

Is it ever appropriate to conduct FDR in the context of family violence?

Anglicare Sydney

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Sample

- Parramatta FRC open for 2 years
- FRC processed 565 cases in first year
- Research sample 241 of cases



Sample

Clients identification of issues

Court/Consent orders	
Definitions of Intimate Partner Violence	Situational Couple Violence
	Coercive Controlling Violence
	Separation Instigated Violence
	Violent Resistance
AVO	
Child Consultation sessions	
Potential Harm to Child	
Drug and Alcohol	
Mental Health	
Culturally and Linguistically Diverse population	
Parenting Plan/Agreement	
Certificates issued	Failure to attend
	Inappropriate for FDR
	Genuine effort
	Inappropriate to continue

Court Orders

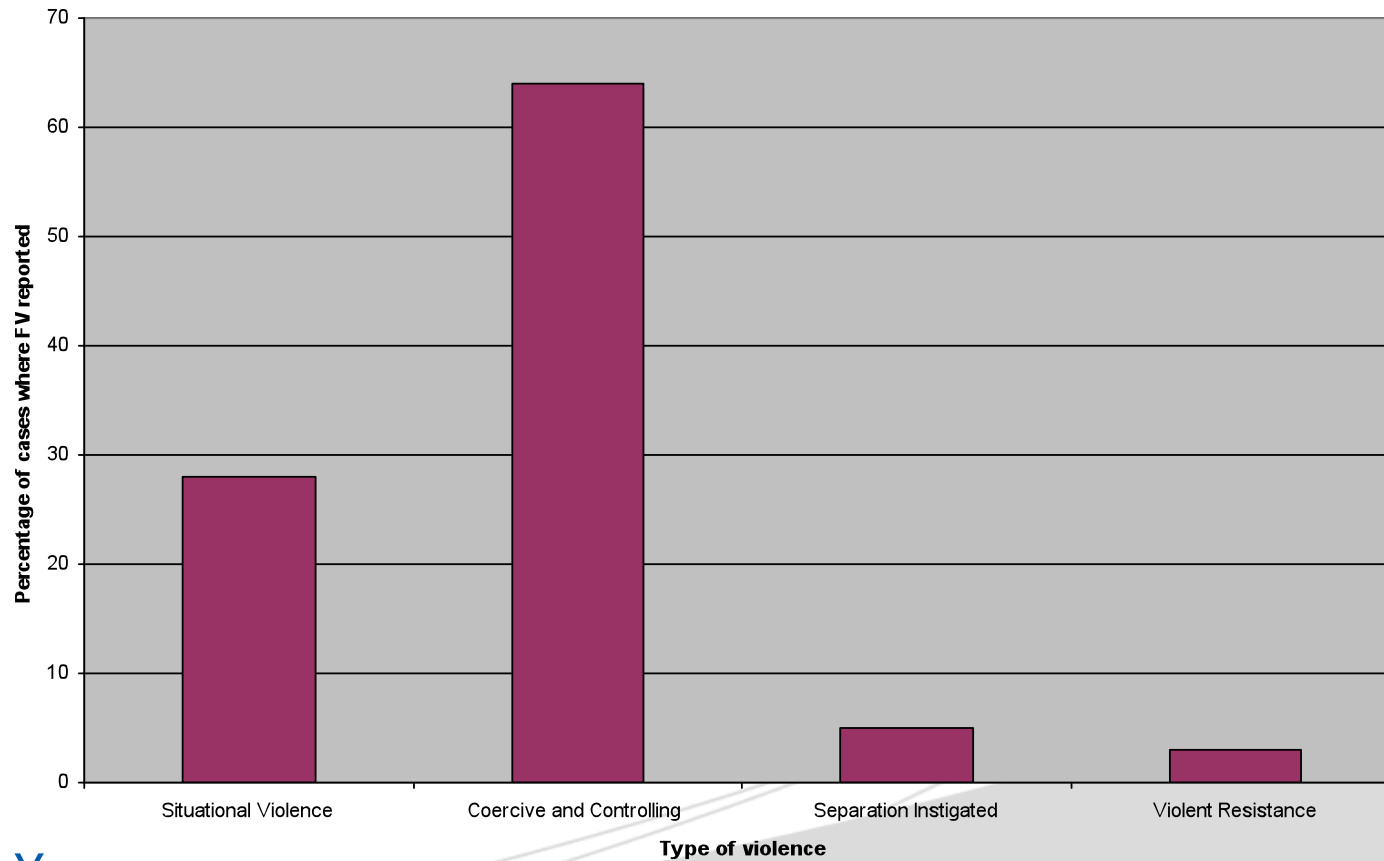
- 25% cases had existing court orders
- Among these clients
 - » 85% current intimate partner violence issues
 - » 95% if include potential risk of harm to children
 - » 22% of these cases reach agreement

