Received: 26 November 2023 | Accepted: 16 February 2024

DOI: 10.1002/crq.21426

RESEARCH ARTICLE

Association for Conflict Resolution WILEY

# Participation, agreement and reduced acrimony through family mediation: Benefits for the ambivalent client in a mandatory setting

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**Funding information**
Federation of Relationships Australia

**Abstract**

In Australia, it is mandatory for separating couples to attempt Family Dispute Resolution (FDR/mediation) before taking a parenting matter to court. In this context some clients may attend FDR solely as a means of accessing court processes. This article examines key outcomes across a large sample of FDR clients in a community sector organization. Participation, rates of agreement, levels of satisfaction, and levels of acrimony are assessed for the sample as a whole and for a subgroup of those indicating their intention to proceed to court. Strong rates of participation, agreement, and satisfaction are reported for the full sample, and significant reductions in acrimony are evident among those who reached agreement in FDR. We find that those who indicate ambivalence to negotiating parenting matters in FDR nevertheless derive benefit from participation in terms of reduced acrimony, satisfaction with the process, and reaching some level of agreement.

## 1 | INTRODUCTION

As elsewhere, family law court processes in Australia are costly both to individuals and to government (Productivity Commission, 2014). Since reforms to the family law system in 2006,

separating couples with parenting disputes are required to attend mediation—known as Family Dispute Resolution (FDR) in Australia—and to make a "genuine effort" to resolve their disputes before they can file in court (Family Law Act, 1975 (Cth), s601 [Family Law Act]). Though these reforms were primarily a means of reducing pressure on the court system arising from strong demand for the adjudication of family matters, reduced post-separation conflict over parenting matters was also a stated policy objective (Parkinson, 2013).

The reforms greatly increased the number of clients accessing FDR, with 65 Family Relationship Centres (FRCs) established around Australia to facilitate this growth (Kaspiew et al., 2009; Moloney et al., 2010; Qu, 2019). However, in a mandated context, mediation may become a "tick-box" exercise for some (Kovach, 1997). The "genuine effort" requirement serves as a statement of expectations, but is ultimately subjective and is of course difficult, if not impossible, for a mediator to enforce (Astor, 2010; Kovach, 1997). Qualitative studies suggest that a subset of clients attending FDR would not voluntarily do so, and some have no intention of reaching agreement in this setting (Fehlberg & Millward, 2013; Heard et al., 2021). This "ambivalence" towards mediation is supported by Morris et al. (2016), who found that 68% of 524 participating parents who registered for FDR withdrew from the process before joint sessions.[1] Yet there is little, if any, understanding of the role of client commitment to participation among those who do progress to joint mediation in mandated settings, and the effect of this commitment, or lack thereof, on outcomes.

In this paper, we present data from a national study on the outcomes of the FDR service offered by one of the largest community-sector providers in Australia. We consider the effectiveness of FDR on several key measures including participation and agreement rates, satisfaction and levels of acrimony. Across these measures, we examine whether results differ for those clients who attend FDR with the stated intention of taking their cases to court.

## 1.1 | Measuring outcomes in FDR

A parenting agreement and/or property settlement is usually the primary objective of parties attending mediation, and rates of agreement or settlement may be used as headline indicators for the success or otherwise of mediation processes.[2] Governments fund, subsidize and (in Australia) mandate mediation services primarily so that separating couples might avoid costlier court processes in their efforts to reach resolution. Accordingly, the success of mediation in diverting divorce cases from court was an early focus of research as mediation emerged and grew in the 1970s and 1980s, particularly in the United States (Irving et al., 1981 in Pearson & Thoennes, 1984; Pearson & Thoennes, 1982 in Emery & Wyer, 1987b; Emery & Wyer, 1987a).

Client satisfaction with mediation has also been a longstanding focus. Numerous studies across diverse settings have shown that client satisfaction with mediation is high (Kelly, 1989; Kelly & Gigy, 1988; Shaw, 2010; Wade, 1997; Wong et al., 2019), and higher among clients of mediation than among litigants, including in studies where families have been randomly assigned to one or the other process (Emery & Wyer, 1987b; Kelly, 2004). Notably, satisfaction with the mediation process is shown to be independent of mediation outcomes. While parenting and property outcomes tend to be similar to those achieved through legal means,[3] mediating clients are more likely to judge that they have had equal influence over the terms of their parenting agreements and property settlements and, therefore, consider them fairer (Kelly, 1989; Kelly, 1991; Pearson, 1991).

Beyond the straightforward and more easily quantifiable outcome measures described above, some studies have sought to assess the effect of participation in the mediation process on the wellbeing of separating parties and their families. However, with few exceptions (e.g., Walton et al., 1999), there is little evidence that the benefits of mediation extend to improvements in the individual psychological functioning of separating parents (Emery et al., 1991, 1994, 2001; Kelly, 1991, 2004; Morris et al., 2018)—rather, reduced symptoms of psychological distress appear to be associated with the passing of time from separation (Amato, 2010; Halford & Sweeper, 2013; Kelly, 2004). Findings such as these are a reminder that mediation, despite its advantages, cannot provide an antidote to the pain of separation, particularly given the specific focus of mediation sessions on the dispute at hand, and the brief nature of the intervention (Kelly, 2004).

