

Do I need a section 60I certificate before applying for parenting orders?

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If you're thinking about applying for parenting orders in Australia, you may need a section 60I certificate first. This certificate shows that you've tried to resolve your parenting dispute through family dispute resolution (FDR) before going to court. In this blog, we'll break down what section 60I is, how the law has changed, what exemptions exist, and what steps you should take before filing a parenting application.

June 2025 family law reforms: non-compliance with section 60I

From June 2025, changes to the *Family Law Act 1975* ('the Act') give the family law courts express power to reject a parenting application for filing if there is non-compliance with section 60I of the Act.

The purpose of section 60I is to encourage out-of-court dispute resolution, encouraging parents to work together in the best interests of their children to resolve issues without going to court. Unless your situation fits under a specific exemption (see below), you must attempt family dispute resolution and provide a valid section 60I certificate before your matter can proceed through the court system.

What is section 60I of the *Family Law Act*?

Section 60I of the *Family Law Act 1975* requires that, before a parent applies to the court for parenting orders, they must first attempt to resolve issues through mediation, known as family dispute resolution.

In other words, section 60I says that before asking the court to intervene and make decisions around children (such as who they live with, how much time they spend with each parent and who makes decisions regarding them), parents must try and resolve it through the family dispute resolution process first.

If the family dispute resolution process fails to resolve parenting issues, or it is not appropriate, an accredited family dispute practitioner can issue a certificate confirming that one of the following applies in the circumstances:

1. There was a refusal or failure to attend by one (or more) of the parties.
2. The practitioner did not consider it would be appropriate to conduct family dispute resolution.
3. The parties attended and made a genuine effort to resolve the issues in dispute.
4. The parties attended, but one of them did not make a genuine effort to resolve the issues in dispute.
5. The parties began family dispute resolution, but the practitioner decided it was not appropriate to continue.

The certificate is known as a section 60I certificate. It can only be issued by an accredited family dispute resolution practitioner. This certificate indicates that there has been a genuine effort to resolve the dispute through family dispute resolution first.

What specifically has changed with the June 2025 reforms?

Under the June 2025 amendments, it is now expressly set out that a parenting application **cannot** be accepted by the court for filing unless a section 60I certificate is filed together with the application, or an exemption applies.

Exemptions to needing a section 60I certificate

There are a few situations where the requirement for a section 60I certificate can be waived by the courts. A 60I certificate is not required if at least one of the following exemptions apply:

- The application is made with the consent of all the parties to the proceedings or in response to a parenting application that another party has made;
- There is urgency;
- There has been child abuse and/or family violence by a party or there is a risk of family violence by a party;
- A delay in applying to the court could create a risk of child abuse;
- A party is unable to participate effectively in family dispute resolution (eg, due to location or incapacity); or
- There are reasonable grounds to believe that a person who has allegedly contravened a parenting order made in the last 12 months has behaved in a way that shows a serious disregard for their obligations under that order.

You may be required to provide evidence to support your claim under one of these exemptions, such as affidavits, medical or police reports, and/or intervention order documents.

If no exemption applies, you will need to file a section 60I certificate issued by a family dispute resolution practitioner alongside any parenting application to have your matter heard by a family law court.

What should I do if I’m considering applying for parenting orders?

Section 60I places the onus on parents to attempt to come to a resolution (through family dispute resolution) on parenting issues without the court’s involvement, unless there is a compelling reason otherwise.

This places emphasis on trying to resolve issues between yourself and the other party first, which is usually less expensive, faster, less adversarial than litigation and allows for more control over the outcome. It also helps keep children out of high-conflict situations.

Get help from a family lawyer

Family dispute resolution services are offered by government-funded organisations as well as private practitioners.

Nevertheless, if you are unsure whether you need a section 60I certificate, whether your situation qualifies for an exemption, or how to start the family dispute resolution process, it is crucial to seek legal advice as early as possible to save you time and stress.

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