Family Violence

- 70% of cases presented with intimate partner violence. Among these clients
 - » 28% Situational Violence
 - » 64% Coercive and Controlling Violence
 - » 5% Separation Instigated Violence
 - » 3% Violent Resistance

Family Violence

Incidence of different types of violence

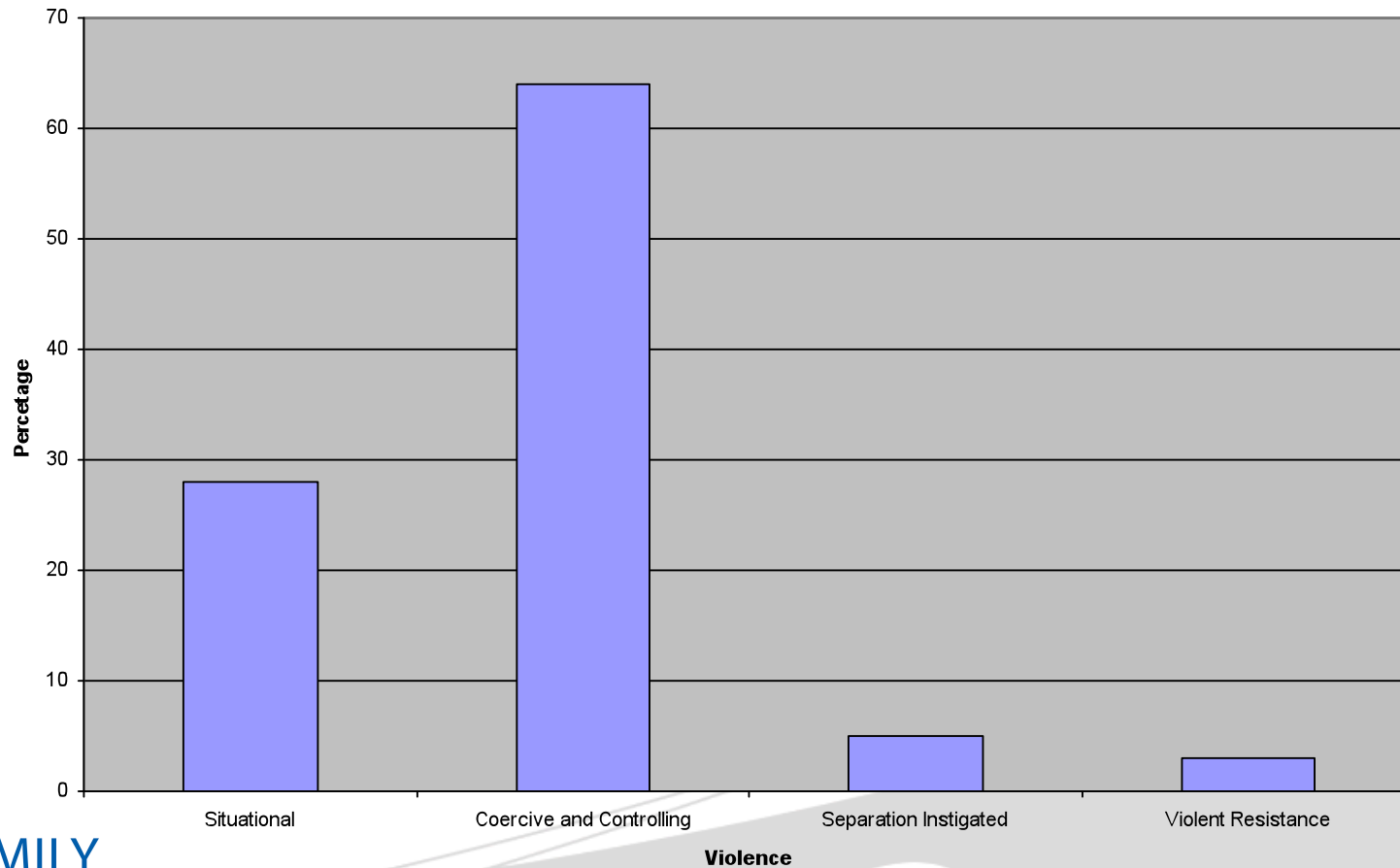


Potential risk of harm to child

- 61% total cases reported an incident or particular environment of potential risk of harm
- Within this 61% there were 84% cases which also identified intimate partner violence
