



Enhancing access to family dispute resolution for families from CALD backgrounds

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Acknowledgement of country

- I would like to acknowledge the Wurundjeri people who are the traditional custodians of this land. I would also like to pay respect to their Elders both past, present.



Overview

- CALD FDR usage
- separation and divorce in CALD communities
- Increasing CALD access to FDR
 - Principles
 - Good practice



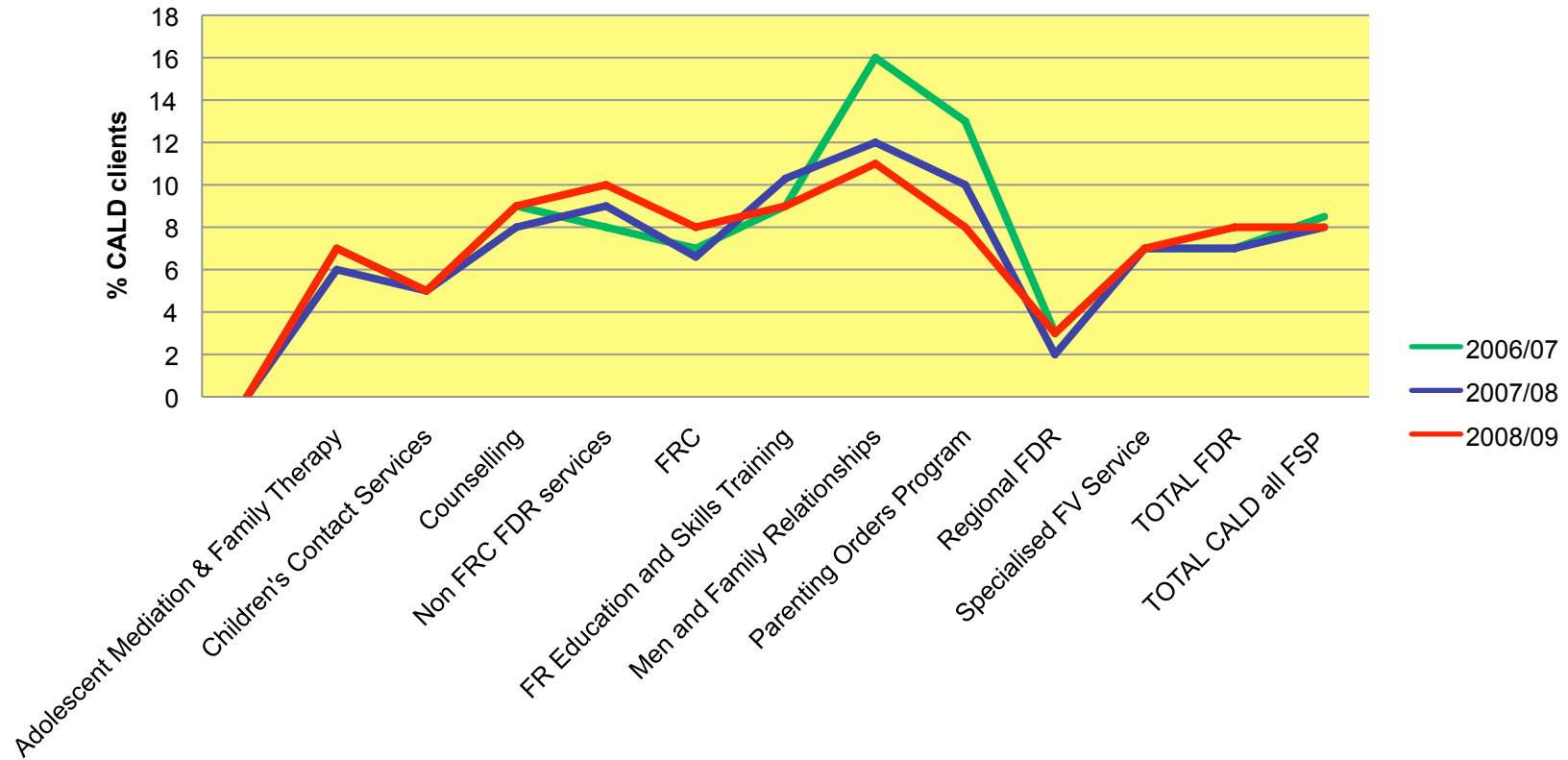
Context

- Qualitative research project initiated by Anglicare and Catholiccare
- Bankstown and Parramatta FRCs: culturally responsive FDR
 - What can FRCs do to enhance access to their services for CALD communities?
- AFRC: Briefing paper 18: September 2010



CALD families in FDR

FSP SERVICES - % CALD CLIENTS





Why encourage CALD FDR?

