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Mediating in the minefield: Family dispute resolution, its prospects and problems

Presented by

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at the

Launch of the Research Report

“What about the Children? Parenting Post Separation and Divorce”

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Frankston Cultural Centre

National evaluation of the 2006 family law reforms



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Evaluation methodology

Information was collected from over 28,000 respondents

- 2,005 parents who had separated prior to the 2006 reforms
- 10,002 parents who had separated after the 2006 reforms
- 10,000 parents in a nationally representative survey of all parents - including separated parents (5,000 pre-reform and 5,000 post-reform)
- 562 grandparents who had an adult child who had separated
- 3,251 clients of services funded as part of the family law system
- 1,668 service providers (including managers and staff of relationship service providers)
- 367 family lawyers (surveyed pre-reform) and 319 lawyers (surveyed post-reform)
- 184 qualitative interviews with judicial officers, registrars, lawyers and family consultants
- Information sampled from 1,724 court files from the FCoA, FMC and FCoWA



Family Dispute Resolution (FDR)

Key findings

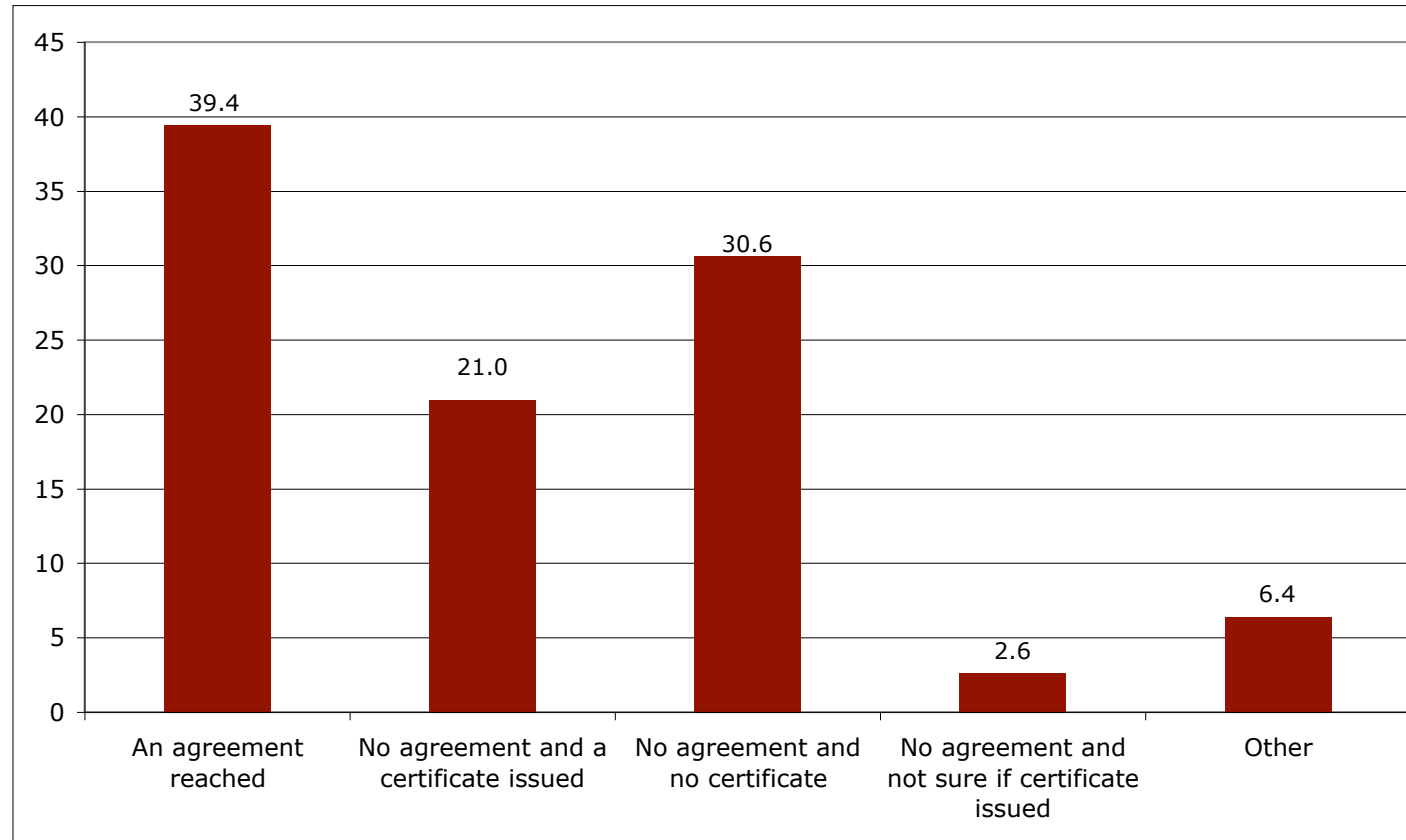


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Outcomes of FDR (Narrow definition)