- Where intimate partner violence exists children were more than two times more likely to be assessed as potential risk of harm compared to children where no intimate violence was reported (72% vs 33%)

Potential risk of harm to child

Incidence of violence in cases that identified potential risk of harm to children



Child Consultations

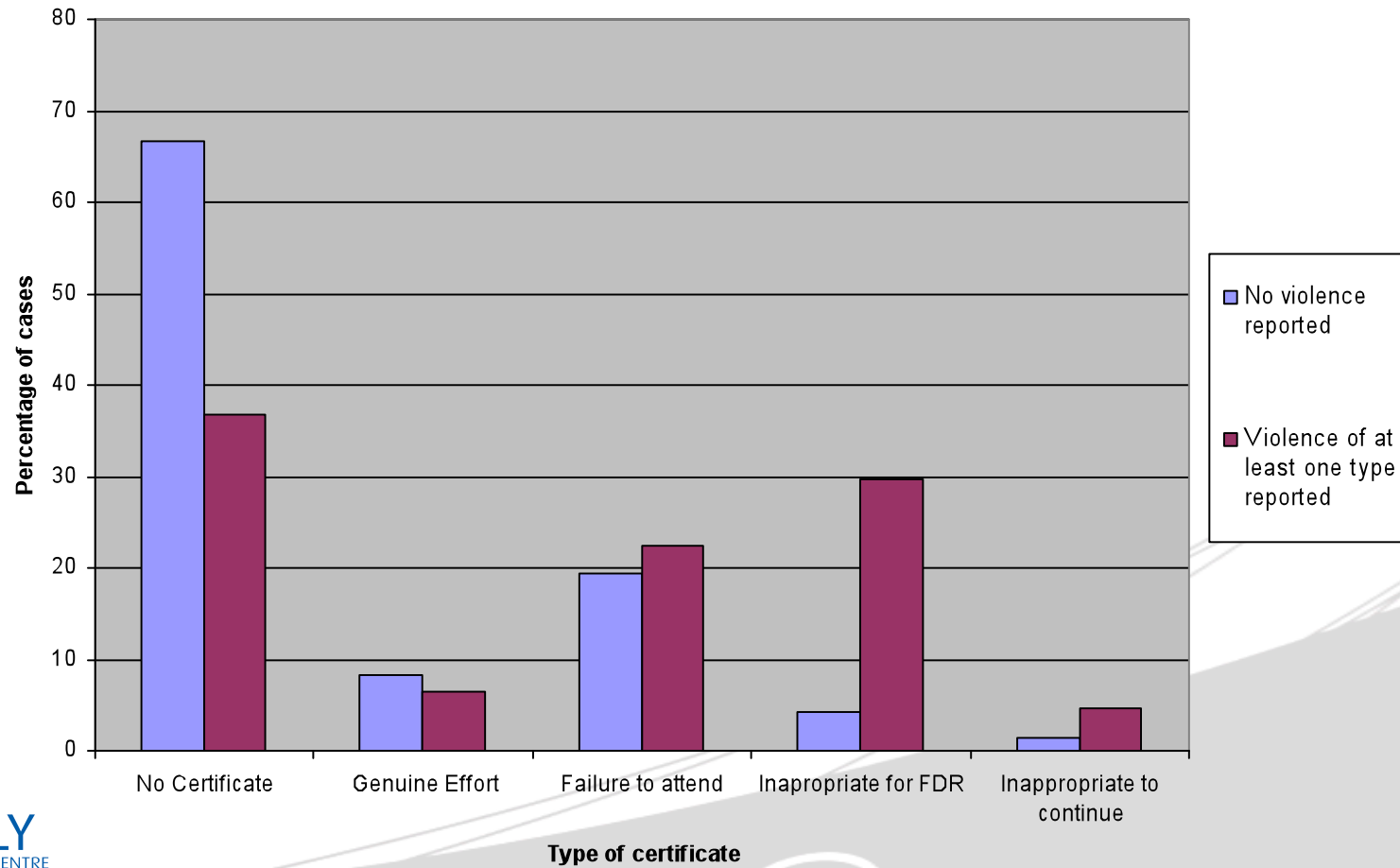
- 11% cases
- Children aged 6-14 years
- Needs consent of both parents
- Children want to talk and express a view
- Children usually loyal to both parents
- Many say parents don't understand their safety concerns
- Child may be co opted by a powerful parent