Meanwhile, though studies are few and dated, there is some evidence of positive effects from mediation on relationship functioning. Compared to clients pursuing resolution through lawyers, mediating clients in two longitudinal studies reported reduced conflict, greater contact and communication with, and a more positive attitude towards, their co-parent (Emery et al., 2001; Kelly, 1991). These differences held for 18–24 months following divorce (Emery et al., 2001; Kelly, 1991). In addition, mediation resulted in greater ongoing cooperation and flexibility between parents up to 12 years following mediation (Emery et al., 2001; Sbarra & Emery, 2008). However, a more recent Australian study of telephone FDR reported that initial declines in acrimony observed immediately following FDR did not hold at the 3-month follow-up (Morris et al., 2018). Several researchers note that high conflict families may require more intensive and/or therapeutic models of mediation to improve family and relationship functioning (e.g., Kitzmann & Emery, 1994; McIntosh & Tan, 2017; Pruett & Johnston, 2004).

## 1.2 | The importance of acrimony

Acrimony may be thought of as an attitudinal dimension of conflict, capturing ill will and hostility (Emery & Wyer, 1987b; Shaw & Emery, 1987), which may or may not find expression in communication and behavior (Heard et al., 2023). Elevated acrimony is reported by a substantial proportion of separated parents, and acrimony often persists for years after separation (Halford & Sweeper, 2013). Parental acrimony and a poor co-parenting relationship are associated with negative consequences both for the psychological wellbeing of separated parents and for the adjustment of their children (Amato, 2010; McCoy et al., 2009). High acrimony between separating parties poses a barrier to both participation and agreement in FDR and increases the likelihood of litigation (Morris et al., 2018).

The 65 FRCs that were established around Australia to provide FDR are described as "a major governmental investment in family life, and in particular, in reducing conflict over parenting arrangements after separation" by the Chair of the Family Law Council which advised the Australian government during the reform period (Parkinson, 2013, p. 210). This understanding has implications for how success is defined: "One of the most important measures of the FRCs success in relation to parenting after separation will be in.... the extent to which conflict between parents after separation is reduced" (Parkinson, 2013, p. 208). Indeed, FRC managers speak of strengthening post-separation relationships as a major part of their work (Australian National Audit Office, 2010).[4]

In keeping with this understanding, reducing acrimony—alongside rates of participation, agreement, and satisfaction—becomes an important measure in assessing FDR outcomes.

Conflict mitigation is not only central to the rationale for mandatory pre-filing FDR, but key to alleviating the potentially negative effects of divorce for individuals and society (Benson et al., 2008; Demby, 2009; McIntosh et al., 2009; Whiteside, 1998). Qualitative data from the current study suggests that many FDR clients themselves look for a process that can contain, if not help reduce, acrimony (Heard & Bickerdike, 2021).

## 1.3 | Australian context

The model of FDR employed in Australian FRCs and other community and private providers is primarily facilitative, although in parenting matters the FDR practitioner is expected, and permitted under the Family Law Act, to direct discussions to the best interests of children. After individual intake appointments, at which the practitioner assesses the suitability of the case for FDR, parents are invited to attend one or more joint FDR sessions. The role of the practitioner is to facilitate negotiation between the parties on issues and options for resolution, with the aim of enabling parties to reach agreement between themselves. This model adheres to the principles of self-determination and mediator neutrality that have long underpinned facilitative mediation, and which are enshrined in Practice Standards under the National Mediation Accreditation System (Mediator Standards Board, 2015).

While evaluations of Australian mediation services pre-dating the 2006 reforms demonstrated strong rates of agreement and client satisfaction (Love et al., 1995; Wade, 1997), it was not known what effect the mandating of FDR in parenting matters in this setting would have on mediation outcomes.[5] The reforms had an immediate effect in terms of court applications for final orders in child and property matters, which dropped by almost a third in the 5 years to 2010–2011 (Parkinson, 2013). Though this reduction undoubtedly reflects agreements reached through FDR, reported rates of agreement have varied according to methodological approach. A 2009 survey of clients found that 57% of parents ($n = 860$) at FRCs and other centers offering FDR reached full or partial agreements in parenting matters, and most parenting clients were satisfied with their outcomes (Kaspiew et al., 2009). By comparison, surveys involving large random samples of the broader population of separated Australian parents suggest that those who attempt FDR in parenting matters achieve an agreement in less than half of cases, though the proportion has increased over the years since pre-filing became compulsory (47% in the 2014 Survey of Recently Separated Parents; Qu, 2019).[6] Qualitative research highlights mixed experiences of FDR with regard to both process and outcome; however, positive experiences appear more common among cooperative ex-partners (Fehlberg & Millward, 2013).

## 1.4 | The current research

In general, studies comparing the many different models of mediation and their utility for various client groups are lacking (Kelly, 1996, 2004), and the research is unclear as to what extent any positive effects of mediation on post-separation family relationships may hold across various models in different settings (Beck & Sales, 2000). Given the diversity of mediation models and settings in the literature, it is useful to assess the outcomes of the facilitative mediation model which may be considered mainstream in the Australian context.

Since this context is one of mandatory FDR, it would seem particularly important to understand how client commitment or ambivalence to FDR affects outcomes. We have no information on how many Australian clients attend FDR as a means of accessing court processes, and whether

these clients can nevertheless be engaged and supported to reach agreements. It seems reasonable to expect that clients who are ambivalent towards the process are both less likely to participate in FDR and less likely to reach agreement in FDR, relative to other clients who may approach the service with the intention of attempting agreement. On the other hand, we know that levels of satisfaction with mediation processes can be independent of outcomes achieved (Kelly, 1989; Kelly, 1991; Pearson, 1991), and recent qualitative material suggests that clients do not always appreciate the value of resolving their disputes through FDR until after the fact (Heard et al., 2021). Therefore, it is also possible that even ambivalent clients may derive benefit from participation in a process which provides a dedicated, neutral time and space for negotiation.