Outcomes of FDR, 2008



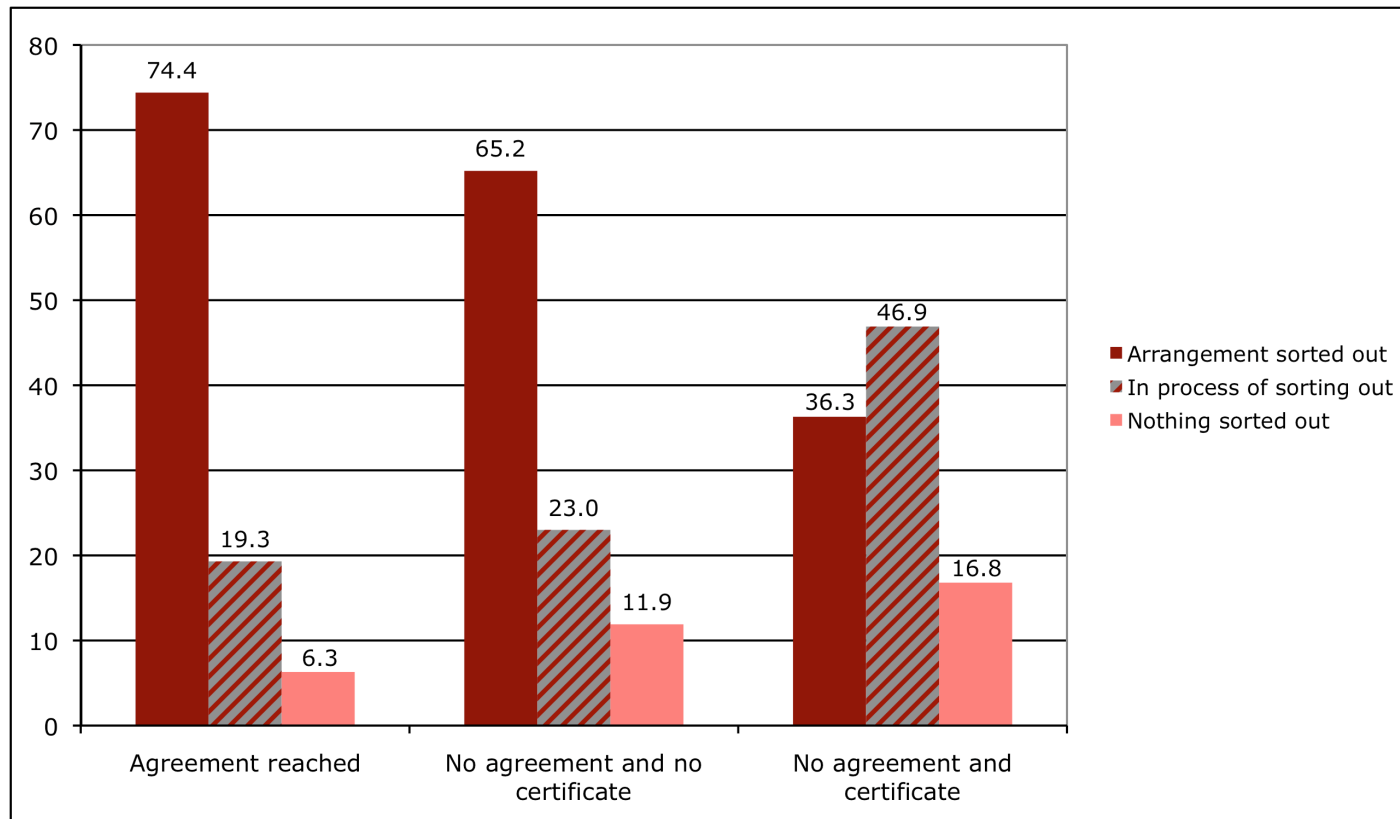
Agreement rates and issue of certificates, by experience of family violence inflicted by other parent, 2008

	VIOLENCE REPORTED		NO VIOLENCE REPORTED
	PHYSICAL HURT	EMOTIONAL ABUSE ALONE	
	%	%	%
AN AGREEMENT REACHED	35.5	38.2	47.9
NO AGREEMENT AND A CERTIFICATE ISSUED	26.3	22.3	10.1
NO AGREEMENT AND NO CERTIFICATE	28.6	30.8	34.1
NO AGREEMENT AND NOT SURE IF CERTIFICATE ISSUED	3.0	2.5	2.2
OTHER	6.7	6.3	5.7
TOTAL	100.1	100.1	100.0
NUMBER OF RESPONDENTS	817	1,215	561