Certificates

- 22% Failure to attend
- 22% Inappropriate for FDR
- 7% Genuine Effort
- 4% Inappropriate to Continue
- No Non Genuine Effort Certificates in sample

Certificates

Types of certificates given where family violence is reported

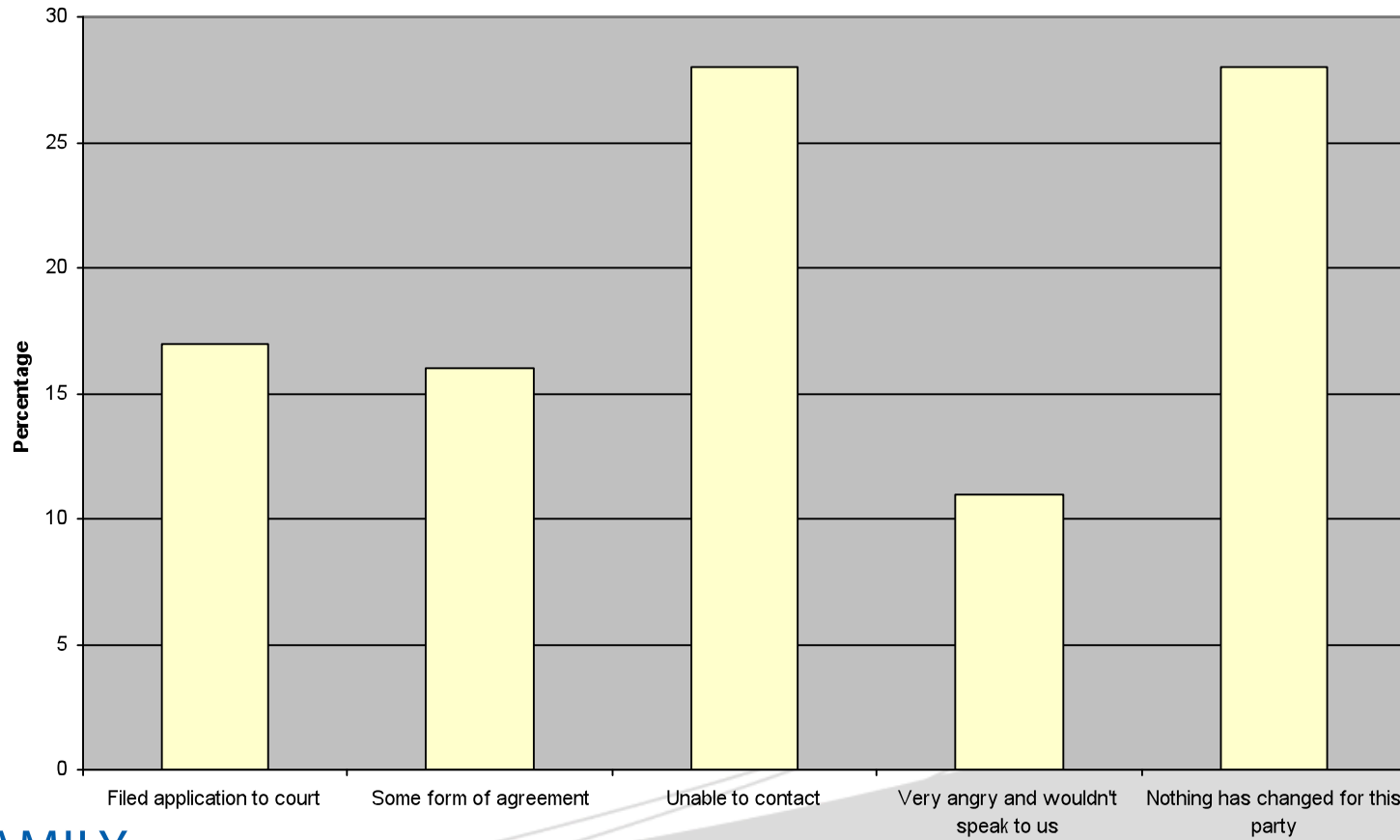


Inappropriate Certificates

- Cases with violence more likely to be considered Inappropriate for FDR (29.6% vs 4.2% no violence of total sample)
- 53 Inappropriate Certificates (22%). Of these a follow up phone call to Party A found:
 - » 17% had made application to court
 - » 16% had reached private agreement or solicitor assisted agreement
 - » 28% unable to contact (4 x times)
 - » 11% very angry and refused to talk to us
 - » 28% nothing has changed

Inappropriate Certificates

Outcomes for clients with Inappropriate for FDR Certificates



Family Dispute Resolution

- FRCs are the gateway to family law system
- FDRPs 'help' (FLA)
 - » Assessment re suitability at each stage of the process
 - » Information and education
 - » Referrals eg legal advice, counselling
 - » Structure
 - » Process designed to meet needs of parties
- FDRPs independent, not neutral
- FDR is different to mediation
- FDR prescribed through Family Law Act & Regs

Proceed with FDR only when...

- FRC has consent of both parties
- In depth assessment undertaken
- Clients understand their situation
- FDRPs understand the situation and role of FV in each case
- Safety issues discussed, identified and addressed
- Vulnerable party demonstrates ability to negotiate (prepared)
- Vulnerable party aware of their options
 - » Choose FDR
- Both clients demonstrate capacity to focus on the needs of their children
- Clients **prepared** for FDR
 - » Properly informed eg extra pre FDR session
 - » Legal advice and support
 - » Referrals such as counselling and programs for adults and children
 - » Children in Focus seminar

FRC Responses to FV

Parramatta FRC aims to:

- » assist in identification of FV
- » Inform, protect and support parties
- » assess vulnerability (fear, domination, safety)
- » not exclude on single criteria
- » maintain best practice principles inc child safety as paramount consideration
- » ongoing assessment
- » develop a way forward at FRC or elsewhere
- » provide ongoing training to suitably qualified staff



