

# 4

## Pathways towards parenting arrangements

This chapter examines the pathways used by separated parents, both pre- and post-reform, to access both early intervention and post-separation services to sort out their parenting arrangements. It is relevant to policy objective 4 of the 2007 Evaluation Framework (Appendix B) concerning the availability of a highly visible entry point that operates as a doorway to other services. Data for the analyses were collected from the Longitudinal Study of Separated Families Wave 1 2008 (LSSF W1 2008) and the Looking Back Survey (LBS) 2009.

The evaluation looks at separated parents who had either already sorted out their parenting arrangements or were in the process of doing so, and which services clients had used to: a) sort out parenting arrangements, b) resolve relationship issues, c) address personal issues, and d) resolve grandparenting issues.

It also examines the referral pathways and processes used where there were reports of family violence, as well as separated parents' satisfaction with the process of reaching agreement about parenting, both pre- and post-reform. Finally, pathway coordination and referrals by service providers and legal system professionals are considered.

### 4.1 Negotiating and deciding parenting arrangements after separation

#### 4.1.1 Main pathways used to sort out parenting arrangements

Information on the main pathways used by those who had sorted out their parenting arrangements pre-reform comes from the LBS 2009. Information on the main pathways used by those who had sorted out their parenting arrangements post-reform comes from the LSSF W1 2008 sample. The pre-reform information was collected between 4 and 5 years after separation, whereas the post-reform information was collected, on average, 15 months after separation. The former may be subject to a greater level of recall error.

Among parents who separated after 1 July 2006:<sup>1</sup>

- most parents (71% of fathers and 73% of mothers) reported that they had sorted out their parenting arrangements for the focus child;
- 19% of fathers and 16% of mothers indicated that they were in the process of doing so; and
- 10% of fathers and mothers reported that nothing had been sorted out.<sup>2</sup>

Both pre- and post-reform, the majority of respondents saw “discussions between themselves” as the key driver of post-separation parenting decisions (Table 4.1). A substantial minority of parents said that their parenting arrangements “just happened”. The proportion of parents who said that the arrangements were mainly arrived at through discussions or they “just happened” increased from 71% pre-reform to 81% post-reform. There was a corresponding decrease in the proportion of parents who said that lawyers or courts were the main family law pathway employed to sort out parenting arrangements, from 18% pre-reform to 9% post-reform. There

1 Estimates from the LSSF W1 2008. The majority of parents in this survey had separated in 2007 (82%), while 13% had separated in the second half of 2006 and 5% had separated in 2008. The interviews were conducted over the period August and October 2008.

2 The response options were: “Yes, parenting arrangements have been sorted out”, “No, still in the process of sorting things out”, and “No, nothing is sorted out”. It is assumed here that parents who selected the third option were implying that they had not yet commenced sorting out their parenting arrangements.

was little change in the proportion of parents saying that using counselling, mediation or family dispute resolution (FDR) were the main ways in which they sorted out their parenting arrangements.

**Table 4.1 Parents who had sorted out arrangements: Main family law pathway used, fathers and mothers, pre- and post-reform**

	Pre-reform <sup>a</sup>			Post-reform		
	Fathers	Mothers	All	Fathers	Mothers	All
	%			%		
Counselling, mediation or FDR	5.9	6.2	6.0	6.9	7.7	7.3
Lawyer	10.3	11.0	10.6	6.1	5.4	5.8
Courts	8.3	7.2	7.8	2.4	3.3	2.8
Discussions	57.6	50.7	54.1	62.7	69.0	65.8
Nothing specific, it just happened	13.1	20.5	16.8	18.7	12.4	15.6
Other	4.9	4.5	4.7	3.2	2.2	2.7
<b>Total</b>	<b>100.1</b>	<b>100.1</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Number of observations</b>	<b>958</b>	<b>1,040</b>	<b>1,998</b>	<b>3,597</b>	<b>3,546</b>	<b>7,143</b>

Notes: <sup>a</sup> Pre-reform information relates to parenting arrangements sorted out in the year of the separation. Data have been weighted. Percentages may not total 100.0% due to rounding.

Source: LSSF W1 2008 and LBS 2009

Table 4.2 provides information on the main pathways being used by parents who separated post-1 July 2006 but who were still in the process of sorting out parenting arrangements at the time of the survey. There is evidence of a higher rate of use of services by these parents as their main dispute resolution or decision-making pathway when compared with parents who separated post-1 July 2006 who had already sorted out parenting arrangements. There was less use of informal discussion/processes (although this remained easily the largest main pathway), more use of counselling/mediation, and more use of lawyers and the courts as the main pathway towards sorting out arrangements.

**Table 4.2 Main family law pathway being used by parents who were in the process of sorting out arrangements, fathers and mothers, post-reform**

	Fathers	Mothers	All
	%	%	%
Counselling, mediation or FDR	14.3	13.0	13.6
Lawyer	13.3	14.8	14.1
Courts	11.1	14.2	12.8
Discussions	44.1	43.9	44.0
Nothing specific, it just happened	14.0	11.1	12.4
Other	3.2	3.1	3.1
<b>Total</b>	<b>100.0</b>	<b>100.1</b>	<b>100.0</b>
<b>Number of observations</b>	<b>817</b>	<b>913</b>	<b>1,730</b>

Notes: Percentages may not total exactly 100.0% due to rounding. Data have been weighted.

Source: LSSF W1 2008

#### 4.1.2 Types of services used to sort out parenting arrangements

Table 4.3 provides information on the extent to which separated parents who had sorted out their parenting arrangements used multiple service types. The table also provides information on the extent to which those whose main pathway towards resolving parenting arrangements was discussion with the other parent or for whom it just happened also made use of these services.

A significant minority of post-reform parents who settled matters mainly through discussions or for whom it just happened (44% and 48% respectively) did not use relationship services, lawyers or the courts (Table 4.3). This represents 37% of the total number of separated parents for whom matters were resolved. The remainder of both the discussions and just happened groups each made use of an average of 1.8 service types (11% making use of three or more services). The service types most frequently used by both these groups were counselling, mediation or FDR, followed by lawyers.

**Table 4.3 Services contacted/used during/after separation, by main pathways used by parents who had sorted out arrangements, post-reform**

	Counselling, mediation or FDR	Lawyer	Courts	Discussions with other parent	Nothing specific, just happened
	%				
Contacted/used no services	0.0	0.0	0.0	44.1	48.4
Service contacted/used					
Counselling, mediation or FDR	100.0	67.1	76.1	37.8	30.3
Lawyer	76.0	100.0	90.2	31.2	27.7
Courts	32.2	54.3	100.0	9.8	8.9
Legal service (advice line, private or legal aid)	36.1	31.8	40.1	12.5	13.6
Domestic violence service	14.7	25.8	27.2	4.3	6.0
Child Support Agency	0.3	0.9	1.2	1.3	1.6
Centrelink	0.4	0.4	2.7	1.2	0.9
Police	1.1	2.0	5.8	0.5	0.5
Other	5.0	5.0	6.6	2.5	2.7
Contacted/used three or more services	55.5	58.2	84.9	11.4	10.6
Mean number of services contacted/used (of those who contacted/used)	2.7	2.9	3.5	1.8	1.8
Number of observations	542	445	227	4,605	1,101

Source: LSSF W1 2008

Two-thirds (67%) of those who nominated lawyers as their main pathway to resolving matters also used counselling or other relationship support services, and a little over half also used the courts. About three-quarters of those who nominated counselling, mediation or FDR as their main pathway to resolution also made use of lawyers, while about a third also made use of the courts. Those who nominated the courts as their main pathway towards resolution also made considerably more use of other services than any other group. These parents were likely to have been experiencing a higher degree of complexity with respect to their families or their disputes.

The key finding from this table is that by far the largest group of post-reform separated parents who had resolved matters did so mainly through discussions with each other. But almost 38% of this group also reported using counselling, mediation or FDR, while just over 31% reported using a lawyer. Similarly, 30% of those for whom the resolution just happened had also made use of counselling, mediation or FDR, while 28% had also used a lawyer.

Table 4.4 provides a similar analysis with respect to those post-reform parents who at the time of the survey were still in the process of sorting out parenting arrangements. For those parents who were still in the process of settling parenting matters mainly through discussions or for

whom things mainly just happened, roughly a quarter (26% and 22% respectively) had made no use of the services listed or the courts. The remainder of the discussions group made use of an average of 2.1 service types (23% used three or more service types), while the remainder of the just happened group made use of an average of 2.3 service types (29% used three or more service types). Compared with those parents who had sorted out their parenting arrangements, parents who were still in the process of sorting out arrangements made greater use of almost all services and the courts.

**Table 4.4 Parents who were in the process of sorting out arrangements: Services contacted/used during/after separation, by main pathways used, post-reform**

Other service used	Main pathway used	Counselling, mediation or FDR	Lawyer	Courts	Discussions with other parent	Nothing specific, just happened
				%		
Contacted/used no services		0.0	0.0	0.0	25.7	22.1
Service contacted/used						
Counselling, mediation or FDR		100.0	85.0	91.2	58.1	55.8
Lawyer		73.4	100.0	92.0	48.3	50.4
Courts		28.0	47.2	100.0	13.1	19.1
Legal service (advice line, private or legal aid)		39.3	34.5	38.1	21.2	28.2
Domestic violence service		17.3	21.1	31.5	10.5	13.2
Child support agency		1.2	0.3	0.4	1.2	1.8
Centrelink		0.9	0.7	0.8	0.8	1.0
Police		1.6	2.4	3.0	0.9	1.5
Other		6.9	3.8	8.1	3.5	5.2
Contacted/used three or more services		51.2	64.4	92.7	22.9	28.9
Mean number of services contacted/used (of those who contacted/used)		2.7	3.0	3.7	2.1	2.3
Number of observations		240	258	240	728	207

Source: LSSF W1 2008

Of parents who were in the process of sorting out parenting arrangements and who nominated lawyers as their main pathway to resolving matters, 85% also used counselling or other relationship support services, compared to 67% for parents who had sorted out parenting arrangements. In addition, a little under half of those who had used a lawyer said they were using the courts (47%), slightly fewer than was the case in the group who had sorted out their arrangements. Just under three-quarters (73%) of the group who were still sorting out arrangements who nominated counselling, mediation or FDR as their main pathway also made use of lawyers, while 28% made use of the courts (similar to the pattern reported by parents who had sorted out arrangements). In addition, those who nominated the courts as their main pathway towards resolution also made considerable use of other services (an average of 3.7 services), as was the case with the parents who had sorted out parenting arrangements (3.5 services).

