



Parents' experiences of Family Dispute Resolution and family law services following shared parenting reform: recent qualitative findings

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Focus:

Parents' experiences of FDR and legal services, especially factors influencing satisfaction and dissatisfaction with those services.

The wider study:

A 3-year longitudinal 'Post-separation and financial settlements' project – interviews in 2009, 2010, 2011

Qualitative, in depth: 60 volunteer parents (20 men, 40 women)

→ 3 interviews with 56 parents (& interviews with 22 children).

Post-2006 Australian shared parenting and process amendments (including requirement of pre-filing FDR in most cases)

- 37 participants used FDR
- 48 participants used legal services
- 33 participants accessed both
- FDR was more likely to be used in relation to parenting arrangements and legal services were more likely to be retained for financial matters:

There's a lot of support around the parenting planning which is fantastic but the legal side of the property settlement, to get really good advice ... I've noticed the big gap. ..[P]roperty is a ... you know it's a huge thing.
(‘Lisa’ substantial shared time , FDR-negotiated)



- Were more likely when parents were cooperative, child-focused and able to negotiate.
- Satisfaction with FDR when agreement was reached in a timely and cost-effective way without escalation of conflict with the benefit of a third party to facilitate negotiations.

I found it was helpful for me because I suppose it helped sort of legitimise my concerns and my problems ... [My ex-partner] had reservations about how [shared time] was going to work ...it acted as a sounding board I suppose for our fears and reservations and hopes... (Will, privately-negotiated substantial shared time)

- Satisfaction with family law services when participant received reliable and accurate advice and supportive service provision.

- Were more likely when services were unable to mitigate power imbalances between parents.
- Particular criticism of FDR's ineffectiveness re dominant partners.
- Criticisms of family law services focused on cost and poor quality.
- Regardless of service used, participants commonly complained of pressure to agree to arrangements not in children's best interests, especially shared time:

Carla described the female FDR practitioner as *'swayed by [my ex-husband's] strong personality'* and the male FDR practitioner as *'a bully'*. She was in *'a pretty fragile state, so I didn't want to go to court'* and felt pressured to agree to the equal time parenting plan developed in FDR. When they returned to FDR to discuss property settlement, she felt *'ambushed'* by facts and figures and pressured into an agreement (formalised via consent orders) which she considered unfair. (equal time, changing to substantial time by private agreement)



- By Year 3, a few parents reflected that they had attended FDR when they were not able to participate effectively:

I kind of have this view that nothing should happen for a year; that temporary arrangements should be put in place until the initially poor relationship you have, or whatever caused the separation, has eased ...because the only thing creating good relations is time and a willingness to work together.

[Carla, equal time changing to substantial shared time by private agreement]



- In some cases neither FDR nor the legal system could overcome the behavioural and relationship problems described. This was a situation that could be compounded by not accessing the right support at the right time. So what can be done?
- But parents appeared to have higher expectations of FDR's capacity to mitigate power imbalance than of family law services. Why might this be?
- Participants appreciated feeling supported by service providers – perhaps easier for lawyers, as advocates for their clients, to meet than for FDR practitioners who must be independent of the parties?



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