Parenting arrangements at time of interview* by outcome of FDR

State of parenting arrangements, by outcome from FDR, 2008



Source: LSSF W1 2008 * Average 12-15 months after separation



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Reports of family violence, by whether parenting arrangements had been sorted out, mothers and fathers, post-reform

	SORTED OUT			IN PROCESS			NOTHING SORTED OUT		
	FATHERS	MOTHERS	ALL	FATHERS	MOTHERS	ALL	FATHERS	MOTHERS	ALL
	%			%			%		
PHYSICAL HURT	11.8	21.7	16.8	29.5	36.9	33.0	27.6	38.5	33.3
EMOTIONAL ABUSE ALONE	33.4	37.4	35.4	42.9	45.6	44.1	45.2	39.5	42.2
NO VIOLENCE REPORTED	54.8	40.9	47.8	27.6	17.5	22.9	27.2	22.0	24.5
TOTAL	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
NO. OF RESPONDENTS	3,525	3,572	7,097	918	824	1,742	437	510	947



Toxic environment



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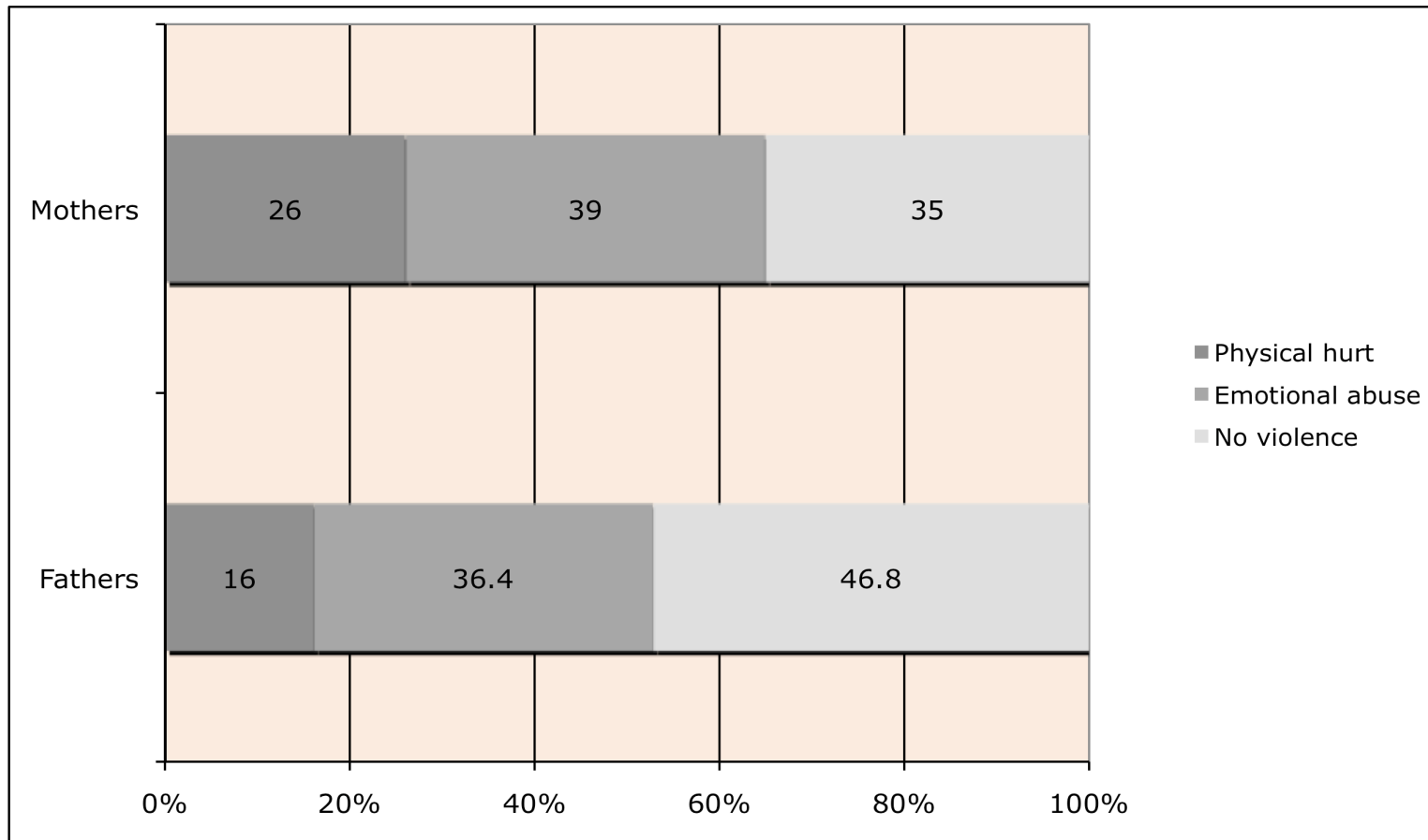
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Toxic trio