Considered together, Tables 4.3 and 4.4 reveal a pattern of quite extensive service use by a majority of those parents who had sorted out parenting arrangements, even among those who reported their main pathway towards resolution as being discussions between themselves or for whom it just happened. For those who were still sorting things out, roughly three-quarters of those whose main pathway was discussions or for whom it just happened made some use of services. In addition, the percentage of significant service use (three or more service types)

by this group was more than double that of parents who had already sorted out their parenting arrangements.

Community-based services and lawyers were important for a significant minority of parents who had sorted out arrangements, and for more than half of those who were still sorting matters out. For both groups, there was considerable overlap in the use of community-based services and lawyers.

Although a little over half the total sample of post-reform parents had made some use of counselling or dispute resolution services, a much smaller percentage—especially among those who had sorted out parenting arrangements—reported these processes as being their *main* pathway towards resolution or decision-making. This possibly suggests that while some parents regard dispute resolution and related services as playing an important role in the management of issues that are not sorted out reasonably quickly, the majority see these services as adjunct to their resolution or dispute management process.

It is possible that most parents, including those who use FDR and similar services, believe that the “work” of sorting out parenting arrangements mainly requires the efforts they make themselves. If this were the case, such a perception would be consistent with placing the primary service delivery emphasis on client self-determination, a philosophy that underpins community-based counselling and community-based mediation theory and practice. Such an interpretation, if correct, does not diminish the importance that FDR may play in the overall management of the dispute. We revisit this issue in Chapter 5, which focuses more specifically on FDR.

Finally, this section provides information on the predictions of the 10% of post-reform parents who reported at the time of the survey that nothing had been sorted out. Table 4.5 reveals that up to 28% of fathers and up to 22% of mothers were unable to make a prediction about how matters would be resolved. Roughly equal percentages of the other fathers in this group believed that arrangements were likely or not likely be sorted out, with no particular pathway being seen as significantly more or less helpful in this regard. Mothers who made a prediction were considerably more pessimistic, with more than half believing that sorting things out was unlikely or very unlikely via all pathways except discussions. Although no pathway towards settlement clearly stood as the preferred one, having discussions was the method most favoured by both mothers and fathers.

**Table 4.5 Parents who had nothing sorted out regarding parenting arrangements: Likelihood of reaching arrangements involving selected pathways, post-reform**

	Extremely likely/ fairly likely	Very unlikely/ unlikely	Unsure/don't know	Number of observations
	%			
<b>Fathers</b>				
Counselling, mediation or FDR	35.7	36.2	28.0	475
Lawyer	39.1	38.3	22.7	473
Courts	37.4	38.7	23.9	474
Discussions	43.6	40.8	15.6	475
<b>Mothers</b>				
Counselling, mediation or FDR	26.7	51.4	21.9	568
Lawyer	27.1	56.3	16.6	567
Courts	23.8	56.1	20.1	567
Discussions	40.9	43.3	15.8	564
<b>All</b>				
Counselling, mediation or FDR	31.0	44.1	24.9	1,043
Lawyer	32.8	47.7	19.5	1,040
Courts	30.3	47.8	21.9	1,041
Discussions	42.2	42.1	15.7	1,039

Source: LSSFW1 2008

## 4.2 Referral pathways

### 4.2.1 Referral pathways to Family Relationship Services Program services

Referral pathways provide insight into the extent to which the family law system is operating in a coordinated way. This section provides information on the referral pathways operating within the family law system after the 2006 reforms and the changes to the service sector.

Table 4.6 provides information from the Survey of Family Relationship Services Program (FRSP) Clients 2009 on their reported referral pathways to early intervention and post-separation services.<sup>3</sup> Early intervention services (EIS) include Specialised Family Violence Service (SFVS), Men and Family Relationships Service (MFRS) and Education and Skills Training Services (EDST). Post-separation services (PSS) include FRCs, FDR services, Children's Contact Services (CCS) and the Parenting Orders Program (POP).

Doctors (general practitioners [GPs])/health professionals were the most frequent referral gateway into early intervention services, generally followed by mediator/counsellors, telephone help lines (such as Parentline or Lifeline), FRCs and lawyers.

Doctors/health professionals, mediator/counsellors, and lawyers/legal aid were major referrers into FRCs and FDR services. For CCS and the POP, telephone services, other FRCs and domestic violence services were also major referrers. Not surprisingly perhaps, domestic violence services and courts also referred relatively often to Children's Contact Centres and the Parenting Orders Program.<sup>4</sup> Courts (such as the Family Court of Australia [FCoA]) were also among a "second tier" of referrers to FRCs and FDR, as were telephone help lines and other FRCs. Family Relationships Online (FRO) had the lowest referral rates for all services.

**Table 4.6 Referral pathways, by type of FRSP service attended, 2009**

Referrer	Service attended	EIS				PSS			
		SFVS	MFRS	Counselling	EDST	FRC	FDR	CCS	POP
		%				%			
Family Relationship Advice Line (FRAL)		10.5	2.0	2.2	1.0	4.6	2.9	9.9	14.0
Other telephone service		17.5	12.8	6.8	4.0	8.3	6.8	18.2	23.7
[Another] FRC		15.8	10.7	5.1	3.3	7.7	8.1	22.7	24.7
Domestic violence service		8.8	4.7	2.1	1.2	4.1	3.9	13.8	17.2
Other mediator/counsellor (or similar)		24.6	16.8	14.4	9.2	20.1	21.9	25.1	32.3
FRO		0.0	0.7	0.8	0.0	2.1	0.7	3.0	2.2
Doctor (GP)/health professional		24.6	28.9	17.4	8.2	17.8	19.5	22.7	24.7
Religious leader/elder		7.0	12.8	5.2	3.8	6.5	7.0	8.9	5.4
Lawyer/legal aid		10.5	12.1	6.3	3.8	16.1	16.0	24.1	36.6
Courts		14.0	5.4	2.1	2.5	11.1	7.7	14.8	11.8
Other service		7.0	2.7	5.2	3.5	4.3	3.9	6.9	9.7
<b>No. of respondents</b>		<b>57</b>	<b>149</b>	<b>898</b>	<b>599</b>	<b>796</b>	<b>456</b>	<b>203</b>	<b>93</b>

Note: Clients could report being referred by multiple services and therefore column percentages sum to more than 100%

Source: Survey of FRSP Clients 2009

<sup>3</sup> The Survey of FRSP Clients 2009 captured referral pathways using the question: "Before you went to the [service], did you go to any of the following services to try to sort out the issues that you needed help with at the [service]?" Where clients indicated that they attended a particular service, they were then asked, "Did [the service] refer you to or suggest you go to [the service the survey was primarily asking about]."

<sup>4</sup> It is likely that some clients who have been ordered by a court to attend a CCS or POP may see the referral as coming from their lawyer, given that lawyers would in some cases facilitate these court orders.

Table 4.7 (on page 72) provides information on the extent to which clients of FRSP early intervention services (SFVS, MFRS, counselling, and EDTS) had attended a range of other services prior to attending the early intervention service. Information is also provided on the extent to which early intervention service clients who had attended other services were referred to that early intervention service by those other services.

A little under half (44%) of the SFVS clients who responded to the survey had also visited doctors or health professionals for the issue they brought to the SFVS. The same proportion had used mediators/counsellors. Telephone help lines had been used by 44% (FRAL and other telephone services), domestic violence services by 21% and an FRC by 19%. Lawyers and courts had been used by 18% and 16% of the respondents respectively.

Somewhat lower percentages but similar patterns of previous service use (with the exception of domestic violence service) were observed among the MFRS clients who responded to the survey. In this case, 42% had visited a doctor/health professional, while 31% had made use of a mediator/counsellor. Telephone help lines other than FRAL were again the next most common service to be used (26%). An FRC was used by 19% of these respondents, while lawyers and courts were used by 18% and 11% respectively. MFRS clients were also the most likely group to make use of a religious leader/elder (15%).

The pattern of previous service use is similar for counselling service clients, but again at lower average rates. Doctors/health professionals were used by 34%, mediators/counsellors by 23%, telephone help lines by 13%, lawyers by 10% and an FRC by 9%.

As EDST services are primarily aimed at prevention, it is perhaps not surprising that the 599 clients who had used EDST had not attended other services frequently for the issue(s) they were dealing with, though they used the largest range of services (average of 18). Mediators/counsellors (13%), religious leaders/elders (13%) and doctors/health professionals (12%) were the most common services attended by these respondents.

Table 4.8 (on page 73) provides information on the extent to which clients of FRSP post-separation services (FRC, FDR, CCS and POP) had attended a range of other services prior to attending the post-separation service. Information is also provided on the extent to which post-separation service clients who had attended other services were referred to the FRSP post-separation service by the other services attended.

Among FRC or FDR clients who responded to the survey, around half had also seen a lawyer/legal aid, about a third had also used a counsellor/mediator, and about a quarter had visited a doctor/health professional. Roughly a sixth had used the courts, an FRC, a telephone help line or FRAL.

Courts and lawyers/legal aid feature very prominently as services used by those who attended CCS and the POP, as do mediators/counsellors and FRCs. Doctors/health professionals, domestic violence services and telephone help lines were also accessed by roughly a quarter of those using CCS and POP.

## 4.2.2 Referrals from the Family Relationships Advice Line

This section focuses on FRAL, which was designed as a key early gateway for information and advice about and referrals into the family law system. Information on how referrals led to FRAL and where callers to FRAL were referred for 2006–07, 2007–08 and 2008–09 is provided in Table 4.9 (on page 74).<sup>5</sup>

The largest category of referrals to FRAL recorded across the three years (a little over a fifth) came via people becoming aware of FRAL through the media, suggesting that the service has been well publicised. The Child Support Agency (CSA) was the second most commonly reported referral source, constituting roughly 10% of those referred each year. After CSA, courts and tribunals were the next most frequent source of referral (between 6% and 7%), followed by family and friends (between 5% and 7%).

