

Background

The impact of post separation conflict on children has received much attention of late and as such has been the catalyst for change in the way parenting disputes are resolved (McIntosh, 2004).



In 2006, significant changes to Australian Family Law were enacted by the Family Law Amendment (Shared Parental Responsibility) Act 2006.

Family Dispute Resolution is now a necessary first step for separated families as an alternative to court and has led to a dramatic change in the way parents resolve conflict post separation in Australia.

Origins of Child Inclusive FDR

The United Nations Convention on the Rights of the Child provides:

- that children have a right to be involved in decision which affect them.
- that children have a right to an ongoing relationship with both parents.
- that decision making must take into account the best interest of the child.



“Australia is at the forefront of family mediation practice – we are innovators. It is time to review our practice to provide opportunities for children to be included in family mediation in safe, structured and supportive ways that can benefit the whole family and improve the quality and durability of agreements.” (Gibson, 1998)

Definitions

Child Focussed Mediation:

An intervention designed to improve: parental focus on the needs of their children, parental alliance, conflict management, psychological adjustment, and communication; and results in agreement which support continued improvement in these areas (Moloney & McIntosh, 2004).

Child Inclusive Mediation:

A specialist therapeutic intervention which includes the objective of child focussed mediation, with the inclusion of the child's information which is formulated and provided to parents to ensure decisions reached in mediation are reflective of the psycho developmental needs of the child (McIntosh & Long, 2006).

Benefits of CIM

Encourages parental focus on the best interest of the child by providing parents with information about their child and how they are coping with the separation

Parental communication is supported in dialogue about how both parents are going to work together to support their child based on accurate information about their child.

Co-parenting alliance is developed with the support of the child consultant and FDRP, using their child's information as the key ingredient.

Parents report satisfaction with parenting arrangements as they understand compromise made was for their child, rather than their ex-partner.

Limitations of CIM

In a service delivery context the CIM design used in research is not practical or affordable in practice.

As no follow up session is completed with the child, the impact of the child session and CIM on the child is unknown.

Parents are often very upset about the perception that CIM means involving their children in the dispute, often time one partner objections means that CIM will not be an option. Especially in cases of parental alienation.

Not appropriate in all cases, parents may need a more intensive therapeutic interventions before the are ready for CIM.

Service Delivery is more time consuming and therefore may delay parties moving to mediation.

Benefits of CFM

An neutral 3rd party keeps parental focus on the best interest of the child.
Parent are required to work to consider options for their child's perspective.

The FDRP will model and assist parties to participate in a respectful and cooperative dialogue about their child.

Encourages parents to manage current disputes and supports them ensure the child is not involved in parental conflict.

Parents are empowered by agreements they have reached in the best interest of their child.

The Service Delivery process is more streamlined and therefore people can move to mediation sooner.

Limitations of CFM

One party may need more information about their child adjustment and their child's needs in order to compromise in a mediation process.

Parents may reach agreements which are designed to be in the child's best interests are not considerate of their child's current needs.

Parents may be less communicative with the child about their feelings during the process and ways the new agreements may impact on them.

Older children may be unhappy that they have no involvement into decisions which impact on them.

Family Dispute Resolution in RAQ



Family Dispute Resolution (FDR) is a process that helps families to negotiate agreements and renegotiate relationships in a more adaptive manner than adversarial procedures (Emery, 1994).

FDR Service Delivery can occur within two models of practice, child focussed and child inclusive mediation.

Intake and Assessment processes are used to determine a cases suitability for each model of mediation.

The best interest of the child are at all time paramount to service delivery in both models.

Service Delivery

Our service delivery model is designed:

- using theoretical knowledge, best practice approaches and current research on child focussed/child inclusive mediation;
- to inspire and resource parents to negotiate agreements and develop cooperative parenting relationships;
- to provide practitioners with a framework for best practice within our organisation;
- to ensure clients receive a standard of service delivery across each of our venues which is consistent.



Service Delivery

Our service delivery model provides multiple pathways for parents who are seeking Family Dispute Resolution services including: FDR, POP, Mediation for 1 etc

If a case is suitable for mediation:

- we have an underlying presumption that the service delivery method will be child inclusive mediation.
- Ongoing screening occurs through the initial intake and assessment process and clients may be screened out of child inclusive mediation and into child focussed mediation.
- The best interest of the child are the paramount consideration when deciding to screen a client out of child inclusive mediation.