In view of the importance of acrimony, not only to success in mediation but to the ongoing dynamics of the co-parenting relationship and to child wellbeing, it is also important to pay special attention to the effect of the FDR process on acrimony. In this paper, we explore how acrimony levels change among clients who attend FDR and reach an agreement or not. We extend prior research by reporting on whether and how FDR can help reduce acrimony between parties who otherwise intend to go to court.

In addition to reporting our findings on rates of agreement and satisfaction among the FDR clientele in this study, we test the hypotheses that (1) FDR participation reduces acrimony; (2) reaching agreement in FDR further reduces acrimony; and that (3) those who indicate ambivalence towards FDR participation nevertheless derive benefit from the process in terms of reduced acrimony; satisfaction with the process; and reaching some level of agreement.

## 2 | METHOD

### 2.1 | Procedure

Ethics approval for the Study was obtained from the Relationships Australia New South Wales Ethics Committee (GH16054). Clients were initially recruited to the study in 2017 on presentation to individual intake appointments for FDR, including for parenting matters, property matters or both. Clients were invited to participate by center staff and provided with written information about the study, before providing written consent to participate. All intake clients attending any of the 39 participating centers (all but a few centers of the agency) during the study period were invited. By these means a large, non-probability sample was obtained.

Since we wanted to examine outcomes from FDR in the short to medium term, the study employed a longitudinal survey design with quantitative data collection at multiple time points.[7] Study participants completed three questionnaires: at the point of individual intake session for FDR (Time 1); approximately 3 months later (Time 2), and 1 year after intake (Time 3). Participation at Times 2 and 3 was invited regardless of progression or not to joint FDR (non-progression from intake to joint FDR can occur for several reasons, including clients choosing to withdraw from the FDR process, or the practitioner not being satisfied the case is suitable for FDR in cases of family violence or unequal bargaining power, for example). The first questionnaire (Time 1) was a paper survey completed at the venue before the intake session. Study participants could complete the subsequent post-service questionnaires either online or over the phone, depending on their preference. Clients did not receive any reimbursement for completing the initial intake questionnaire. However, to acknowledge participants' time in completing the questionnaires and encourage continuing client engagement with the study, participants were reimbursed with a supermarket gift voucher (25 Australian dollars) for completing each of the Time 2 and Time 3 questionnaires.

## 2.2 | Participants

Initial participants were 1695 clients accessing FDR services at centers across Australia between May and November 2017. The inclusion criteria for participation in the study were that clients must be: (i) over 18 years of age; (ii) accessing the FDR service for the first time or re-contacting the service as a new client; and (iii) had sufficient ability to read and write English to complete the assessments.

This study uses data from 704 participants who had at least one child and remained in the study at all three time points. Demographic information about this sample is supplied in Table 1. Comparison with agency service data and Australian census data suggests that the study sample was similar to the population of FDR clients during the recruitment period, as well as to the Australian population more broadly, with regard to age and Aboriginal and/or Torres Strait Islander status. Female participants were somewhat overrepresented, as were participants who were the initiating (as opposed to responding) party in the FDR process, while clients with very low incomes were somewhat underrepresented.

**TABLE 1** Sample characteristics compared to study population characteristics (agency service data for the study period), with reference to the Australian population.

| | **Study sample ($n = 704$)** | | **Study population ($N = 5886$)** | **Australian population[a]** |
|---|---|---|---|---|
| | **Mean** | **SD** | **Mean** | **Median** |
| Age | 37.9 years | 7.9 | 38.7 years | 38 years |
| | ***n*** | **% (valid)** | **% (valid)** | **% (valid)** |
| Party | | | | |
| Initiating | 467 | 67.8 | 60 | — |
| Responding | 222 | 32.2 | 40 | — |
| Relationship separating from | | | | |
| Married | 395 | 59.5 | N/A | — |
| De facto | 201 | 30.3 | N/A | — |
| Other | 68 | 10.2 | N/A | |
| Gender | | | | |
| Female | 428 | 61.1 | 52 | 51 |
| Male | 272 | 38.9 | 48 | 49 |
| Income[b] | | | | |
| 0–$20,000 | 154 | 22.4 | 38 | 42 |
| $20,001–$40,000 | 149 | 21.7 | 20 | 19 |
| $40,001–$60,000 | 138 | 20.1 | 18 | 13 |
| $60,001–$80,000 | 109 | 15.9 | 11 | 10 |
| $80,001–$100,000 | 69 | 10.0 | 6 | 6 |
| More than $100,000 | 68 | 9.9 | 8 | 11 |
| Aboriginal and/or Torres Strait Is. | 34 | 4.8 | 4 | 3 |

[a]Data for the Australian population is from the 2016 ABS Census, unless otherwise stated.
[b]Household, Income, and Labor Dynamics in Australia survey, Wave 16 (Department of Social Services & Melbourne Institute of Applied Economic and Social Research, 2017).

## 2.3 | Measures

A single-item question asked for reason(s) for attending FDR: "Parenting agreement," "Property settlement," "Certificate to proceed to court," and "Other." (A Section 60I certificate, referencing the relevant section in the Family Law Act, is required to demonstrate that FDR has been attempted with "genuine effort," or was deemed unsuitable, before a parenting matter can be filed in court). There were 126 participants who selected "Certificate to proceed to court." Multiple selections were possible, and most participants who selected this option (91.3%) also selected another category. For this reason, we conceptualized this group as "ambivalent," consisting of those who may or may not have been open to negotiating in FDR, but intended or expected to go to court regardless.