- Violence
- Substance abuse
- Mental health problems



Family Violence - prevalence



Exposure of children

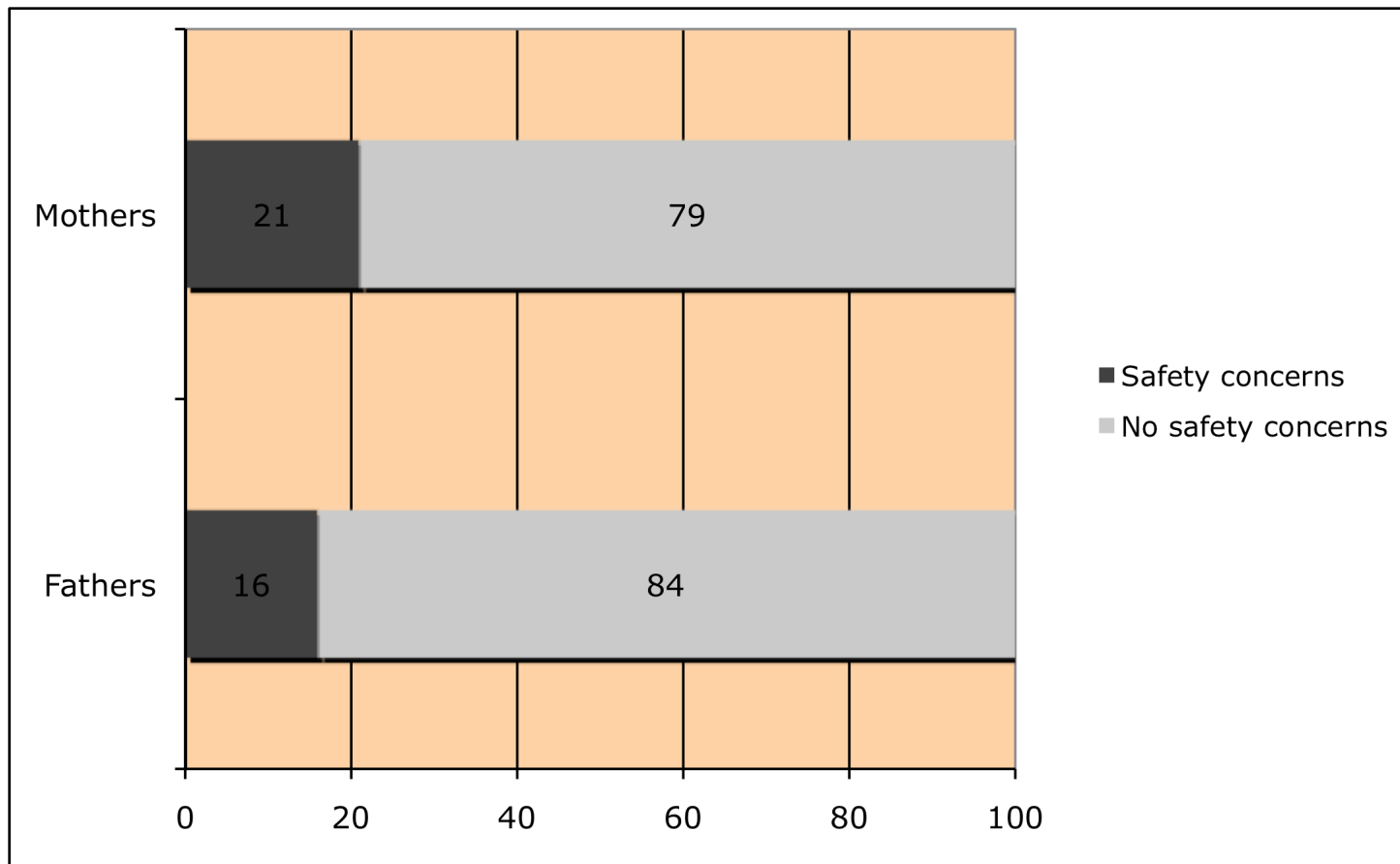
Of the parents who reported physical hurt before separation:

- 72% of mothers
- 63% of fathers

reported children had seen or heard violence and/or abuse



Current safety concerns (for self/child) as a result of ongoing contact with the other parent



In summary

- National large-scale data are enriched by local, in-depth examinations of practice
- Family law systems services require resourcing to address increasingly complex problems