How might it be best to inform, protect and support vulnerable parties through the FDR process?

- **Apply flexibility on a case by case basis**
 - » Address layers of complexity
 - » Refer clients out to services to meet needs of parties
- **Continue to develop screening and assessment**
 - » Hear story from both parties where appropriate
 - » Trial MASIC assessment tool
 - » Specifically identify parenting problems and potential risk of harm to child and liaise with child consultant for appropriate response and referral



How might it be best to inform, protect and support vulnerable parties.....

- **Work closely with other community services**
 - » Family Court eg Family Consultants, ICLs, registry staff
 - » Early Intervention Services
 - » Counselling, including crisis counselling
 - » DV groups
 - » Children's programs
 - » DVLOs at local police stations
 - » Legal assistance providers
- **Give strength and ability to vulnerable parties**
 - » Free legal advice and legal information seminars - Macquarie CLC and Horizons CLC
 - » Develop Collaborative model of practice



How might it be best to inform, protect and support vulnerable parties.....

- **Provide a safe environment to clients and staff**
 - » Protecting and supporting parties eg comprehensive safety plans, shuttle FDR, support people when required
 - » Emergency procedures in place
- **Maintain child safety**
 - » Identify and respond to risk
 - » Address developmental needs
 - » Child Focused practice for all cases
 - » Child consultations based partly on safety assessment
 - » Principles of best practice (s60ccFLA), not agreement driven.
- **Improve practice**
 - » Research
 - » Continuous improvement of FDRPs knowledge and skills

How might it be best to inform, protect and support vulnerable parties.....

- **Structure FDR session**

- » To meet needs of clients eg shuttle
- » Increase structure in a working relationship
- » Use board as focus eg lists of things
- » Frequent checks to ensure ongoing wellbeing of parties
- » Start with 'needs study' of each child
- » Outcome must match developmental needs of child
- » Agreement expressed with greater detail and certainty eg Consent Orders
- » Work with legal representatives in appropriate way eg preparation; collaborative model
- » Small steps such as interim arrangements or review sessions