We measured acrimony between the separating parties at each of the three time points as a means of assessing whether FDR participation, agreement, or both resulted in improvement on this measure. The Acrimony Scale (Shaw & Emery, 1987) is a 25-item self-report measure of co-parenting conflict between separated or divorced parents. Higher scores indicate greater conflict and co-parenting difficulties. The scale has been used extensively throughout divorce literature to measure parental acrimony (e.g., Berry et al., 2010; Cleak et al., 2018; Morris et al., 2016). Responses are made on a 4-point Likert scale ranging from 1 ("almost never") to 4 ("almost always"). A shortened 18-item version of the measure (AS-18) was used in the present study (Heard et al., 2023). Total scores for this shortened version range from 18 to 72, with higher scores indicating greater acrimony between ex-partners. The original scale has reported high internal consistency ($\alpha = .86$) and test–retest reliability ($r = .88$; Shaw & Emery, 1987), and the shortened version also had high internal consistency in the current study ($\alpha = .86$). Using one standard deviation above the mean, scores of 51.94 or more at Time 1 were taken as indicative of very high acrimony, placing 19.9% ($n = 80$) of the sample in this category.

At Time 2 and Time 3, additional questions were asked about the number of joint FDR sessions attended and the status of any agreements or disputes. At these post-service time points, we included an 11-item non-standardized questionnaire for clients who had attended at least one joint FDR session, measuring satisfaction with the FDR process and outcomes from FDR. Client satisfaction was rated on a scale from 1 to 4, with higher scores indicating higher satisfaction. Total scores on this measure range from 11 to 44.

## 2.4 | Analyses

Across all three time points, participants were missing 13% of data on the Acrimony Scale. Estimation Maximization was used to impute missing data. Descriptive statistics were used to assess progression to joint FDR, agreement within FDR, and satisfaction with FDR. Two-way repeated-measures univariate analyses of variance (ANOVAs) were performed to evaluate the short-term and medium-term effects of FDR participation and of reaching agreement in FDR on acrimony. These were performed for all parents who remained in the sample at Time 3 ($n = 704$) and for the ambivalent subgroup ($n = 126$). A Greenhouse–Geisser correction was used to interpret the ANOVAs because Mauchly's Test of Sphericity indicated that the assumption of sphericity was not met.

# 3 | RESULTS

A majority of participants ($n = 604$, or 85.8%) stated they were hoping to achieve a parenting agreement, while 159 (22.6%) wanted a property settlement (many clients attend for both

parenting and property matters). A fifth ($n = 126$ participants, 17.9%) showed ambivalence to FDR (i.e., stated that their objectives in attending FDR included obtaining a certificate to proceed to court).

## 3.1 | Participation in joint FDR

Of the 704 parents who remained in the sample at Time 3, 450 (63.9%) participated in joint FDR. Just over half of these ($n = 237$; 52.7%) attended two or more joint sessions, and just under half ($n = 213$; 47.3%) attended only one joint session (mean joint sessions attended = 1.31, SD = 1.52, range 1–11).

In the ambivalent subgroup, 73 parents (57.9%) had participated in joint FDR. Of these, a higher proportion attended only one joint session ($n = 40$; 54.8%), while fewer than half ($n = 33$; 45.2%) attended two or more joint sessions (mean joint sessions attended = 1.96, SD = 1.69, range 1–11).

## 3.2 | Agreement

Of those who had participated in joint FDR by Time 3, two thirds of parents (66.4%, $n = 299$) reported reaching full or partial agreement in at least one of the matters they discussed in joint FDR (parenting, property/finances, or both). Among those who reached agreement, the mean number of joint sessions attended was 2.19 (SD = 1.59, range 1–11).

Of those who had participated in joint FDR in the ambivalent subgroup, 42 parents (57.5%) reached full or partial agreement in at least one matter discussed. Among those who reached agreement, the mean number of joint sessions attended was 2.21 (SD = 2.08, range 1–11) (see Figure 1).

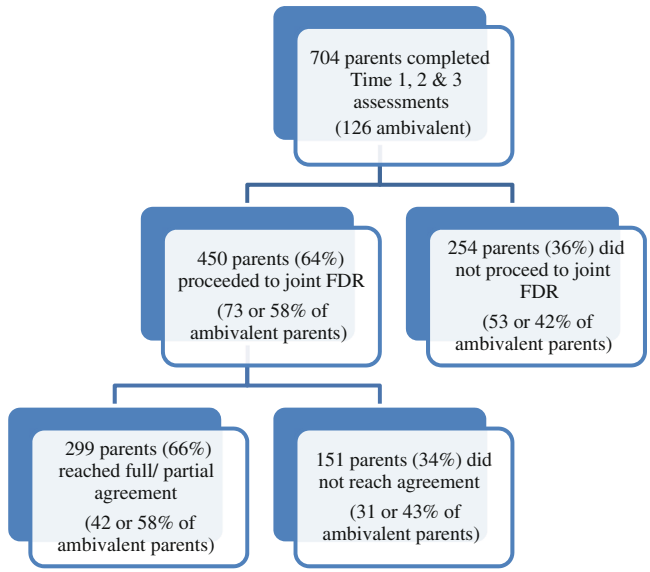


**FIGURE 1** Rates of participation and agreement in joint FDR for all parents ($n = 704$) and for ambivalent subgroup ($n = 126$).