<sup>5</sup> It will be seen that the highest frequency in this table is “referral not recorded”. In particular, “referrals out” is not recorded for more than half the calls in this category across the three years. This could mean that no referral was made or that a referral was made but no record was kept.

Table 4.7 Services attended, by type of early intervention service attended and whether referred to by other service, 2009

	Attended SFVS		Attended MFRS		Attended counselling		Attended EDST	
	Attended services other than SFVS	Referred to SFVS by the service	Attended services other than MFRS	Referred to MFRS by the service	Attended services other than counselling	Referred to counselling by the service	Attended services other than EDST	Referred to EDST by the service
		%		%		%		%
FRAL	14.0	75.0	7.4	27.3	5.2	42.6	1.5	66.7
Other telephone service	29.8	58.8	25.5	50.0	12.8	53.0	6.0	66.7
[Another] FRC	19.3	81.8	18.8	57.1	8.9	57.5	5.0	66.7
Domestic violence service	21.1	41.7	6.7	70.0	3.9	54.3	2.3	50.0
Other mediator/counsellor (or similar)	43.9	56.0	30.9	54.3	22.8	62.9	13.4	68.8
FRO	1.8	0.0	2.0	33.3	1.7	46.7	0.3	0.0
Doctor (GP)/health professional	43.9	56.0	42.3	68.3	33.6	51.7	11.9	69.0
Religious leader/elder	8.8	80.0	14.8	86.4	7.8	67.1	12.5	30.7
Lawyer/legal aid	17.5	60.0	18.1	66.7	9.7	65.5	7.5	51.1
Courts	15.8	88.9	10.7	50.0	3.5	61.3	6.3	39.5
Other service	7.0	100.0	14.1	19.0	9.1	57.3	6.3	55.3
<b>Number of respondents</b>	<b>57</b>		<b>149</b>		<b>898</b>		<b>599</b>	

Source: Survey of FRSP Clients 2009

**Table 4.8 Services attended, by type of post-separation service attended and whether referred to by other service, 2009**

	Attended FRC		Attended FDR		Attended CCS		Attended POP	
	Attended services other than FRC	Referred to FRC by the service	Attended services other than FDR	Referred to FDR by the service	Attended services other than CCS	Referred to CCS by the service	Attended services other than POP	Referred to POP by the service
		%		%		%		%
FRAL	19.1	24.3	11.6	24.5	16.7	58.8	18.3	76.5
Other telephone service	18.1	45.8	14.0	48.4	23.6	77.1	26.9	88.1
[Another] FRC	11.6	66.3	19.3	42.0	34.5	65.7	47.3	52.2
Domestic violence service	7.2	57.9	6.1	64.3	25.6	53.8	22.6	76.1
Other mediator/counsellor (or similar)	31.4	64.0	37.1	59.2	40.9	61.4	45.2	71.5
FRO	6.4	33.3	3.1	21.4	4.4	66.7	3.2	68.8
Doctor (GP)/health professional	23.7	75.1	26.1	74.8	26.6	85.2	26.9	91.8
Religious leader/elder	7.9	82.5	8.1	86.5	13.8	64.3	5.4	100.0
Lawyer/legal aid	49.4	32.6	54.4	29.4	73.9	32.7	72.0	50.8
Courts	19.7	56.1	15.6	49.3	63.1	23.4	59.1	20.0
Other service	8.3	51.5	7.5	52.9	10.8	63.6	10.8	89.8
<b>Number of respondents</b>	<b>796</b>	<b>796</b>	<b>456</b>	<b>456</b>	<b>203</b>	<b>203</b>	<b>93</b>	<b>93</b>

Source: Survey of FRSP Clients 2009

**Table 4.9 Referral pathways into and out of the Family Relationship Advice Line, 2006–07 to 2008–09**

	2006–07	2007–08	2008–09
	%	%	%
<b>Caller referred to FRAL from:</b>			
Family Relationship Centre	1.2	2.6	4.3
Centrelink	2.3	2.6	2.5
Media	20.9	22.4	21.8
Court/tribunal	6.3	7.2	6.7
CSA	11.1	12.3	9.8
Family/friend	6.6	6.8	5.4
Legal service/practitioner	2.7	3.7	3.4
Family relationship service	1.6	2.2	2.7
Other service	8.7	8.2	6.8
Referral not recorded	39.1	32.4	37.2
<b>Total</b>	<b>100.6</b>	<b>100.6</b>	<b>100.5</b>
<b>Caller referred from FRAL to:</b>			
Family Relationship Centre	11.3	23.8	25.5
Legal service/practitioner	16.8	14.7	13.3
Court/tribunal	4.8	2.9	3.0
Dispute resolution service	9.9	11.9	10.5
Centrelink	0.8	0.9	0.8
Child Support Agency	0.9	0.9	0.7
Counselling	6.2	4.8	4.0
Other FRSP service	2.0	2.3	2.2
Other referral made	2.8	3.8	4.3
Referral not recorded	58.0	50.5	52.3
<b>Total</b>	<b>113.6</b>	<b>116.6</b>	<b>116.7</b>
<b>Number of calls</b>	<b>86,466</b>	<b>72,351</b>	<b>66,622</b>

Note: Percentages are greater than 100.0% as more than one referral was made in some cases.

Source: FRAL Call Management System Data 2006–09

The relatively high rates of referral to FRAL provided by the CSA reflect arrangements between FRAL and CSA for the CSA to transfer to FRAL those callers who indicate they have some issues regarding post-separation parenting.<sup>6</sup>

In terms of referrals outwards, for the first year of its operation, FRAL referred most often to legal services/practitioners (17%), then to FRCs (10%), dispute resolution services (11%), counselling (6%) and courts or tribunals (5%). But unlike referrals to FRAL, referrals from FRAL changed over time to reflect a greater emphasis on community-based services, especially FRCs (from 11% in 2006–07 to 26% in 2008–09), and a somewhat lower rate of referrals to lawyers (down from 17% to 13%) and courts (from 5% to 3%).

The increase in referrals to FRCs was probably a result of FRCs becoming more available during this period (from 15 in 2006–07 to 40 in 2007–08 and 65 in 2008–09).<sup>7</sup> It may also be linked to the fact that after July 2007, FDR parents were required to attend FDR before filing a court application, except in certain circumstances, such as cases in which there were concerns about violence.

It is clear that FRAL is an important gateway into the family law system. Direct observations of the work of information officers by the evaluation team also suggest that calls are handled competently and with sensitivity. The large number of callers to FRAL, especially in its first year of operation, means that even small percentages of referrals to and from FRAL translate into

<sup>6</sup> Information obtained from qualitative interviews with FRAL staff.

<sup>7</sup> In the qualitative interviews, FRAL information officers reported that one of the difficulties associated with their first year of service was that the demand for FRCs could not be met because many centres had not yet become operational.

substantial numbers of clients. The decreasing (though still substantial) numbers of callers over the three-year period may indicate that FRAL was an especially important gateway in the early days of the changes to the family law system. It is possible that since then information about the reforms has been more widely distributed.<sup>8</sup> In addition, as services such as FRCs have become more established and better known, and as family pathway networks have become better established, some referral protocols may have become more localised.

In addition, despite the fall in absolute numbers of callers over the three years, the data show an increased proportion of outward referrals being directed to FRCs. Although this trend is consistent with the aims of the reforms, caution must be exercised with respect to any conclusions reached, due to the significant number of callers for whom the referral pathway is unknown.

### 4.2.3 Referrals and reasons for attending a service

This section examines whether the types of services attended by clients prior to attending an FRSP service differ according to the reason for attending the service. The reasons for attending that are considered in this evaluation are: sorting out parenting arrangements, resolving relationship issues, and personal/other reasons. Just over half (55%) of the clients who had used an FRSP service to sort out parenting arrangements had also consulted a lawyer/legal aid service, while over a third (36%) had used a mediator/counsellor, a little over a quarter (27%) had made use of a court, and the same proportion had visited a doctor/health professional (Table 4.10). FRCs (20%), telephone help lines (19%) and FRAL (16%) had also been reasonably frequently used by these clients.

**Table 4.10 Use of and referrals from other services, by reason for attending the FRSP service, 2009**

	Sort out parenting arrangements <sup>a</sup>		Resolve relationship issues <sup>a</sup>		Personal/other reasons <sup>a</sup>	
	Other services attended	Referred to by other service <sup>b</sup>	Other services attended	Referred to by other service <sup>b</sup>	Other services attended	Referred to by other service <sup>b</sup>
	%		%		%	
FRAL	16.3	32.9	6.6	43.2	2.9	42.9
Other telephone service	19.2	54.9	14.5	53.1	7.7	63.6
[Another] FRC	20.2	56.0	11.6	58.1	4.6	81.8
Domestic violence service	10.9	57.2	4.8	51.9	3.5	72.0
Other mediator/counsellor (or similar)	36.2	62.0	27.6	62.3	12.7	68.1
FRO	4.6	29.5	2.4	40.7	0.6	100.0
Doctor (GP)/health professional	26.6	76.8	29.4	59.1	20.0	55.9
Religious leader/elder	9.4	79.2	8.2	78.0	11.3	28.4
Lawyer/legal aid	55.2	32.4	17.1	52.9	9.0	53.1
Courts	27.2	38.5	7.5	60.7	5.5	41.0
Other service	8.7	55.2	9.3	57.7	6.4	50.0

Notes: <sup>a</sup> Respondents were asked to indicate what best described the main reason for attending the service. The reasons listed were: sort out issues about your children after a relationship break-up or separation, sort out issues about seeing your grandchildren, sort out general family relationship issues (with your spouse, former spouse, children or other family members), deal with personal problems, and other: specify. <sup>b</sup> Respondents who indicated they had been to another service/other services prior to attending the service the survey was primarily asking about were asked: "Did the [service client attended before the survey service] refer you to or suggest you go to this [service]?" Only those respondents who indicated that they had previously gone to another service were asked about each of these other services.

Source: Survey of FRSP Clients 2009

<sup>8</sup> This is not the same as saying that all aspects of the reforms are better understood. Indeed, reports suggest that there is evidence that this is not the case with respect to concepts such as shared parental responsibility.

