How is information requested?

Data management services are responsible for receiving, screening, and responding to requests for information from accredited family dispute resolution practitioners.

An accredited family dispute resolution practitioner is required to send the completed form '[Chapter 5A information request – Family dispute resolution](#)' to FDR_CS@cyjma.qld.gov.au.

A receipt will be sent by data management services confirming the request has been received.

What information may be requested?

An accredited family dispute resolution practitioner may request information from Child Safety to clarify if Child Safety has previously been or is currently involved with the child or either party. This may be triggered by:

- one or both parties indicating current or prior Child Safety involvement
- safety concerns identified by one or both of the parties
- the accredited family dispute resolution practitioner's assessment.

The purpose of the information request is to help the accredited family dispute resolution practitioner assess the suitability of mediation to resolve a parenting dispute.

What information may be shared?

Information relevant to helping the accredited family dispute resolution practitioner decide the suitability of mediation to resolve a parenting dispute may be disclosed by Child Safety.

In most cases, the information shared with an accredited family dispute resolution practitioner will be limited. For example, the information may confirm facts about whether there is current involvement by Child Safety with a child or a party to the parenting dispute or whether the child is subject to a child protection order.

Child Safety may also share professional opinion, where considered relevant. For example, Child Safety may indicate concerns about a mediation process occurring prior to the finalisation of a priority response.

Child Safety will not share information that may prejudice an investigation and/or endanger a person's life.

How may the information be used?

Accredited family dispute resolution practitioners may use the information provided by Child Safety to help decide whether mediation is suitable and appropriate for resolving a parenting dispute.

The *Child Protection Act 1999*, section 188(2), requires that the information shared with the accredited family dispute resolution practitioner by Child Safety remain confidential and not be disclosed to any other person, unless there is a legal reason for doing so.

In circumstances where an accredited family dispute resolution practitioner determines that mediation is not suitable or appropriate due to concerns about domestic and family violence, safety of the parties or risks to children, a section 60I certificate will be issued under the *Family Law Act 1975* and the parenting dispute will be resolved via family law court processes.

An accredited family dispute resolution practitioner cannot disclose information received from Child Safety to a party to the parenting dispute. Doing so may have harmful consequences for a child or another person.

Further reading

[Family relationships online](#): Helping families build better relationships

[Information Sharing Guidelines](#): To meet the protection and care needs and promote the wellbeing of children

[Child Protection Act 1999](#), Chapter 5A.

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