Intake

Party A & B

Relationship Background
Current Relationship
Parental Adjustment
Child Adjustment
Domestic Violence
Patterns of Conflict
Reasons for Mediation
Differences in Parenting Styles
Motivation
Other relevant information
Legal Advice
Court Orders

Child/Children

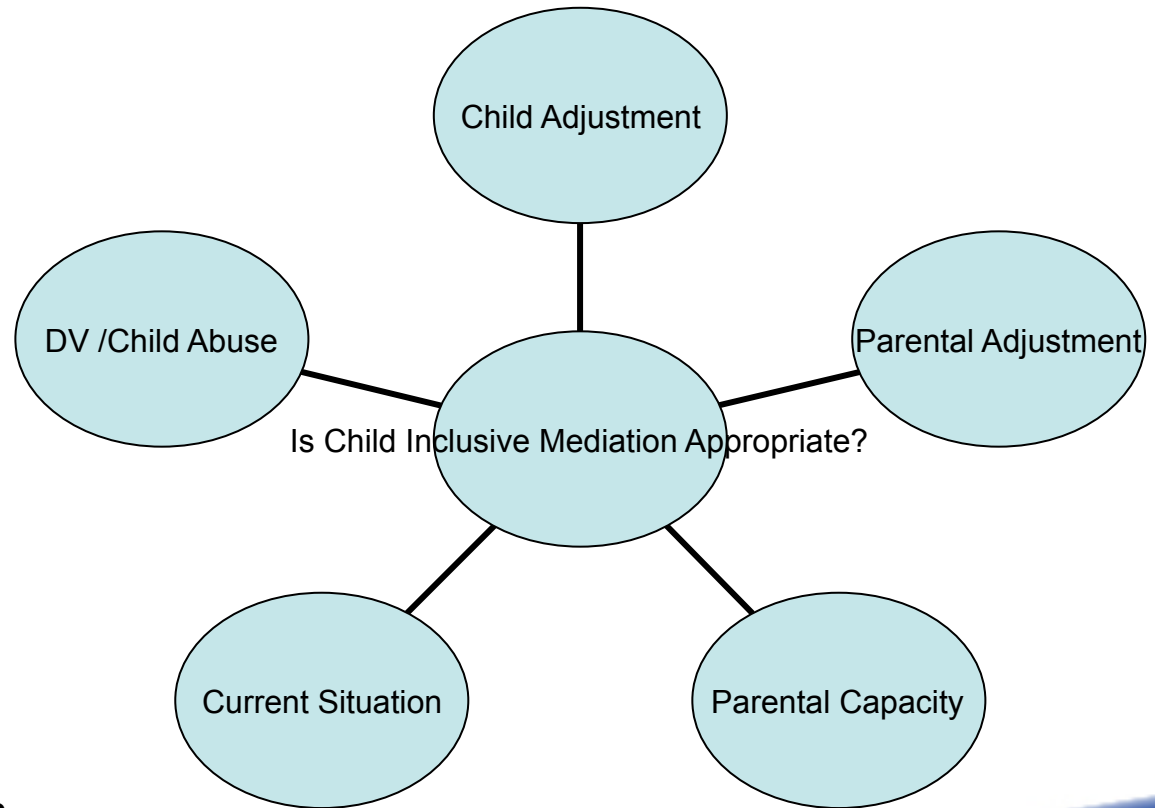
Age
How are they doing
Distance B/N Parents
Current Care Arrangement
Screening Q's



Screening



Child Consultants are specialists in working with parents and children post separation, they use standardised tools to screen for appropriateness



Parent Sessions

Kelly (1997; 2004; 2007), advocates for processes that educate parents about the effects of conflict on children and help parents to identify the specific needs, currently and in the future, of their own children in the face of family separation.



This session can act as additional screening for child inclusive mediation or act to enhance a child focussed mediation; as parents have an opportunity to discuss their child and their situation with our child specialist.

Child Sessions

Key elements of the Child Session:

- rapport building and ensuring the child feels safe;
- contracting and confidentiality;
- developmentally specific consultation;
- use of family drawings and projective techniques;
- knowledge of strategies to help children cope with parental conflict;
- confirming what is to be fed back to parents; and
- ensuring the child feels supported and reassured by the process.



