

The Coordinated Family Dispute Resolution Pilot (CFDR)



LEGAL AID FAMILY LAW CONFERENCE
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CFDR Background

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- The Australian Attorney General's Department commissioned Women's Legal Services, Brisbane to develop a good practice model now known as the Coordinated Family Dispute Resolution Pilot.
- The objective of the pilot is to test and evaluate a multidisciplinary approach to Family Dispute Resolution (FDR) within a framework that supports a focus on safe processes and outcomes for families where there has been family violence.
- The pilot has been implemented in 5 locations across Australia, each with distinctive contextual differences and implications including:
 - Brisbane – Relationships Australia QLD (Telephone FDR service)
 - Perth – Legal Aid Western Australia
 - Hobart – Relationships Australia
 - Newcastle – Interrelate
 - Western Sydney - UnitingCare Unifam
- The pilot is being evaluated by the Australian Institute of Family Studies

Today's Workshop



- Not about “Mediating Family Violence”
- Additional “Stop” and “Go Slow” signs are built in to the model

CFDR has been developed in the context that:



- Concern amongst some professionals in the family law system that the outcomes reached where there is past or current family violence (FV) does not appropriately address issues of FV and therefore may not be in the best interests of children.
- Although victims of FV can seek exemption from FDR many women still participate.

Victims of FV may not disclose because:



- They feel ashamed or embarrassed because of the associated stigma;
- They have not yet identified the behaviour that they are experiencing as violence; or
- They do not want to risk being screened out of FDR because they consider it a better or safer option for them than going to court or trying to negotiate with the perpetrator ‘over the kitchen table.’ WLS 2010 p.8

Victims of FV may end up in FDR because



- There are varying skills in terms of identifying family violence and determining when it is appropriate to screen a matter out of FDR
- Even when a matter is screened out of FDR the courts can make a decision to send the case to FDR

Benefits of FDR:



- FDR is less expensive, and is a relatively easy process to access, compared to court.
- Some women want to participate in FDR because they recognise its potential to provide them with a voice in their negotiations about parenting arrangements.

(C)FDR 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 matters involving FV, participation in the process itself maybe dangerous, or the risk of reaching an unsafe agreement may be too great.

Rationale for CFDR



- **The incidence of and impact of FV in the Family Law System**
 - The family law system may leave victims of violence and their children vulnerable to on-going violence and abuse
- **A gendered analysis of FV**
 - CFDR acknowledges that men may be victims of FV and respond accordingly. It is understood that men experience fv differently from women

Rationale cont:



- **A specialised model is needed to respond to a complex issue**

Traditionally legislative definitions of FV are based on separate incidents of abuse rather than contextualising the behaviour or identifying a pattern of abusive behaviour.

- **Existing models of FDR can be limited in their response to FV.**

Victims need assistance in FDR because their experience of FV diminishes their capacity to negotiate effectively with the perpetrator.

Perpetrators need assistance because they face difficulties in engaging with the requirements of FDR.

CFDR is inspired by Coordinated Community Responses



- **Victim safety, perpetrator accountability, and system accountability and responsibility are paramount.**
- Risk assessment is built into every step of the process.
- The mission, purpose and function of each participating practitioner, and of policies and practices, are clearly identified.

CCR Principles cont:



- The experience of the least powerful within the system ground and continuously inform how the process works.
- Systems exist to ensure the accountability of the CCR. Policies, practices and resources are continually monitored, reviewed and refined.
- Entry points for clients that maximise victim safety.
- Agreed systems, policies and practices are implemented and supported by training.



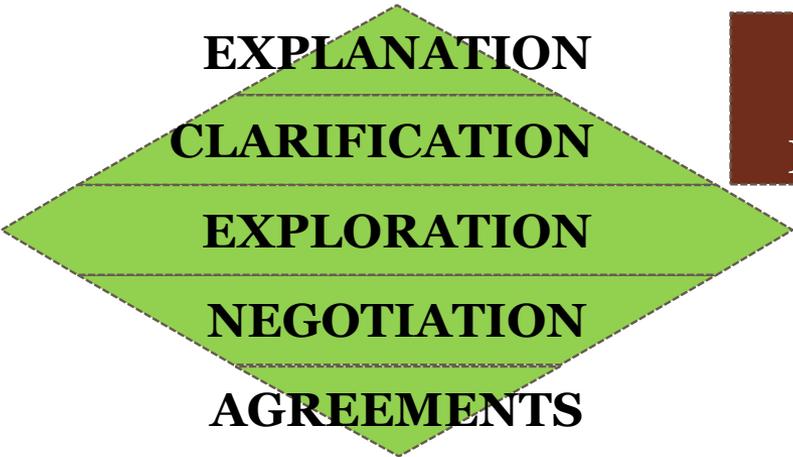
Phase 1: Intake Process 1

- CFDR Coordinator Assessment
- Specialist Risk Assessment
- Case Management Decision