### 3.3 | Effect of FDR participation and agreement on acrimony in the full sample

The first ANOVA showed no significant differences in acrimony for parents who participated in joint FDR compared to those who did not participate ($F$ (1, 702) = 0.120, $p$ = .729), for time ($F$ (1.803, 1265.627) = 1.149, $p$ = .313), or for the time by group interaction ($F$ (1.803, 1265.627) = 0.014, $p$ = .981) (data not shown).

There were, however, significant differences in acrimony between parents who reached agreement in FDR, compared to those who did not reach agreement. There was a significant effect of group, $F$ (1, 448) = 61.56, $p$ < .001, and a time by group interaction, $F$ (1.745, 781.917) = 9.423, $p$ < .001. Parents who did not reach agreement had higher levels of acrimony at Time 1 compared to parents who reached agreement, and their acrimony increased over time. By contrast, parents who reached agreement experienced a significant reduction in acrimony (see Figure 2).

The means and standard deviations for the three assessment time points for the two groups (agreement vs. no agreement), along with univariate time by group interaction effects, significance levels, and Cohen's $d$ effect sizes are reported in Table 2.

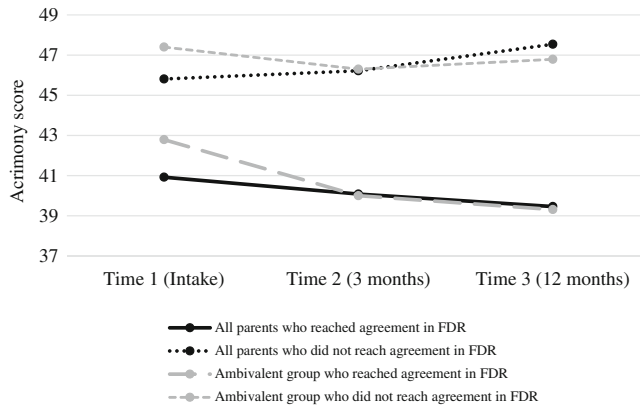


**FIGURE 2** Acrimony score by time and group (reached agreement or did not reach agreement in FDR) for all parents ($n$ = 450) and for the ambivalent subgroup ($n$ = 73).

**TABLE 2** Acrimony, time by condition (agreement in FDR) interaction effects, all parents who participated in joint FDR ($n$ = 450).

| Reached agreement in FDR ($n$ = 299) | | | Did not reach agreement in FDR ($n$ = 151) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Time 1 | Time 2 | Time 3 | Time 1 | Time 2 | Time 3 | | | T1–T2 | | T1–T3 | |
| *M* (SD) | *M* (SD) | *M* (SD) | *M* (SD) | *M* (SD) | *M* (SD) | *F* (df)[a] | *p*[a] | *d* | 95% CI | *d* | 95% CI |
| 40.92 (8.82) | 40.08 (8.96) | 39.46 (9.65) | 45.81 (9.27) | 46.22 (8.99) | 47.54 (9.54) | 9.423 (1.75) | <.001 | 0.683 | (0.483–0.884) | 0.839 | (0.636–1.042) |

*Note*: $F$, df, $p$ = ANOVA results for time by group; $d$ = Cohen's $d$ for pre-test-post-test-control group designs; 95% CI = 95% confidence intervals of effect sizes; *$p$ < .05; **$p$ < .01; ***$p$ < .001.
[a]Using Greenhouse–Geisser correction, as indicated by Mauchly's Test of Sphericity.

## 3.4 | Effect of FDR participation and agreement on acrimony among ambivalent participants

Among ambivalent participants, the ANOVA showed significant differences in acrimony between those who participated in joint FDR and those who did not (Table 3). There was a significant effect of group, $F$ (1, 124) = 5.073, $p$ = .026, and a trend towards significance for the time by group interaction, $F$ (1.875, 232.498) = 3.093, $p$ = .051. First, ambivalent clients who did not participate in joint FDR had higher levels of acrimony at Time 1 compared to ambivalent clients who participated in joint FDR. Second, acrimony increased slightly from Time 1 to Time 3 for those who did not participate in joint FDR but decreased slightly from Time 1 to Time 3 for those who participated in joint FDR (see Figure 3).

Further significant differences in acrimony were evident within the ambivalent subgroup between those who reached agreement in joint FDR and those who did not reach agreement (Table 4), with a significant effect for group $F$ (1, 71) = 7.678, $p$ = .007 and time, $F$ (1.798, 127.634) = 3.247, $p$ = .047. However, no significant time by group interaction was seen for this group, $F$ (1.798, 127.634) = 1.275, $p$ = .281. First, as in the full sample, ambivalent participants who did not reach agreement had higher levels of acrimony at Time 1 compared to ambivalent participants who reached agreement. Second, all ambivalent clients, regardless of whether they reached agreement, reported a significant decrease in acrimony from Time 1 to Time 3 (see Figure 2).

**TABLE 3** Acrimony, time by condition (FDR participation) interaction effects, ambivalent subgroup ($n$ = 126).

| Participated in joint FDR ($n$ = 73) | | | Did not participate in joint FDR ($n$ = 53) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Time 1 | Time 2 | Time 3 | Time 1 | Time 2 | Time 3 | | | T1–T2 | | T1–T3 | |
| *M* (SD) | *M* (SD) | *M* (SD) | *M* (SD) | *M* (SD) | *M* (SD) | *F* (df)[a] | *P*[a] | *d* | 95% CI | *d* | 95% CI |
| 44.75 (9.67) | 42.68 (10.85) | 42.49 (11.54) | 46.39 (8.12) | 47.45 (9.75) | 47.08 (9.52) | 3.093 (1.875) | .051 | 0.456 | (0.099–0.812) | 0.425 | (0.069–0.780) |

*Note*: *F*, df, *p* = ANOVA results for time by group; *d* = Cohen's *d* for pre-test-post-test-control group designs; 95% CI = 95% confidence intervals of effect sizes; $^{*}p < .05$; $^{**}p < .01$.
[a]Using Greenhouse–Geisser correction, as indicated by Mauchly's Test of Sphericity.