The pattern of prior service use for clients who were aiming to resolve relationship issues or address personal/other issues was somewhat different. Those whose purpose was to resolve relationship issues were most likely to have consulted a doctor/health professional (29%) or a mediator/counsellor (28%). However, 17% had also consulted a lawyer/legal aid, while 15% had used a telephone help line and 12% had been to an FRC. Those who had accessed services for personal/other reasons were also most likely to have had prior contact over the issue with a doctor/health professional (20%), a mediator/counsellor (13%), or a religious leader/elder (11%).

There frequently appeared to be a link between having used a service and having been referred by that service. For example, doctors/health professionals consistently referred clients to other services at least half and up to three-quarters as often as they themselves were accessed. Referral implies that another service may have something to add to the service already being provided. In cases in which clients were sorting out parenting arrangements, a relatively small proportion of lawyers referred them to other services, and when the issue was a personal/other reason, a relatively small proportion of religious leaders/elders made referrals. This probably reflects the fact that referrals are less likely when the professionals see the issue as being within their own area of expertise.

#### 4.2.4 Location of mediation or FDR pre- and post-reform

Information was collected as part of the LBS 2009 on where mediation or FDR took place for parents who separated before the 2006 changes to the family law system. The locations are categorised as mediation services, through a lawyer, court or other location. The LSSF W1 2008 provided information on the location of FDR for parents who separated after the 2006 changes. The main locations are categorised as: FRCs, legal aid, lawyer, court, or private counsellor/counselling service. A range of other locations that were less often reported were also coded. Table 4.11 provides detailed information on the locations coded in the data.

**Table 4.11 Where family dispute resolution or mediation took place, pre- and post-reform**

	Pre-reform <sup>a</sup>	Post-reform <sup>b</sup>
	%	%
FRC	–	63.4
Mediation service	62.8	–
Legal aid	–	5.0
Lawyer	13.3	3.2
Courts	21.2	3.3
Private counsellor/counselling service	–	7.5
Family mediation centre	–	1.0
Psychologist	–	1.7
Over the phone	–	1.0
Lifeline	–	0.5
Private mediator/mediation service	–	1.6
Community centre	–	2.3
Other	3.7	4.1
Don't know	0.8	5.5
<b>Number of observations</b>	<b>523</b>	<b>2,975</b>

Notes: <sup>a</sup> Parents who had attempted FDR or mediation and reported that parenting arrangements for the focus child were mainly through a counselling, mediation or dispute resolution service were asked: "Where did this mediation or dispute resolution take place? At a lawyer, court or mediation services?" Parents could provide multiple responses. Thus, the sum of percentages may exceed 100%. <sup>b</sup> Parents who said that they and the other parent attempted FDR or mediation were asked: "Was this at a Family Relationship Centre or somewhere else?" The results presented include recoding of the verbatim responses. Data have been weighted.

Sources: LBS 2009 and LSSF W1 2008

The pre-reform data on the location of mediation or FDR are from parents who said that parenting arrangements were mainly sorted out through counselling, mediation or dispute resolution.

The post-reform data refer to the location at which FDR or mediation took place whether or not the parenting arrangements had been sorted out.

Prior to the 2006 changes to the family law system, the most common location at which FDR or mediation took place was in community-based mediation services (63%), followed by significantly smaller proportions in the court (21%) or with a lawyer (13%).

Among parents who separated after the 2006 reforms and who attempted mediation or FDR, 63% said that it took place at FRCs. This is very similar to the proportion of parents saying that mediation took place within a mediation service prior to the 2006 changes. Post-reform, parents reported that mediation took place through lawyers or legal aid 8% of the time (compared with 13% in the pre-reform sample) and through the court 3% of the time (compared with 21% in the pre-reform sample).<sup>9</sup>

Most of the other responses that could be coded fell into the categories of counselling/psychology or other health and welfare-based services. Two categories (over the phone and private mediation) were more ambiguous with respect to the nature of the service being provided. These services could have been provided by a lawyer or by a relationship or health professional. It is important to note that these questions were asked slightly differently across the two studies; therefore caution must be exercised in attributing any differences between them to the pre-reform and post-reform legislative environment.<sup>10</sup>

In summary, for those who reported the resolution of post-separation disputes over children, the data do suggest a significant shift away from court-based mediation/FDR services and towards community-based mediation/FDR and related services following the reforms. Such an interpretation would be consistent with the onward referral data from FRAL presented in Section 4.2.2.

### 4.3 Pathways and family violence

This section examines the relationship between the main pathway used to sort out or attempt to sort out parenting arrangements, and the reporting of physical hurt or emotional abuse.

Of the post-reform separated parents who had sorted out their parenting arrangements, a total of 17% reported physical hurt prior to or during separation and 35% reported emotional abuse alone. Table 4.12 shows that, compared with parents who used discussions to sort out their parenting arrangements or for whom it just happened, those who sought assistance from courts, lawyers or counselling/mediation/FDR were much more likely to have reported some form of physical hurt or emotional abuse.

	Counselling, mediation or FDR	Lawyer %	Courts	Discussions	Nothing specific, just happened	All pathways <sup>a</sup>
Physical hurt	24.9	37.0	48.0	12.2	16.7	16.8
Emotional abuse alone	52.5	47.1	43.2	32.0	34.3	35.4
No violence reported	22.7	15.9	8.9	55.8	49.1	47.8
<b>Total</b>	<b>100.1</b>	<b>100.0</b>	<b>100.1</b>	<b>100.0</b>	<b>100.1</b>	<b>100.0</b>
<b>No. of observations</b>	<b>535</b>	<b>442</b>	<b>225</b>	<b>4,548</b>	<b>1,086</b>	<b>7,097</b>

Notes: <sup>a</sup> Includes parents who reported other pathways. Percentages may not total exactly 100.0% due to rounding.

Source: LSSFW1 2008

9 This difference probably reflects in part the change in the nature of the services now offered by Family Consultants within the courts. Family Consultants attempt to assist separated parents to resolve issues, but they also have a significant assessment and reporting function and are probably less likely to be seen by parents as "mediators".

10 The pre-reform respondents were given only three options, although they could choose multiples if they wished. In fact, only about 2% nominated more than one service. The post-reform respondents were asked about whether they used a specific service—FRCs. In the event that they did not use this service, they were then asked to nominate in their own words what service they used.

For those who nominated the courts as their main pathway, the percentages reporting physical hurt and emotional abuse were high (48% and 43% respectively). Among those who used lawyers and counselling/mediation/FDR as their main pathway, a lower percentage reported physical hurt and emotional abuse. While the rates of family violence were highest for parents whose main family law pathway was a formal one, a large majority of parents used informal pathways (“discussions between themselves” or “nothing specific, it just happened”). Parents using these informal pathways as their main dispute resolution route had lower rates of family violence.

Table 4.13 shows a similar pattern for those still in the process of sorting out parenting, with those mainly using courts, lawyers and counselling/mediation/FDR, in that order, being more likely to report physical or emotional abuse. At the same time, compared with the group who had sorted out arrangements, these parents reported elevated levels of physical hurt for all pathways (especially for those who had discussions or for whom it just happened). And except for those who used mainly lawyers, these parents also reported elevated levels of emotional abuse.

**Table 4.13 Main pathways used by parents’ reports of family violence, parents who were in the process of sorting out parenting arrangements, post-reform**

	Counselling, mediation or FDR	Lawyer	Courts	Discussions	Nothing specific, just happened
	%				
Physical hurt	32.9	43.0	49.9	26.7	27.6
Emotional abuse alone	45.6	44.5	43.6	41.7	46.7
No violence reported	21.6	12.5	6.5	31.6	25.7
<b>Total</b>	<b>100.1</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>No. of observations</b>	<b>239</b>	<b>253</b>	<b>236</b>	<b>722</b>	<b>204</b>

Note: Percentages may not total exactly 100.0% due to rounding.

Source: LSSF W1 2008

Table 4.14 summarises the data regarding the extent of family violence experienced by parents at various stages of sorting out parenting arrangements. It is clear that mothers generally reported violence, especially physical violence, more often than fathers. It is also clear that matters were much more likely to be sorted out when there had been no family violence reported.

A history of physical or emotional violence is not necessarily a barrier to sorting things out, but respondents who reported that they were still in the process or that nothing was sorted out were twice as likely to also report physical violence.

**Table 4.14 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
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>No. of respondents</b>	<b>3,525</b>	<b>3,572</b>	<b>7,097</b>	<b>918</b>	<b>824</b>	<b>1,742</b>	<b>437</b>	<b>510</b>	<b>947</b>

Source: LSSF W1 2008

The Survey of FRSP Clients 2009 asked respondents whether they had experienced family violence.<sup>11</sup>

Across all post-separation services, the majority of clients reported having experienced family violence (physical violence or emotional abuse), with only a minority of clients not reporting having experienced some form of family violence (Table 4.15). This is true for both female and male clients, although female clients were more likely to report having experienced family violence than male clients. Female clients were more likely to report having experienced physical violence, particularly those using the CCS and POP services.

Female CCS clients were the most likely to report having experienced physical violence (64%), followed by female POP clients (54%). A smaller proportion of female FRC and FDR clients (30% and 27% respectively) reported having experienced physical violence.

While many female and male early intervention services clients reported having experienced family violence, the proportion reporting family violence was much lower than that of post-separation services clients.

**Table 4.15 Reports of experience of family violence, by type of FRSP service used, 2009**

	EIS			PSS			
	MFRS	Counselling	EDST	FRC	FDR	CCS	POP
	%			%			
<b>Females</b>							
Physical violence	14.7	18.4	15.9	30.4	26.7	64.3	54.0
Emotional abuse alone	55.9	38.1	25.8	47.7	50.0	25.4	36.0
No violence reported	26.5	40.0	53.6	15.3	17.7	6.4	6.0
Unknown	2.9	3.4	4.6	6.7	5.6	4.0	4.0
<b>Total</b>	<b>100.0</b>	<b>99.9</b>	<b>99.9</b>	<b>100.1</b>	<b>100.0</b>	<b>100.1</b>	<b>100.0</b>
<b>Number of respondents</b>	<b>34</b>	<b>472</b>	<b>151</b>	<b>451</b>	<b>266</b>	<b>126</b>	<b>50</b>
<b>Males</b>							
Physical violence	14.7	13.0	16.4	22.9	21.1	27.0	32.4
Emotional abuse alone	37.3	35.1	30.9	49.0	48.7	54.1	48.7
No violence reported	44.0	47.1	50.9	21.9	28.7	13.5	16.2
Unknown	4.0	4.8	1.8	6.1	1.6	5.4	2.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>99.9</b>	<b>100.1</b>	<b>100.0</b>	<b>100.0</b>
<b>Number of respondents</b>	<b>75</b>	<b>208</b>	<b>55</b>	<b>310</b>	<b>185</b>	<b>74</b>	<b>37</b>

Notes: The sample size for SFVS was too small to allow statistically reliable estimates when the data is split by gender, so SFVS respondents were excluded from the table. Percentages may not total exactly 100.0% due to rounding.