Phase 2: Preparation for FDR & Intake Process 2

- 2 Legal Advice Sessions
- 3 Communication Sessions
- Preparation Workshop
- 2nd Intake Assessment

**Phase 3:
CFDR
Mediation**



Phase 4: Post CFDR Follow Up

- At 1-3 months AND
- At 9-10 months

Concludes unless parties are re referred

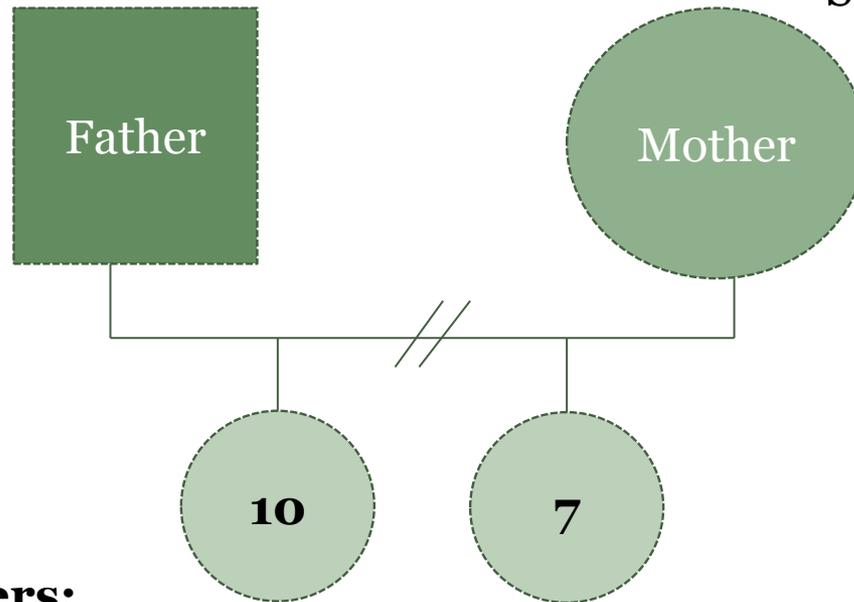
Participants can withdraw from the process at any time.

Case Study

Relationship: 6 years

Marriage: 1 year

Separation 4: years



Family Law Orders:

- 'Week-About' arrangements with each parent
- Changeover at mother's residence
- Open communication and shared decision-making
- 'Mutual agreement' for additional time and special events

Phase 1



- FDR Intake and referral into CFDR
- Specialised Risk Assessments
- Safety Planning and DV support
- Referral to other services as appropriate

Phase 1: Intake Process 1

- **CFDR Coordinator Assessment**
- **Specialist Risk Assessment**
- **Case Management Decision**

Phase 2



- Preparation and support
- Legal advice
- Referrals to other services as appropriate
- Education on FDR and post-separation issues
- Second FDR Assessment

Phase 2: Preparation for FDR & Intake Process²

- 2 Legal Advice Sessions
- 3 Communication Sessions
- Preparation Workshop
- 2nd Intake Assessment

Phase 3



- Legally Assisted FDR sessions
- Ongoing risk and safety assessments
- Ongoing DV support and advice
- Referrals to other services as appropriate

Phase 3: CFDR
Mediation

Phase 4



- Finalisation of Agreements
- Section 60i Certificates (if necessary)
- Referral out
- Post FDR support and follow-ups at 3 and 10 months (approximately)

Phase 4: Post CFDR Follow Up

- At 1-3 months AND
- At 9-10 months

Concludes unless parties are re referred

Outcomes



- Measure of a ‘successful’ outcome is not determined by reaching FDR or agreements
- Safety is underlying principle for all case management decision-making

Final Comments



- Providing victims of violence with access to safe services which may otherwise have not been accessed or available
- Creating new multi-disciplinary relationships
- Genuine response to the findings of research and practitioners working in this context
- Evaluation to inform future FDR practice.