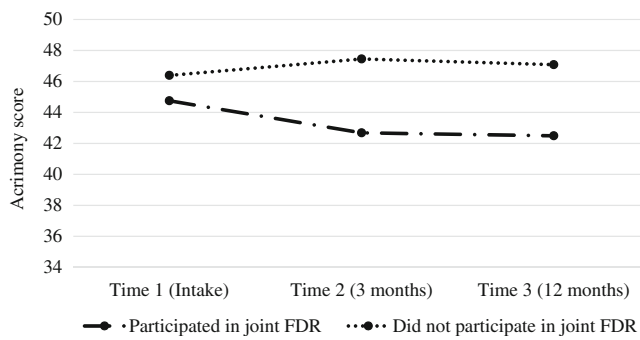


**FIGURE 3** Acrimony score by time and group (participated in joint FDR or did not participate in joint FDR) for ambivalent clients ($n$ = 126).

**TABLE 4** Acrimony, time by condition (agreement in FDR) interaction effects, ambivalent subgroup, parents who participated in joint FDR ($n = 73$).

| Reached agreement in FDR ($n = 42$) | | | Did not reach agreement in FDR ($n = 31$) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Time 1 | Time 2 | Time 3 | Time 1 | Time 2 | Time 3 | | | T1–T2 | | T1–T3 | |
| *M* (SD) | *M* (SD) | *M* (SD) | *M* (SD) | *M* (SD) | *M* (SD) | *F* (df)[a] | *P*[a] | *d* | 95% CI | *d* | 95% CI |
| 42.79 (9.85) | 40.00 (11.33) | 39.31 (11.06) | 47.40 (8.90) | 46.30 (9.13) | 46.79 (10.92) | 1.275 (1.798) | .281 | 0.596 | (0.127–1.065) | 0.673 | (0.201–1.144) |

*Note*: *F*, df, $p$ = ANOVA results for time by group; $d$ = Cohen's $d$ for pre-test-post-test-control group designs; 95% CI = 95% confidence intervals of effect sizes; $^{*}p < .05$; $^{**}p < .01$.

[a]Using Greenhouse–Geisser correction, as indicated by Mauchly's Test of Sphericity.

## 3.5 | Satisfaction

Overall, parents who participated in FDR ($n = 450$) were "somewhat satisfied" with their FDR experience, with a mean rating of 2.83 on the four-point scale (1 = "not at all satisfied," 4 = "very much satisfied") (Table 5). They reported higher satisfaction with the process of FDR (mean 2.90, SD = 1.06) than with outcomes from FDR (mean 2.49, SD = 1.15). Items relating to mediator characteristics ("issue-focused," "impartial") were rated most positively, with over 80% of participants "somewhat" or "very much" satisfied with these aspects. The item regarding the effect of FDR on ongoing conflict was rated least positively, with less than half the sample satisfied with this aspect of the process.

Although there were no significant differences in total satisfaction scores of ambivalent participants relative to the full sample, a higher proportion of participants in the ambivalent subgroup was "somewhat" to "very much" satisfied both with the process and outcome of their FDR on the summary measures ("Overall, I am satisfied...").

## 4 | DISCUSSION

In a large national sample of clients attending an intake for the FDR service offered by one of the largest community-sector providers in Australia, most participants progressed to joint FDR (64%); and of those who participated in joint FDR, two thirds reached agreement in some or all of the matters they discussed. In the general sample, FDR participation alone did not reduce acrimony, contrary to our first hypothesis; however, FDR agreement did reduce acrimony over time, in support of our second hypothesis. Among ambivalent clients, by contrast, FDR participation alone reduced acrimony, and all ambivalent clients reported decreased acrimony irrespective of whether they reached agreement in FDR. Further, more than half of ambivalent clients reached agreement. Finally, satisfaction with FDR was high across all clients, irrespective of whether they initially reported ambivalence towards FDR. We therefore find support for our third hypothesis, with the data showing that those who indicate ambivalence towards FDR participation nevertheless derive benefit from the process in terms of reduced acrimony, agreements reached and satisfaction with the process.

Elevated acrimony was present in 20% of the sample and higher initial rates of acrimony influenced the trajectory of acrimony over time. In the general sample, participants who did not reach agreement had higher levels of acrimony prior to FDR, compared to participants who reached agreement. Three of the four analyses found significant reductions in acrimony across the 12-month study period: for the general sample of clients who reached agreement; for