Source: Survey of FRSP Clients 2009

Table 4.16 provides information on the relationship between referral pathways and reports of having experienced family violence for post-separation services clients. The main points to be taken from this table are that:

- clients referred by courts were the most likely to report having experienced physical violence; and
- there is relatively little difference in the extent to which clients report having experienced physical violence for the other referral pathways.

11 Respondents were asked: "Before you went to the service did [your current partner/ex-partner/the family member you went to the service about/your grandchild's/grandchildren's parents] ever: a) try to control you by either preventing you from contacting friends or family, or preventing you from using a car or having knowledge about or access to family money; b) threaten to harm you, themselves or others (including pets); c) seriously put you down or insult you; d) physically hurt you?" Response categories were: "yes", "no" and "prefer not to answer".

**Table 4.16 Post-separation services clients' experience of family violence, by referral pathways, 2009**

	FRC	Other coun- selling/ mediation <sup>a</sup>	Lawyer	Courts	Doctor	Other <sup>b</sup>	No pathway indicated
	%						
Physical violence	34.1	29.3	33.3	45.1	31.7	31.6	25.1
Emotional abuse alone	46.3	49.6	49.9	41.7	57.3	53.8	44.7
No violence reported	16.3	13.7	11.9	7.2	7.3	9.4	24.5
Unknown	3.3	7.4	4.9	6.0	3.7	5.1	5.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>99.9</b>	<b>100.0</b>
<b>No. of respondents</b>	<b>123</b>	<b>393</b>	<b>555</b>	<b>235</b>	<b>82</b>	<b>117</b>	<b>701</b>

Notes: Table excludes clients who used services for personal or other reasons (they were not asked about experience of abuse). Percentages may not total exactly 100.0% due to rounding. <sup>a</sup> Referral pathways include: "other telephone service", "domestic violence service", "other mediator/counsellor (or similar)". <sup>b</sup> Referral pathways include: "FRO", "religious leader/elder" and "other service".

Source: Survey of FRSP Clients 2009

Table 4.17 provides information on the relationship between referral pathway and reports of having experienced family violence for clients of early intervention services. Referrals included between 22% and 33% of clients who had reported physical violence. Similarly, all referrals included between 36% and 49% of clients who had experienced emotional abuse without physical violence. Courts were considerably more likely to refer cases with a form of reported violence than any other referral category.

While the overall rates of family violence reported by early intervention services clients were lower than those reported by post-separation services clients, this appears to have been largely driven by the much lower rate of family violence reported by clients who did not indicate a referral pathway (i.e., were self-referred). The rates of family violence reported by clients who were referred to early intervention services were not dissimilar to those reported by post-separation services clients.

**Table 4.17 Early intervention services clients' experience of family violence, by referral pathways, 2009**

	FRC	Other coun- selling/ mediation <sup>a</sup>	Lawyer	Courts	Doctor	Other <sup>b</sup>	No pathway indicated
	%						
Physical violence	30.0	29.4	32.7	33.3	21.6	24.1	12.5
Emotional abuse alone	48.0	38.7	49.0	60.0	35.8	43.0	32.7
No violence reported	16.0	28.9	18.4	6.7	39.6	27.8	50.2
Unknown	6.0	3.1	0.0	0.0	3.0	5.1	4.6
<b>Total</b>	<b>100.0</b>	<b>100.1</b>	<b>100.1</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>No. of observations</b>	<b>50</b>	<b>194</b>	<b>49</b>	<b>30</b>	<b>134</b>	<b>79</b>	<b>584</b>

Notes: Table excludes clients who used services for personal or other reasons (they were not asked about experience of abuse). Percentages may not total exactly 100.0% due to rounding. <sup>a</sup> Referral pathways include: "other telephone service", "domestic violence service", "other mediator/counsellor (or similar)". <sup>b</sup> Referral pathways include: "FRO", "religious leader/elder" and "other service".

Source: Survey of FRSP Clients 2009

## 4.4 Satisfaction with pathways

This section addresses questions of client satisfaction with the varying dispute resolution and decision-making pathways. Respondents to the LSSF W1 2008 were asked how various aspects of the process used to sort out their parenting arrangements worked. Parents were asked to indicate their views about the following statements:

- The process worked/is working for you.
- The process worked/is working for the other parent.
- The process worked/is working for the child.
- The result was what I expected.
- I had an adequate opportunity to put my side forward.
- The other parent had an adequate opportunity to put her/his side forward.
- The child's needs were adequately considered.

Table 4.18 describes the extent to which post-reform separated parents agreed or strongly agreed with a range of statements about the process of reaching a parenting agreement, according to whether they had sorted out the parenting arrangements or not. A large majority of post-reform parents who had sorted things out felt that the process they had used had been satisfactory with respect to key areas such as how it worked for them, for their former partner and for their child(ren). There was a much less positive response from those who were still working things out. Assessments of these dimensions did not vary greatly by gender, although fathers were more likely than mothers to see the process as working for the other parent—especially in the group still working things out.

**Table 4.18 Parents agreement (agree or strongly agree) about the process of reaching a parenting agreement, by whether parenting arrangement sorted out, mothers and fathers, post-reform**

	Sorted out			In the process of sorting out		
	Fathers	Mothers	All	Fathers	Mothers	All
	%			%		
The process worked/is working for you.	81.5	85.4	83.4	42.0	48.8	45.1
The process worked/is working for the other parent.	86.6	82.9	84.8	64.2	50.1	57.8
The process worked/is working for the child.	81.3	88.0	84.5	48.5	53.9	50.9
The result was what I expected.	82.0	82.9	82.4	–	–	–
I had an adequate opportunity to put my side forward.	81.5	85.9	83.6	–	–	–
The other parent had an adequate opportunity to put her/his side forward.	95.6	93.4	94.5	–	–	–
The child's needs were adequately considered.	88.2	92.2	89.7	–	–	–

Notes: Parents who volunteered "don't know" were treated the same here as those who responded "disagree", "strongly disagree" or "neither agree or disagree". Data have been weighted.

Source: LSSFW1 2008

Table 4.19 reports on similar data from the pre-reform sample of parents. The information relates to the process used to sort out parenting arrangements in the year they separated. Parents were asked for their views on a smaller number of aspects of the process:

- The process worked for you.
- The process worked for the other parent.
- The child's needs were adequately addressed.

Compared with the post-reform respondents, a smaller percentage of pre-reform parents (72%) felt that the main processes they used worked for them or that the child's needs were adequately

addressed (77%). At the same time, pre-reform respondents reported as often as their post-reform counterparts that the process worked for their former partner (78%).

**Table 4.19 Parents agreement (agree or strongly agree) about the process of reaching parenting agreement soon after separation, mother and fathers, pre-reform**

	Fathers	Mothers	All
	%		
The process worked for you.	68.3	76.4	72.1
The process worked for the other parent.	81.7	73.2	77.7
The child's needs were adequately addressed.	73.4	80.7	76.9

Notes: Parents who volunteered "don't know" were treated the same here as those who responded "disagree", "strongly disagree" or "neither agree or disagree". Data have been weighted.

Source: LBS 2009

Table 4.20 provides information on parents' views about the process of reaching parenting agreements, by main family pathway. The table indicates that mothers and fathers who had sorted out their parenting arrangements via discussions were both very likely to report that arrangements worked for them (90% and 86% respectively) and worked for their children (92% and 85% respectively). This group was also most likely to report that the result was what they expected. These are encouraging figures, suggesting an absence of coercion for most of those who sort matters out via discussions. Counselling/mediation/FDR was endorsed next most often with respect to these dimensions. Lawyers were rated considerably lower on most dimensions, especially by fathers.<sup>12</sup> The courts were least often seen as meeting the needs of parents and

**Table 4.20 Parents agreement (agree or strongly agree) about the process of reaching parenting agreements, by main family law pathway, fathers and mothers who have sorted out parenting arrangements, post-reform**

	Counselling, mediation or FDR	Lawyer	Courts	Discussions
	%			
<b>Fathers</b>				
The process worked for you.	74.3	56.2	45.3	86.0
The process worked for the other parent.	80.9	70.2	51.7	90.1
The process worked for the child.	74.4	56.2	56.4	85.2
The result was what I expected.	69.6	63.2	53.1	86.2
I had an adequate opportunity to put my side forward.	82.4	56.6	54.6	84.6
The other parent had an adequate opportunity to put her/his side forward.	96.8	89.2	88.0	96.3
The child's needs were adequately considered.	85.4	60.6	57.8	92.1
<b>Mothers</b>				
The process worked for you	71.9	69.1	54.7	89.6
The process worked for the other parent.	65.1	70.8	60.2	87.0
The process worked for the child.	78.5	70.0	53.4	92.1
The result was what I expected.	68.1	68.6	59.2	86.8
I had an adequate opportunity to put my side forward.	84.5	75.9	60.0	88.0
The other parent had an adequate opportunity to put her/his side forward.	93.6	88.7	81.6	94.3
The child's needs were adequately considered.	87.2	75.2	63.7	94.3

Notes: Parents who volunteered "don't know" were treated the same here as those who responded "disagree", "strongly disagree" or "neither agree or disagree". Data have been weighted.

Source: LSSF W1 2008

<sup>12</sup> Mothers who used lawyers as their main pathway reported more frequently than mothers who used counselling/mediation/FDR that the results worked for the other parent. They also reported slightly more frequently than mothers who used counselling/mediation/FDR that the results were what they expected.

their children and also to result in an outcome that differed from what the parent expected. Of course, the nature of the cases that end up in court are likely to be the most complicated and the most contested, and therefore the outcome could be expected to be less easy to anticipate.