This process is a once off consultation for the purposes of obtaining information on how the separation is impacting on the child, not decision making, not counselling and not a full developmental assessment

Feedback Sessions

The objectives of feedback is to represent for both parents their child's needs in a way that empowers parents to listen and understand its implications, and to be inspired to engaged in a cooperative decisions making dialogue.

Key Elements of CC feedback:

- general assessment of the impact of the separation on the child;
- child's current needs with respect to the separation;
- what the child has asked them to say;
- order for feedback and content is constantly assessed to ensure appropriateness in the best interest of the child.



The Clients Journey

Party A Intake- Murray

- Separated 1yr
- 3 Children(3yrs, 6yrs, 8yrs)
- Currently has care of the children every 2nd weekend
- Self Employed
- New partner

Wants more time with children
Difficult to talk to Ex Partner



The Clients Journey

Party B Intake- Dawn

- Separated 1yr, 3 Children (3yrs, 6yrs, 8yrs)
- Primary caregiver
- Currently Studying
- Reported feeling depressed post separation
- Concern about children having contact with Murray's new partner

Wants things to remain
as they are



The Clients Journey

Referred to CC for further screening

- Murray positional around time, limited knowledge of the child's current development needs.
- Dawn's adjustment and readiness to hear information about the children that would differ from her own.

CC Recommends Parenting Sessions

- Murray has had some time to think and looked at information on child development, good engagement around the best interests of the children.
- Dawn demonstrates competence to focus on children and states that her primary concern in screening call was involving the children.

CC Recommends Child Session

The Clients Journey

Child Involvement

Lucia 3yrs – excluded as RAQ only work with children 6yrs and over

Lachlan 6yrs – consent from parents to obtained information from external sources: counsellor, school teacher.

Teacher: Lachlan has been acting out in class since separation.

Counsellor: Lachlan talks about being afraid when mum or dad go away, changeovers difficult.

Madeleine 8yr- attended session with child consultant.

- Talks about the long car trip to dad's house
- Missing dad and wishes he would visit more
- Worries about parents fighting over her
- Wishes grandma would still pick them up from school sometimes.

The Clients Journey

Feedback in FDR

- Raised awareness of the separation from the children's perspective
- Raised awareness of changes which have impacted on the children
- Promoted a cooperative approach to problems solving
- Increased Murray's confidence in his continued importance in the children lives
- Decreased Dawn's concerns around the children spending more time with Murray

Outcome

- Agreements reflective of the needs of each child.
- Increased awareness of further developmental changes as the children grow older, and need for review of agreements as the children's needs change.

Other Post Separation Interventions

Parenting Orders Program/Focus on Kids

Program includes relationship enhancement skills (such as communication and conflict resolution), parenting skills and rebuilding after separation. Courses are typically run for 2.5 hours, one night per week for 3 - 6 weeks. Because of the group format, costs for each individual or couple attending are usually much lower than one-to-one counselling.

Supporting Children After Separation Program/ Rebound

Program aims to support young people to make sense of their parents separation and to adapt to the changes in their family situation. Therapeutic groups that encourage young people to share their stories of parental separation, learn new skills with their peers and support each other.

Mediation for 1

Program for individuals who are unable to participate in mediation due to the other parties refusal, but who wish to enhance their skills in communication and conflict resolution to support future negotiation.

Other Post Separation Interventions

Children's Contact Service

Service designed to promote and provide safe and positive contact arrangement for children whose parents are separated either with a parent or another significant family member such as a grandparent or step-parent.

Family & Relationship Counselling

Program designed to support relationships of all shapes and sizes- ranging from individual sessions through to couple sessions, and family sessions.

Men and Family Relationships Program

Program designed to support Aboriginal and Torres Strait Islander men in development of cultural identity, family responsibility and reintegration.

Future of Research

- Comparison of effectiveness of different models of FDR Service Delivery (Child Inclusive, Child Focussed, Therapeutic, etc)
- Examine the effectiveness of FDR and long term outcomes for clients
- Comparison of effectiveness of different modes of FDR Service Delivery (face to face, phone, online)
- Effectiveness of Premeditation Education
- Examine the effectiveness of other Post Separation Parenting Interventions
- Examination of the FDR/Mediation Process