- Mainstream family mediation
 - Disadvantage women, esp violence?
 - Cultural misfit indigenous & CALD families?
- AIFS 2009
 - Third - FDR context for facilitating agreement suited parents, child focused
 - relatively prompt, very affordable, fair, good quality



post separation experience for CALD families

can be made better so that we're not going to the court system which we know is detrimental to the women that we service. We know that they don't like it and it's costly. So it's terrible that [an FDR] service can exist in a community ... and for whatever reason isn't being utilised to its fullest capacity. (Lawyer in a faith based service for women experiencing violence).



CALD separation & divorce

- AIFS: 19% CALD men, 15% CALD women
- Australia 3rd highest crude divorce rate world
 - higher divorce rate ESB country (UK, NZ)
 - Some NESB higher (China, Vietnam, Thailand)
 - Some NESB lower (Greece, Lebanon, Turkey)
 - higher divorce rate cross cultural marriages



Reasons for trends

- Cultural factors
- Changing dynamics family: acculturative stress
 - Resettlement: financial insecurity, housing, displacement
 - Changes to family structure & roles
 - Men loss status, identity & authority
 - Women: rights and independence; isolation – DV
 - Clashes mainstream social expectations and migrant family values and practices
 - Cross-cultural & inter-generational conflict



CALD & family law litigation

- ACNeilson (1998): NES more likely to believe lawyers and courts would protect their interests
- Hunter (1999) NES 26% publicly funded clients
 - 11 years
 - 11% interpreter (53% Melbourne LAC)
 - Complex children's disputes: multiple forms violence
 - Choose litigation?



Reasons under-utilise FDR

- Lack of understanding about services
- Socio-cultural norms discouraging mainstream help seeking
- Lack of trust in mainstream mediation services
- Uncertainty services would be culturally sensitive
- Uncertainty services would be culturally appropriate
- Preference to deal with family breakdown within family or community processes
- Communication barriers



Enhancing access

- Research findings & literature
- Principles
 - Holistic
 - Reciprocity
 - Reflexive



Good practice

- implement a policy and monitoring framework to engage CALD families;
- respond to CALD communities' needs and contexts;
- engage CALD service providers and community leaders;
- develop partnerships and contribute to building community capacity;
- foster a culturally competent workforce and processes that facilitate the effective participation of CALD clients



develop policy framework

- Systemic
 - educational and information strategies value FDR, dispel misunderstandings
 - refine a 'whole of government' service approach for CALD clients
- Organisational
 - clear goals, leadership, commitment and capacity to sustain engagement
 - cultural self-assessment



respond to CALD needs & contexts

- Understand community diversity & need for post-separation services at local level
- Data about country of birth, religious affiliation, languages spoken at home, English proficiency, recency of arrival and socio-economic well-being
- Local strategies for communicating - positive messages reinforcing CALD community values



engage CALD services & leaders

- CALD community gatekeepers: ethno-specific, multicultural and faith based services
- Community and religious leaders and elders
 - Develop personal relationships with key individuals, and through these, with potential clients
 - Understand the barriers inhibiting access
 - Foster trust in FDR provider capacity
 - Develop mutual referral pathways



develop partnerships

- supplement mainstream agencies with the skills, knowledge and networks of CALD agencies
- build community capacity to make effective choices & facilitate and strengthen social support networks
 - supplement existing community dispute resolution
 - develop community education re family separation
 - adapt existing mainstream programs



foster culturally competent workforce

- recruit, retain and develop a culturally competent workforce
 - Aware of the influence of their own cultural contexts and 'are aware of differences without making people feel different' (Sawrikar & Katz 2008)
 - Training necessary but not sufficient
 - Ongoing reflection sustained and structured way – reflexivity
 - Bilingual or bicultural staff



and processes

- Develop protocols to access and include support personnel, cultural advisors and extended family
- Employ dedicated worker(s) to liaise with and advocate for CALD parents
- Consider needs of religiously observant clients – ask
- Strategies for delivery of parenting programs
- Foster culturally responsive FDR



Conclusion

- No magic enhancing CALD access to FDR
- Develop meaningful relationships with culturally specific, multicultural and faith based services and leaders
 - Increase FRC understanding of communities
 - Foster trust FRC provide a quality service
 - Develop mutual referral pathways and strategies to enhance community capacity informed choices
- Culturally competent staff and processes