When similar questions were asked of the pre-reform parents overall, a smaller proportion provided a favourable response to how well the family pathways had worked than did post-reform parents (Table 4.21). Pre-reform fathers followed the same pattern of responses to pathways as the post-reform parents. That is, discussions were endorsed most often, followed by FDR, then lawyers and then the courts. With respect to pre-reform mothers, however, a slightly higher percentage felt that engagement with lawyers worked for them compared to the proportion who engaged with FDR. On the other hand, when compared with using lawyers, a slightly higher percentage of mothers felt that their children's needs were addressed through FDR. Indeed, more mothers than fathers felt that their children's needs had been addressed across all pathways.

**Table 4.21 Parents agreement (agree or strongly agree) about the process of reaching parenting agreement soon after the separation, by main pathways used, mothers and father, pre-reform**

	FDR	Lawyer	Courts	Discussions
	%			
<b>Fathers</b>				
The process worked for you.	62.6	51.0	34.6	76.9
The process worked for the other parent.	72.7	62.9	65.0	88.5
The child's needs were adequately addressed.	71.4	52.2	39.4	82.4
<b>Mothers</b>				
The process worked for you.	66.5	72.7	55.8	81.3
The process worked for the other parent.	62.0	64.7	46.2	80.3
The child's needs were adequately addressed.	77.1	68.9	59.4	86.8

Notes: Parents who volunteered "don't know" were treated the same here as those who responded "disagree", "strongly disagree" or "neither agree or disagree". Data have been weighted.

Source: LBS 2009

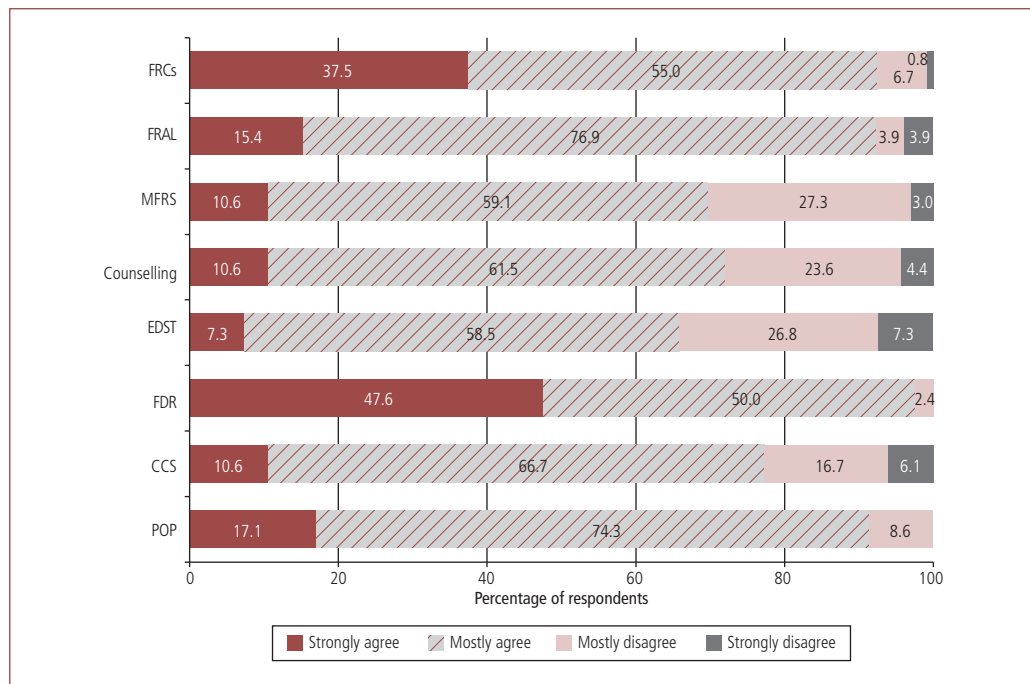
## 4.5 Pathway coordination

### 4.5.1 Service providers' and family lawyers' assessments

One of the core concerns expressed in the Out of the Maze report (Family Law Pathways Advisory Group, 2001) was that family law has not been conceived of as a system. This eventually led, as described previously, to government support for a range of new and expanded community-based services, with an emphasis on the development of referral protocols both between the services and between the services and the legal sector. The issue of how FRCs and fit with the rest of the system bears particularly upon the fulfilment of the original reform objective of achieving a family law system with a "highly visible entry point which operates as a doorway to other services" (2007 Evaluation Framework, policy objective 4).

This section begins by examining assessments by service professionals as to whether or not they have adequate information about the family law reforms to assist clients and whether the services have the capacity to refer clients to and work constructively with other agencies.

Very few FRC and FDR service professionals or workers from FRAL or POP felt that they did not have adequate information about the family law reforms to assist clients (Figure 4.1). Even though a substantial majority of staff from other services strongly or mostly agreed that they had adequate information, significant minorities disagreed. It may be that those services that see themselves as being furthest away from the day-to-day operations of family law are a little less confident about the level of information they have at their disposal with which to assist clients to understand the reforms, although this would not be expected to apply to Children's Contact Services. Differences between some of these services need to be treated with caution, however, due to the relatively modest numbers involved. For example, the percentage of CCS staff who disagree with the statement at some level translates to 15 of the 66 staff surveyed.



Notes: Responses from SFVS respondents are not reported due to small numbers ( $n = 16$ ). A small number of "can't say/don't know" responses were reported for this item and are excluded from these analyses. Percentages may not total exactly 100% due to rounding.

Source: Online Survey of FRSP Staff 2009

**Figure 4.1** Service providers' views on whether they have adequate information about the family law reforms to assist clients, 2009

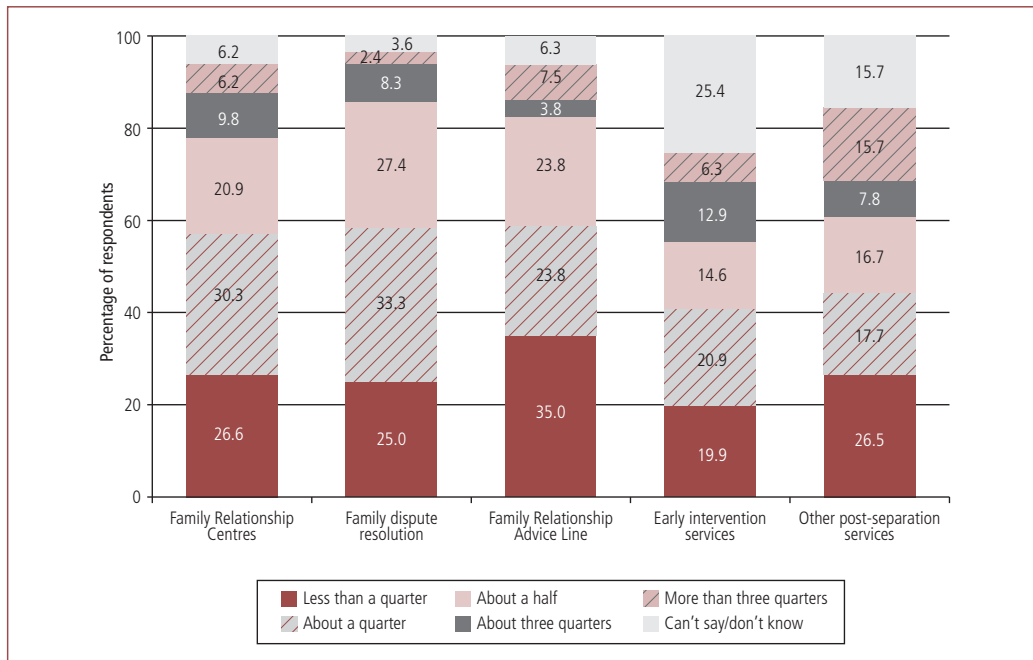
Figure 4.2 summarises service providers' assessments of clients' understanding of their requirement to attend FDR. While there is a great deal of variation in staffs' assessments of the proportion of their clients who have some misunderstanding about when they are required to attend FDR, the most common view was that a substantial proportion of clients have at least some misunderstanding.

For example, among staff in FRCs, 27% thought that less than a quarter of clients misunderstood the requirements to attend FDR, 30% thought this applied to about a quarter of clients, 21% to about a half of clients and 16% to three-quarters or more of clients.

Table 4.22 provides information on service providers' assessments of their service's referral processes and ability to work with other agencies. Service professionals are generally confident about their own service's referral processes and protocols and about their ability to work with other organisations and agencies. FRC service professionals reported the highest level of agreement to these two statements (98% and 96% respectively), reflecting perhaps the emphasis on both these aspects of service delivery in their operational framework. FRAL respondents were least likely to indicate that FRAL worked well with other agencies and organisations. This resonates with findings from the Qualitative Study of FRSP Staff, in which FRAL information officers in particular expressed a wish to have a more in-depth understanding of what many of the services to which they referred clients actually did. This knowledge is likely to develop further over time, although it is the nature of this aspect of the service that it will frequently be somewhat removed from day-to-day knowledge of the organisations to which it is making referrals.

Table 4.23 (on page 86) provides information on service providers' assessment of their capacity to work with a wide range of relevant services. Although patterns of responses varied across the service types, most, though not all, respondents rated their own service's ability to work with the others services as "good" or "excellent". The other response options were "average", "poor", "very poor", "can't say/don't know" or "not applicable".

