

“Towards a Coordinated Community
Response in FDR: A model to pilot FDR
for families where past or current
family violence exists”

Known as
“Coordinated Family Dispute
Resolution”

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Background

- The Coordinated Family Dispute Resolution (CFDR) model aims to provide a safe practice approach to FDR in matters where there is past or current family violence.
- The Women's Legal Service (WLS) Brisbane was commissioned by the Federal Attorney-General's Department in 2009 to develop a model.
- CFDR is currently being piloted in 5 locations around Australia – Brisbane - Telephone Dispute Resolution Service (Relationships Australia); Perth – Legal Aid Office; Hobart (Relationships Australia); Newcastle (Inter-relate) and Western Sydney (Unifam).
- Each pilot is being evaluated by AIFS.

What are AIFS testing?

- The objective of the pilots is to test and evaluate a multidisciplinary approach to Family Dispute Resolution (FDR) within a framework that supports a focus on safe process and outcome for families where there is or has been a history of family violence.
- In particular, does the model achieve safer and more sustainable outcomes for children and their families?

Key elements of the CFDR

- 1. CFDR uses a multi-disciplinary, integrated, collaborative and case-managed approach.
- 2. CFDR is informed by the significant body of literature in the field on dv and mediation, and draws on the Duluth model approach to collaborative and coordinated professional relationships to safely assist families where there is a history of, or current, family violence.

Key elements continued

- 3. Similarly to Coordinated Community Responses (CCR's) to domestic and family violence – victim safety, perpetrator accountability, systems accountability and responsibility are paramount.
- 4. Specialised family violence risk assessments and risk assessment generally are built into every step of the process.

Key elements

- 5. All professionals are required to be trained in the model and positively embrace its philosophy eg. Non-adversarial approach; gendered analysis of violence
- 6. Flexible and adaptive to the needs of the family eg. Cultural issues.

Key professionals and specialised roles

- **A Women's Legal Service or CLC** – to provide legal advice and representation to clients.
- **A DV Service** - to provide crisis response, support, counselling, information, and advice to women in the process. Conduct specialist risk assessment, participate in case management meetings and support women as they progress through the process.
- **A Men's Service** - to provide counselling, advice and support to men in the process. Conduct specialist risk assessment, participate in case management and support men as they progress through the CFDR process. Work with a gendered analysis of family violence.
- **An FDR service provider** - Coordinate the overall process, facilitate the FDR process, participate in case management, conduct the preparation workshops, conduct intake and final approval for client readiness to participate.

Options for other professional involvement

- Children's specialist workers;
- Immigrant women's support service workers;
- Aboriginal or Torres Strait Islander Services;
- Disability services.

Pre-conditions

- Reliance on a high level of skill and experience of professionals involved – CFDR is not where you do your “on the job” training;
- All the professionals are trained in the philosophy and practical implementation of the model.

Rationale for model development:

- Despite existing requirements to consider issues of fv and the Best Interests of Children in the Family Law Act, the family law system can still leave victims of violence and children vulnerable to ongoing violence and abuse.
- Clear support for the principles of CFDR and keeping women and children safe from fv can be taken from the *Time for Action Report*

Rationale continued

- Existing models of FDR and focus on the creation of a 'level playing field' can ignore the power differentials between perpetrators and victims.
- A specialised model is required to respond to a complex issue – contextualising the behaviour and identifying patterns of abusive behaviour rather than treating them as 'separate incidents of abuse'.

Facing the practical reality:

- Although victims of family violence may seek exemption from FDR many still participate.
- Many want to participate or at least try FDR to try to resolve the dispute.
- Some women are attracted to the positive aspects of FDR – cheap, relatively easy to access, private, can ‘give them a voice’ to tell their story.

Victims of FV may end up in FDR because:

- There are varying skills in identifying FV and determining when to it is appropriate to screen a matter out of FDR.
- Even when a matter is screened out the courts may make a decision to send the matter back for FDR.

Victims of FV may not disclose because:

- They feel ashamed or embarrassed;
- They have not yet identified the behaviour as FV;
- They do not want to risk being 'screened out' of FDR because they consider it a better or safer option than negotiating with their ex-partner on their own.

CFDR is not always appropriate

- CFDR is not intended to substitute an FDR process for use when a court exemption is necessary and appropriate.
- For some matter involving FV, participation in the process itself may be dangerous or the risk of reaching an unsafe agreement may be too great.

Key Safety Elements of CFDR

- 1: Specialist risk assessment– as a prerequisite into CFDR and risk assessment generally ongoing and continuous.
- 2: Preparation – legal advice, communication sessions, participation workshop, second intake.
- 3: Participation in FDR with legal representation and/or dv support. A focus on practical outcomes rather than the mediation itself being a therapeutic intervention.
- 4: Follow-up and ability for ongoing support

Children's involvement

- The involvement of children will only be undertaken after careful analysis of safety implications.
- A children's practitioner can be asked to join the case management meetings.
- Will require extensive experience in working with children and fv.
- There is provision for direct/ indirect engagement and counselling.

