



NON-COURT DISPUTE RESOLUTION FACTSHEET

What is Non-Court Dispute Resolution?

Non-Court Dispute Resolution (NCDR) aims to facilitate a resolution between parties without making a court application. NCDR is especially encouraged for separating families and there are significant advantages to doing so.

As of April 2024, completing or at least attempting non-court dispute resolution (NCDR) is now compulsory before applying for a court hearing. NCDR options include, but are not limited to, Mediation, Hybrid mediation, child inclusive mediation, Arbitration, Collaborative Law and Early neutral evaluation/private Financial Dispute Resolution. Parties who readily dismiss NCDR in favor of litigation may face financial sanctions, unless there are exceptional circumstances, such as domestic abuse or urgent court intervention is required.

Additionally, the court process can be lengthy, complex and costly. It often increases conflict and confrontation during an already distressing time. Non-court dispute alternatives help families reach constructive solutions in a timelier and more supported manner.

Family mediation

Hybrid mediation

Child inclusive mediation

Collaborative law

Arbitration

How do I start Non-Court Dispute Resolution?

Ahead of starting any NCDR you would be required to attend a Mediation Information Assessment Meeting (MIAM). This would be held with a qualified family mediator registered with the Family Mediation Council and it will be an opportunity for you to explain your situation and give the mediator time to discuss with you whether mediation would be suitable for your circumstances. If mediation is not suitable, they will also discuss the other NCDR options available to you for exploration.

What are the benefits of Non-Court Dispute Resolution?

There are many benefits to completing NCDR alternatives. Unlike court cases, disputes can be resolved privately and with greater flexibility whilst also encouraging cooperation rather than conflict. This not only benefits the separating couple but also any children involved as reduced hostility, and amicable resolutions create a more stable and less stressful environment. NCDR allows parents to focus on the best interests of their children, fostering constructive co-parenting arrangements and minimizing the emotional impacts of separation.

NCDR is also typically faster and more cost effective, with resolutions being reached in weeks or months rather than years while allowing flexibility to find solutions that can be tailored to suit family needs as they arise.

Most NCDR alternatives provide options and facilities to ensure participants feel safe and comfortable, allowing them to speak freely. This may include online, separate meetings or the presence of a neutral third party to facilitate discussions. These measures help create a supportive environment, particularly for those who feel vulnerable or uneasy engaging directly with the other party.

What happens if we still can't agree?

If you have decided not to continue with any of the NCDR options available, or they are not suitable for your circumstances you can continue with making an application to the court to resolve the issues.