Respondents generally reported that their service's ability to work with other FRSP-funded services and general services was "good" or "excellent". These patterns were not observed, however, in responses about legal services. Compared to FRC, EIS and PSS respondents, FRAL



Note: Percentages may not total exactly 100% due to rounding.  
 Source: Online Survey of FRSP Staff 2008

**Figure 4.2 Service providers' views on proportion of clients who have some misunderstanding about when they are required to attend FDR, 2008**

**Table 4.22 Service providers' agreement (agree or strongly agree) of their service's referral processes and ability to work with other agencies, 2009**

	All EIS	PSS			All services
		FRCs	FRAL	Other PSS <sup>a</sup>	
	%		%		%
Service has good referral protocols and processes	91.0	97.5	87.7	88.2	91.9
Service works well with other organisations and agencies <sup>b</sup>	92.2	96.0	77.8	89.4	91.3
<b>Number of observations</b>	<b>335</b>	<b>248</b>	<b>81</b>	<b>190</b>	<b>854</b>

Notes: "Strongly disagree", "disagree" and "can't say/don't know" categories are included in the total number of observations. Respondents who provided a response of "not applicable" are excluded. A small number of missing cases were reported and are therefore excluded from analysis. <sup>a</sup> POP and CCS. <sup>b</sup> A higher proportion of "can't say/don't know" responses (over 12.3%) were reported for this item for FRAL.  
 Source: Online Survey of FRSP Staff 2009

respondents were significantly more likely to report their ability to work with legal services as "poor" or "very poor". PSS respondents were the most likely of the four service types to rate their ability to work with the different legal services as "excellent", and the least likely to report a rating of "very poor" or "poor".

Variation between service types was also found for children's services (which includes the Child Support Agency, state and territory government child protection agencies and schools), with FRAL participants being less likely to provide a response of "excellent" compared to FRC, EIS and PSS respondents. However, few respondents across the four service types reported their service's ability to work with the children's services as being "very poor" or "poor".

For tailored services—which include Indigenous-specific services, local community groups, disability services, migrant or ethnic services, mental health services, and drug or alcohol services—the most frequently occurring responses were "average" or "good". Responses varied somewhat according to the four service types for tailored services, with FRAL respondents

**Table 4.23 Service professionals providing favourable ratings regarding their own service's ability to work with different services, by service type, 2009**

	All EIS %	PSS			All services %
		FRCs	FRAL	Other PSS <sup>a</sup>	
<b>FRSP services and FRAL</b>					
FRCs	81.7	89.5	77.2	89.0	85.2
FRAL	53.9	75.9	–	65.1	64.1
EIS	91.4	94.3	56.6	87.6	88.3
PSS	82.0	89.0	64.5	94.0	85.1
<b>General services</b>					
Centrelink	68.9	71.8	80.8	68.5	70.9
Lifeline	78.6	80.2	63.0	73.9	76.6
Housing services	64.5	58.8	56.3	63.3	61.7
Welfare services	74.9	77.0	59.2	75.1	74.1
Police	75.0	72.0	58.3	75.3	72.7
<b>Violence services</b>					
Other family violence services	83.8	90.7	63.0	83.1	83.8
Sexual assault services	73.6	70.0	41.2	71.0	69.2
<b>Children's services</b>					
CSA	56.1	75.9	56.8	69.9	65.4
State government child protection agencies	75.7	79.7	46.6	81.4	75.5
Schools	77.1	63.3	30.8	66.7	66.8
<b>Tailored services</b>					
Indigenous-specific services	58.8	69.8	45.7	60.0	61.3
Local community groups	80.8	89.0	42.7	81.5	80.2
Disability services	68.4	61.5	41.7	69.5	64.2
Migrant or ethnic services	58.7	74.5	40.3	60.8	62.2
Mental health services	73.2	73.5	46.6	74.3	71.1
Drug or alcohol services	70.9	72.7	46.5	71.7	69.4
<b>Legal services</b>					
Private family lawyers	56.1	65.2	20.9	79.5	61.4
Legal Aid	57.8	78.4	39.4	81.2	67.7
Courts	57.2	72.2	34.8	80.1	65.2
Other legal services	52.9	73.0	30.6	78.6	62.8
<b>Number of observations</b>	<b>335</b>	<b>248</b>	<b>81</b>	<b>190</b>	<b>854</b>

Notes: Respondents who provided a response of "not applicable" were excluded from the analyses. <sup>a</sup> POP and CCS.

Source: Online Survey of FRSP Staff 2009

being less likely to report their ability to work with these services as being "excellent", compared to EIS, PSS and FRC respondents.

For each of the services listed, a large proportion of respondents did not provide a rating for their service's ability to work with the listed services. Instead, they provided a response of "can't say/don't know" or "not applicable". This possibly suggests an absence of a cross-service relationship in these cases, which may in turn reflect the focus of the service or an absence of the service in that area.

Table 4.24 reveals that most respondents indicated some level of agreement with statements aimed at tapping how well the FRCs and FRAL were functioning. However, more than half of EIS respondents gave a response of "can't say/don't know" to the statements about FRAL, perhaps suggesting that they had limited knowledge of these services. Not surprisingly, FRCs and FRAL respondents were each most likely to indicate agreement to the statements about their own service type.

In terms of the capacity of FRCs to provide a gateway to other services and to appropriately refer families, EIS and PSS service professionals were less likely than FRC and FRAL respondents

to indicate agreement (but for both, a large majority did agree). EIS respondents were also less likely to agree that FRAL appropriately refers families, but again, the majority in all but PSS agreed.

Table 4.25 summarises responses from a range of service types regarding the extent to which FRCs are perceived to be working in an integrated manner with the remainder of the family law system.

It is encouraging, but perhaps not surprising, that FRC service professionals were significantly more likely to indicate agreement with the statement that “The Family Relationship Centres have been able to work well in an integrated way” (84%). This is in contrast to responses from service professionals from FDR services and other service professionals, who were quite likely to indicate uncertainty with a response of “can’t say/don’t know” response.

**Table 4.24 Service professionals’ agreement (agree or strongly agree) with perceptions of FRCs and FRAL, 2009**

	All EIS	PSS			All services
		FRCs	FRAL	Other PSS <sup>a</sup>	
	%		%		%
FRCs provide a “gateway” to the services that families need.	76.2	96.4	85.2	78.5	83.6
FRCs provide appropriate information relevant to family relationships and separation.	81.5	97.9	75.3	81.1	85.6
FRCs appropriately refer families to the services they need.	65.7	96.8	55.6	69.1	74.8
FRAL provides appropriate information relevant to family relationships and separation.	42.1	74.7	98.8	53.9	60.1
FRAL provides appropriate advice on family separation issues.	40.0	69.9	100.0	49.7	57.0
FRAL appropriately refers callers to the services they need.	35.7	67.8	95.1	47.8	53.9
<b>Number of observations</b>	<b>335</b>	<b>248</b>	<b>81</b>	<b>190</b>	<b>854</b>

Notes: “Strongly disagree”, “disagree” and “can’t say/don’t know” categories are included in the total number of observations. Respondents who provided a response of “not applicable” are excluded. A small number of missing cases were reported and are therefore excluded from analysis. “Can’t say/don’t know” responses ranged from 9.1% to 16.5% across all services for items about FRCs. FRAL, FRC and PSS service professionals responded “can’t say/don’t know” from 11.1% to 37% of the time for items about FRAL. More than half of EIS respondents reported “can’t say/don’t know” in response to all items about FRAL. <sup>a</sup> POP and CCS.

Source: Online Survey of FRSP Staff 2009

**Table 4.25 Agreement that FRCs have been able to work well in an integrated way, family lawyers and service professionals, pre- and post-reform**

	FLS		All EIS	PSS			
	2006	2008		FRC	FDR	FRAL	Other PSS <sup>a</sup>
	%						
Strongly agree	1.4	1.3	6.3	20.9	3.6	2.5	8.7
Mostly agree	27.4	30.7	44.5	63.1	50.0	59.3	53.4
Mostly disagree	26.0	34.2	16.1	9.0	15.5	8.6	11.7
Strongly disagree	9.3	20.4	5.4	1.2	8.3	0.0	4.9
Can’t say/don’t know	35.9	13.5	27.8	5.7	22.6	29.6	21.4
<b>Totals</b>	<b>100.0</b>	<b>100.1</b>	<b>100.1</b>	<b>99.9</b>	<b>100.0</b>	<b>100.0</b>	<b>100.1</b>
<b>No. of observations</b>	<b>366</b>	<b>319</b>	<b>317</b>	<b>244</b>	<b>84</b>	<b>81</b>	<b>103</b>

Notes: “Not applicable” responses are excluded and represent less than 3.5% of the total number of observations across all services. Percentages may not total exactly 100.0% due to rounding. <sup>a</sup> POP and CCS.

Source: FLS 2006 and 2008; Online Survey of FRSP Staff 2009

The table also shows responses from the Family Lawyers Survey (FLS) 2006 and 2008 to a question concerning the FRCs' integration with the rest of the system. In 2006, the pattern of responses indicated a significant level of concern about the integration of FRCs, with 35% of respondents either strongly or mostly disagreeing with the proposition that the FRCs would be able to work in an integrated way with the rest of system.

This perception increased in the 2008 survey, with 55% of respondents strongly or mostly disagreeing with the proposition that the FRCs had been able to work in an integrated way with the rest of the family law system. In 2006, 36% of respondents declined to make a prediction, instead choosing the "can't say or refused to say" option, while in 2008, only 14% indicated they could not say. The response pattern does indicate, however, that a minority of family lawyers both predicted integration would occur (28% in 2006) and said it had occurred (32% in 2008).

## 4.5.2 Family lawyers' referral patterns

Table 4.26 provides information on the proportion of family lawyers who refer to differing services. Information is provided from the pre-reform (2006) and post-reform (2008) survey.

**Table 4.26 Proportion of clients referred to services by family lawyers, by type of service 2006 and 2008**

	Legally trained mediators	Community-based mediators <sup>a</sup>	Community-based or other relationship services <sup>b</sup>	FRCs
	%			
<b>Pre-reform (2006)</b>				
None	28.0	34.4	8.5	–
Less than a quarter	40.2	30.9	32.3	–
About a quarter	15.9	13.4	26.4	–
About half	7.5	12.5	17.0	–
About three-quarters	2.9	4.7	6.5	–
More than three-quarters	5.5	4.1	9.4	–
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.1</b>	<b>–</b>
<b>Post-reform (2008)</b>				
None	20.2	51.1	7.7	10.7
Less than a quarter	36.8	25.6	37.3	26.1
About a quarter	16.6	11.7	25.4	23.6
About half	11.4	6.5	15.4	18.7
About three-quarters	5.2	1.9	6.8	8.4
More than three-quarters	9.8	3.2	7.4	12.6
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.1</b>

Notes: <sup>a</sup> Community-based mediators may or may not be legally trained. <sup>b</sup> Includes services such as counselling, anger management and parent education. Analysis excludes "can't say" responses. Proportion of respondents who answered "can't say" ranged from 2.5% for referrals to community-based or other relationship services in 2008 to 4.2% for legally trained mediators in 2006. Percentages may not total 100.0% due to rounding.