**TABLE 5** Satisfaction with FDR at Time 3 among all parents and ambivalent subgroup, FDR participants.

| | All parents who participated in joint FDR ($n = 450$) | | Ambivalent subgroup ($n = 73$) | |
|---|---|---|---|---|
| **Satisfaction item** | **Mean (SD) (Range 1–4)** | **"Somewhat" or "Very much" satisfied (%)** | **Mean (SD) (Range 1–4)** | **"Somewhat" or "Very much" satisfied (%)** |
| The mediator(s) were issue focused | 3.36 (0.87) | 84.8 | 3.35 (0.91) | 84.7 |
| The mediator(s) were impartial and even handed | 3.32 (0.93) | 81.2 | 3.21 (1.06) | 75.0 |
| In mediation I was able to express my point of view | 3.23 (0.85) | 82.1 | 3.24 (0.85) | 81.7 |
| I received helpful and accurate information/ advice | 3.06 (0.97) | 72.9 | 2.92 (0.98) | 73.2 |
| Mediation helped focus on our children's needs | 2.96 (1.08) | 70.6 | 2.82 (1.06) | 62.0 |
| Mediation helped avoid high legal costs | 2.67 (1.19) | 57.6 | 2.47 (1.14) | 54.2 |
| Mediation helped preserve/ protect family relationships | 2.52 (1.13) | 53.9 | 2.41 (1.08) | 49.3 |
| Mediation helped me move on with my life | 2.43 (1.12) | 50.3 | 2.30 (1.11) | 46.5 |
| Mediation helped reduce ongoing conflict | 2.28 (1.12) | 45.2 | 2.27 (1.13) | 43.7 |
| Overall, I am satisfied with the way my mediation was carried out | 2.89 (1.06) | 69.1 | 2.90 (0.97) | 73.2 |
| Overall, I am satisfied with the outcome of my mediation | 2.48 (1.14) | 53.2 | 2.46 (1.12) | 56.3 |

ambivalent clients who participated in FDR; and for ambivalent clients irrespective of whether they reached agreement. These findings are reassuring given the prevalence of acrimony among separating parents, the detrimental effects of acrimony on parental and child well-being (Amato, 2010; McCoy et al., 2009) and previous findings that high acrimony predicts disengagement from the mediation process (Morris et al., 2018).

This study adds to our understanding of the benefits of facilitative mediation for clients who are ambivalent about the process. Almost one fifth of study participants reported attending FDR to obtain a certificate to proceed to court. This is a function of the Australian policy setting, which requires an attempt at FDR before parenting matters can be taken to court and may suggest an unwillingness to negotiate in FDR on the part of some parents who are simply needing to "tick the box." Our finding that FDR participation among ambivalent clients still leads to

agreement, and furthermore reduces acrimony, shows that there is value in FDR participation for those with the lowest expectations from the process.

This finding lends support to Australian policy settings under which it is compulsory to attempt FDR before filing in court, at least in parenting matters. The ambivalent parents who nevertheless attended joint FDR in this study represent 73 families, with 131 children between them, who were expecting to go to court. It is significant that these families, on average, recorded reduced acrimony as a result of participation in FDR. Further, 42 of these families (with 81 children between them) reached an agreement as a result of their participation.

Further research is recommended to explore why FDR participation alone reduces acrimony among ambivalent participants but not across a broader group, including those who are more committed to FDR. The client satisfaction measure showed a (non-significant) higher percentage of participants in the ambivalent group were satisfied both with the process and outcome of their mediation, relative to the general sample, but provides little else to explain why ambivalent clients may have reduced acrimony as a result of participation alone. Qualitative data also collected from clients in this study suggests that some did not foresee or appreciate the value of negotiating in FDR until after they had participated in the process and became more cognisant that it could help avoid the expense and escalation of conflict in going to court (Heard et al., 2021). Anecdotal evidence collected from FDR practitioners at the service in which this study took place suggests that ambivalent clients think they will do better in court, know little about the FDR process and/or do not understand how FDR can benefit them.

The agreement rate reported in this study (66%) is higher than earlier reports of agreement in Australian FDR (Kaspiew et al., 2009; Qu, 2019), though in keeping with studies of mediation elsewhere (Emery, 2012; Moloney et al., 2013). The agreement rate was lower among ambivalent participants (58%). This makes sense, given clients intending to go to court require a change in their attitude towards the process as well as considering which mediation agenda items they can agree on. The Attitudes towards Mediation Scale (Helsen, 2023) may be a useful tool to progress understanding of how attitudes differ among clients who attend FDR with intentions to proceed to court.

The client satisfaction rates in this study were high, in keeping with previous research (e.g., Kelly, 1989; Kelly & Gigy, 1988; Shaw, 2010; Wade, 1997; Wong et al., 2019). Overall, satisfaction with the FDR process was higher than with FDR outcomes. This is consistent with previous research about various models of mediation (Carson et al., 2022; Kelly & Duryee, 1992) and with findings that mediation is considered helpful even when the desired outcome is not achieved (Depner et al., 1994). Notably, however, only 45% of the study sample agreed that FDR helped reduce ongoing conflict. The difference between conflict and acrimony is relevant here, with acrimony being an attitudinal dimension of conflict (i.e., ill will, hostility), rather than the behaviors and communication of conflict (Heard et al., 2023). Reducing acrimony is an important goal in itself, which can enable the negotiation of a parenting agreement. This study suggests that while FDR participation alone can reduce acrimony for some clients, others will need more help (including in advance of FDR, to maximize chances of reaching agreement), and that reducing the expression of conflict may also require additional work.

## 4.1 | Service implications

We have identified that FDR participation is helpful for ambivalent clients in reducing acrimony, irrespective of reaching agreement. This finding suggests that there is important

motivational work that practitioners can do in their intake sessions with ambivalent clients to encourage and support these clients to participate in joint FDR sessions, even with those whose initial goal was a certificate to go to court. In this study, 42% of ambivalent clients did not proceed to joint FDR. Previous Australian research has reported that up to 67% of cases where one party registers for FDR intake do not proceed to intake sessions (Morris et al., 2016). Clients who state their intention to go to court are therefore a key target group for mediators to engage, in order to encourage participation in joint FDR.