Perpetrator accountability (Taken from AVERT)

- Accountability prioritise the safety of the victim and children and invite the perpetrator to notice and take responsibility for promoting safety.
- Accountability is not the same as exclusion or rejection of perpetrators.

Continued

- Accountability practices actively avoids colluding with the violence while still engaging supportively with the individual concerned.
- Accountability practices also aim to help people who have used violence to change their behaviours through greater appreciation of the impact of their actions.

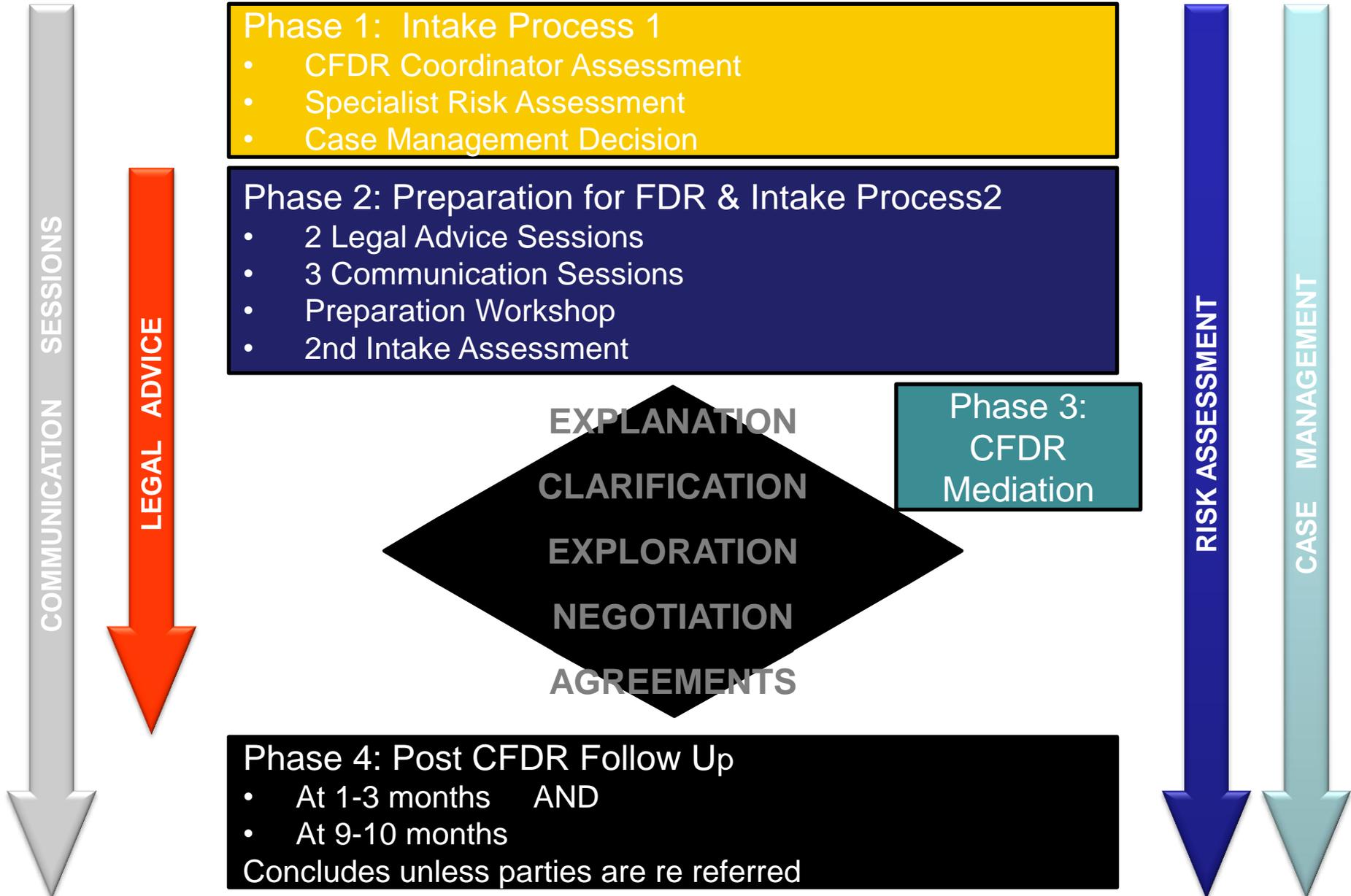
Real expertise is required

- Engaging with people who use violence is an important prevention strategy that characterises sharing the responsibility for social change, rather than simply blaming individuals. At the same time, practitioners must ensure that support and engagement are not confused with excusing perpetrators or holding victims responsible for the violent behaviour. This requires clarity from the practitioner.

Future??

- We hope that CFDR or parts thereof do improve practice and safety of families involved;
- That there is increased awareness in the community about how fv professionals can “value add” to decision-making in the family law system.
- That there is a move towards a more coordinated approach in family law system.

CFDR



Participants can withdraw from the process at any time.

Some references

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