Source: FLS 2006 and 2008

Between 2006 and 2008, there was a modest fall in the proportion of lawyers who reported that they never referred clients to legally trained mediators (28% to 20%) and a noticeable increase in the proportion of family lawyers who never sent clients to community-based mediators (34% to 51%).

Data from both the 2006 and 2008 surveys suggest that most lawyers refer only a quarter or fewer of their clients to any service. Table 4.26 shows that 26% of lawyers surveyed post-reform referred half or more of their clients to legally trained mediators, while only 12% referred half or more to community-based mediators. However, 30% of post-reform lawyers referred half or more clients to community-based relationship services, compared to 40% to FRCs.

It is difficult to interpret the meaning of these patterns with confidence, as they do not tell us about the nature of the referrals. There could be several reasons for referrals to FRCs, for example, although it would not be unreasonable to assume that many of these would be for FDR or at least for assessment for FDR. More will be said of this in Chapter 5. Referral to FRCs for FDR could well account for the higher proportion of post-reform lawyers who referred no clients to community-based mediators. Certainly it is clear that FRCs have had an impact on lawyers, with only 11% reporting that they did not refer any clients to this service.

### 4.5.3 Perceptions of legal system professionals and family relationship practitioners

Perceptions about pathways were gathered from legal system professionals via interviews conducted during the Qualitative Study of Legal System Professionals (QSLSP) between early April and late October 2008. They represent insights gained a little over half-way through the evaluation period and are considered somewhat exploratory and tentative in nature. Relevant perceptions from the community-based family relationships sector, sought in the Qualitative Study of FRSP Staff 2009, are also included in this section.

Most legal system professionals agreed in principle with key pathways objectives of the reforms, notably: to create new services to support non-court based resolution of parenting disputes and, in the context of protecting children from harm from exposure to family violence and child abuse, to promote child-focused dispute resolution. Participants regularly (but not uniformly) suggested that, outside of the court and legal system (and to some extent within it), the legislation may be having a positive impact on children in separated families.

Many legal sector professionals endorsed the concept of FRCs, seeing them as another avenue of support and information for separated parents. The initiative of raising the profile of FDR by the expansion of services and the creation of a nationally badged network of FRCs, with greater opportunity for consistency in service provision, was seen as a positive development. Several participants saw that compulsory FDR gave separating parents the right message about the importance of agreeing about arrangements for their children, and that FDR service providers played an important role in educating clients about changes to the law and the effects of conflict on children.

The perception of many legal system professionals, nonetheless, was that there were significant difficulties with respect to the interface between the community-based sector (with the main emphasis being on FDR) and providers of legal services. One respondent went so far as to suggest being “shut out” from FRCs. Data from FRC staff suggest that relationships with lawyers and courts varied from highly cooperative, especially where active family law pathways groups were operating, to non-existent or, occasionally, hostile.

There is some evidence, however, of changes taking place that parallel more recent thinking around the sort of relationships that should exist between services such as FRCs and lawyers.

As one FRC manager put it:

I guess as time has travelled on, when the FRCs were developed, my understanding was keep the solicitors away and the two shall never cross paths. As time has gone—and I guess it’s my approach to working too—I can see more connections occurring between the private solicitor sector, community legal centre sector, and the FRC. I think there’s more collaboration to the client outcome. But there’s also still some resistance with people within those areas. You know, my belief is that we should have more of an integrated service delivery model. I think that would work better for the client.

Concerns were expressed by legal system professionals about delays in some FRCs and related services and about the quality and durability of some of the agreements being reached.<sup>13</sup> Some of the difficulties in maintaining FRC services have reflected difficulties in the recruiting or retaining of staff.<sup>14</sup> On the question of delays, many dispute resolution practitioners and service

<sup>13</sup> Though the evidence on durability presented in Chapter 5 is encouraging.

<sup>14</sup> Difficulties spoken of in this regard included low salaries, heavy workloads for the earlier FRCs, working in relatively remote areas, competition between services, and the problems associated with “jump-starting” a national service.

managers also pointed out that, frequently, a “rush to mediate” is not in the interests of a longer-term or durable solution. As one FRC staff member put it:

Well I just want to clarify, we hear a lot of talk about waiting lists. I'd prefer to use the term “waiting time” ... So if you want to come in for your initial meeting, we call it an “intake”—it's three days, it's quick.

An FDR practitioner put it this way:

Sometimes, if we can, we resolve the urgent financial and urgent contact issues, but some people need a bit of time to deal with their emotional journey, so we just go at the pace that works for people. It'll be like: “Try this and let's make our appointment in a month or six weeks”. And we always check in every session: “How is parenting going, are there any urgent matters”, all that sort of thing.

Family law professionals also suggested that the complexity of the legislation, combined with the complexity of the system delivering family law services (particularly the existence of two courts, the Family Court of Australia and the Federal Magistrates Court), were contributing to the prevalence of a range of inconsistent interpretations and practices in the application of the legislation. Inconsistent practices and approaches within and between the courts, together with resourcing and operational constraints, particularly in the Family Magistrates Court, were in turn seen to impair the ability of the system to provide clear pathways capable of delivering appropriate and child-focused outcomes.

Finally, there was a perception that inconsistent practices within and between courts themselves were contributing to significant uncertainty about the requirements of s60I (FDR with exceptions). The key pathways issues of capacity to mediate and the reasons for referral to an FRC are discussed further in Chapter 5. But as one FDR practitioner put it:

Even when a legal practitioner has referred someone to the Family Relationship Centre and they assume that they're just coming through to get their stamp and move forward ... Most of the time they come in and make a pretty big effort to get it resolved because they see the benefit ... If I can get it sorted out here, then it saves myself a lot of time, a lot of money and a lot of headaches.

## 4.6 Summary

### 4.6.1 Pathways and satisfactions

The pre- and post-reform data on separated parents indicate that the main pathway for resolving parenting issues was discussions between parents or, less often, a sense that it “just happened”. Most parents who had reached agreements or were in the process of reaching agreements via discussions between themselves, felt the process worked for them, for their former partners and for their children. Pre-reform parents reported using lawyers and courts to resolve matters or make decisions considerably more often than did post-reform parents. This may reflect a change in service use. It could also possibly reflect the fact that these parents had been separated for longer. It may be that during one of the additional transition points during this period, courts or lawyers were used to assist with the resolution of disputes.

A little under three-quarters of the post-reform parents had sorted parenting matters out within a year or so of separation. A substantial minority appeared to have made little or no use of key services such as counselling, FDR, lawyers or courts. The remainder used, on average, 1.8 service types, with 11% using three service types or more.

Less than a fifth of post-reform parents were still sorting things out a year or so after separation, while for 10% “nothing was sorted out” at that time. Although post-reform parents who were still sorting things out made greater use of FDR, lawyers and courts than those who had resolved parenting issues, they still saw themselves as relying mainly on discussions or on things just happening.

It appears that many separated parents did not contest parenting arrangements to any significant extent. Despite commonly held understandings of separation as being a stressful life event, most parents were finding mainly informal ways of negotiating arrangements for their children and were generally satisfied with the negotiation processes.

About half the post-reform parents who had sorted out parenting arrangements in the first year or so made some use of counselling or FDR services. About three-quarters of the parents who were still sorting parenting matters out also made use of these services.

It is important to recognise, however, that while for a relatively small percentage of parents who sorted things out, dispute resolution services played the main role in the resolution or management of their parenting issues, the majority seemed to see these services as mainly supporting their own efforts. Such a perception would be consistent with placing the primary emphasis on client self-determination, a philosophy that underpins community-based counselling and community-based mediation theory and practice.

About half of the post-reform parents who had sorted things out also reported violence. Of this group, twice as many parents reported emotional abuse rather than physical violence. About three-quarters of those parents still sorting things out, or for whom nothing had been sorted out, reported violence. A third of these parents reported physical violence and a little over two-fifths reported emotional abuse with no physical violence. Clearly violence generally, and physical violence especially, inhibited the resolution of parenting matters. On the other hand, despite a history of some sort of violence or abuse, many parents managed to resolve matters, mainly through discussions with their former partners, and not infrequently supported by services. Furthermore, a large proportion of these parents reported that the process had worked for them and for their children.

Broadly speaking, the data suggest that mediation/FDR, lawyers and courts were mainly working better, if not at least as well, for both parents and children in the post reform environment than in the pre-reform environment.

Both pre-reform and post-reform mothers and fathers who sought assistance were most often satisfied with FDR processes and least often satisfied with the courts. With one exception,<sup>15</sup> lawyers were rated in between, although they were generally closer to the courts in the level of satisfaction they provided.

#### 4.6.2 Service coordination

Family relationship service providers generally felt they had enough information about the family law reforms, although professionals in the early intervention services were the least confident in this regard. These same service providers all believed that a considerable number of their clients were unclear about the requirements to attend FDR. They also felt generally confident, however, about their referral processes and protocols, and frequently, though by no means universally, rated positively their capacity to work with other FRSP-funded services and a wide range of other services.

FRAL staff rated its capacities in these areas least positively. This rating contrasts with the enthusiasm for the work that was noted in the qualitative data, as well as the competence that was observed in staff handling of incoming calls. It may be that the relative isolation of a telephone service and the relatively brief nature of many of the calls generate a range of uncertainties about the nature of services external to FRAL. It may also be that FRAL workers refer a considerable number of clients within its own organisation, which includes Centrelink.

FRC staff consistently showed enthusiasm and awareness of the key issues, and FRCs appear to have achieved the goal of becoming highly visible gateways. Only about half of the other service providers and only about a third of practising lawyers saw the FRCs as an integral part the family law system, though this was not, of course, a key objective of the reforms. Many family lawyers expressed a reluctance to refer clients to services generally. When they did refer, however, lawyers were most inclined to refer to FRCs.

<sup>15</sup> Pre-reform mothers rated lawyers as a process that worked for them slightly more often than FDR. Though the reverse was the case with respect to how the process worked for their children.