Motivational interviewing (MI) has been suggested as an intervention to increase separated parents' motivation to engage in the mediation process (Morris et al., 2016). MI uses a humanistic, person-centered, and collaborative approach to encourage client motivation for change of a specific problem (Miller & Rollnick, 2009). Seeking collaboration, affirming and emphasizing autonomy are considered key MI practitioner behaviors, which the trans-theoretical model (Prochaska & DiClemente, 1982) suggests are critical to the process of change. MI substantially increases the successful negotiation of parenting agreements in mediation (Morris et al., 2016). Extending the use of MI during the intake session with ambivalent parents to explore the benefits of mediation might increase progression to and engagement in joint FDR. This study shows that even those clients intending to go to court can experience positive outcomes, including reduced acrimony, and the chance to reach agreement, when they do participate in joint FDR.

Anecdotal and qualitative findings that ambivalent clients may know very little about the FDR process, and/or do not realize how FDR can benefit them, might explain these clients' expectation of proceeding to court. Given almost half of Australian divorces involve children (ABS, 2021), and up to half of these families report contacting or using counseling, mediation or dispute resolution services (Kaspiew et al., 2009), universal online access to short instructive videos about the potential benefits of FDR (e.g., reducing acrimony) and its value in avoiding the expense of court may assist uptake and active engagement in mediation processes.

Finally, although we found that FDR participation alone reduces acrimony for some, and reaching agreement reduces acrimony across the board, clients are least satisfied with FDR in terms of its ongoing impact on conflict. Referrals for further assistance could focus on problem-solving and conflict management skills, to mitigate ongoing distress and co-parenting difficulties among clients with remaining or persistent acrimonious feelings following FDR.

## 5 | CONCLUSION

The attendance, agreement, and satisfaction rates reported in this study provide support for the facilitative mediation model which may be considered the mainstream model for FDR in the Australian context. Across the full sample, acrimony was reduced as a result of agreements reached in FDR. Almost a fifth of mediating parents reported ambivalence about negotiating in FDR, as indicated by their interest in attending for a certificate to proceed to court. These ambivalent clients nevertheless reported reduced acrimony as a result of their participation, providing support for Australia's mandatory FDR settings. We conclude that FDR is effective in improving post-separation relationships, as well as diverting families from lengthy and costly court processes.

### ACKNOWLEDGMENT

Open access publishing facilitated by The University of Queensland, as part of the Wiley - The University of Queensland agreement via the Council of Australian University Librarians.

## FUNDING INFORMATION
This study was funded by the Federation of Relationships Australia.

## CONFLICT OF INTEREST STATEMENT
Drs. Heard, Petch, and Bickerdike declare their employment with organizations providing Family Dispute Resolution (mediation) services.

## DATA AVAILABILITY STATEMENT
The data that support the findings of this study are available on reasonable request from the corresponding author. The data are not publicly available due to ethical restrictions. This paper uses unit record data from Household, Income and Labour Dynamics in Australia Survey [HILDA] conducted by the Australian Government Department of Social Services (DSS). The findings and views reported in this paper, however, are those of the author[s] and should not be attributed to the Australian Government, DSS, or any of DSS' contractors or partners.

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## ENDNOTES
[1] Progress from intake to joint mediation sessions is contingent on the compliance of two parties, and also reflects policy and service settings. Using a sample of 1220 Flemish adults, Helsen (2023) finds that attitudes to mediation in the general population vary by gender, age and education as well as knowledge of the process. However, the relationship between attitudes and uptake of joint mediation has not been tested empirically.

[2] It is acknowledged, however, that settlement rates can be problematic, reflecting the legal and policy context in which a service operates as much as the service itself, and that very high rates may simply indicate more coercive processes (Kelly, 1996). Consequently, a settlement rate statistic is not always considered a useful measure (Kelly, 2004).

[3] However, it is suggested that mediation in parenting matters is more likely than legal pathways to result in shared parenting time and the greater ongoing involvement of both parents (Kelly, 2004; Wade, 1997).

[4] While Australian research incorporating the perspectives of FDR practitioners themselves is lacking, a Canadian study finds that mediators understand their objectives first and foremost in terms of their influence on relationship dynamics, and that the degree of settlement is perceived as "somewhat secondary" to outcomes including decreased conflict, improved communication and development of respectful interactions between the parties (Whitehead & Birnbaum, 2020).

[5] Studies from California, where mediation has been mandatory for several decades, provided cause for optimism in reporting majority agreement rates and strong client satisfaction (Depner et al., 1992; Kelly, 2004; Kelly & Duryee, 1992).

[6] These statistics are not comparable for a number of reasons, including that the random sample surveys did not allow for partial agreements, and count respondents whose co-parent refused to participate in FDR in the denominator, or total of those who attempted FDR (Kaspiew et al., 2009; Moloney et al., 2013). This is an important difference, since as many as half of all FDR cases initiated do not progress to joint mediation because the respondent co-parent declines to participate (Morris et al., 2016).

[7] Interviews were also conducted with a subsample of participants; qualitative results are reported elsewhere (Heard et al., 2021; Stevens et al., 2023).

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**How to cite this article:** Heard, G., Lohan, A., Petch, J., Milic, J., & Bickerdike, A. (2024). Participation, agreement and reduced acrimony through family mediation: Benefits for the ambivalent client in a mandatory setting. *Conflict Resolution Quarterly*, *41*(4), 573–590. https://doi.org/10.1002/crq.21426