

The Impact of Family Dispute Resolution at Relationships Australia: Outcomes and Efficacy for Separating Couples

Research summary

Family Dispute Resolution (FDR) supports separating couples to resolve family law disputes about parenting and the care of children, child support, financial arrangements and how to divide assets. Relationships Australia (RA) is one of the largest national providers of family law services, including FDR, in Australia.

In 2019, the RA Federation completed the FDR Outcomes Study, a national research project to generate evidence on the outcomes and efficacy of post-separation FDR for parenting and property disputes. The results have since been examined and the first analyses released in 2021.

What we did

We conducted surveys with FDR clients from over 40 RA centres around Australia, at the point of intake, and 3 and 12 months after intake. Clients were invited to participate in 2 follow-up surveys regardless of whether joint FDR had occurred. Approximately 1,700 clients completed the intake survey, and 791 completed at least one follow-up survey. We also conducted semi-structured interviews with a subsample of 200 participants 12 months after intake.

Why we did it

In 2006, changes to the Family Law Act made it compulsory for separating couples to genuinely attempt to resolve parenting matters using FDR before taking such matters to court. FDR is also used to resolve family law property disputes. FDR is a core service of all RA state and territory organisations, and we understand the critical importance and prevalence of the use of FDR, as well as the need to measure the service's efficacy.

What we found

Our FDR clients

- 70% of participants presented with parenting issues only, while 23% attended for both parenting and property issues, and 7% for property/financial matters only.
- 23% of participants presented with high levels of stress, anxiety and/or depression.

Method

- 1695 client surveys at intake.
- 791 follow-up client surveys.
- 200 client interviews.

Participants

- 23% with high psychological distress.
- 68% experienced relationship abuse.
- 72% of children had been exposed to parental verbal conflict.

Outcomes of FDR

- > 60% of all & > 70% of property matter participants progressed to joint FDR.
- 65% of participants reached an agreement on at least one matter.
- High conflict or abuse significantly reduced the likelihood of agreement.
- 51% of parenting agreements were still in place after 12 months & 30% had been amended.

Service satisfaction & FDR benefits

- Participants found FDR to be safe, accessible & affordable. Mediator traits were rated most positively.
- Reaching an agreement significantly reduced acrimony. FDR participation improved adjustment to separation & communication for many, & reduced acrimony for high-conflict clients who were expecting to go to court.

Opportunities

- Further promote property FDR.
- Promote availability of FDR for new or modified agreements in the future.
- Consider how to reduce family conflict & thereby barriers to FDR.

Published work

More information and publications on findings from this study are available at rav.org.au/news/RA-FDR-Impact-Summary-23

- 68% of participants had experienced abuse in the relationship that was ending. Verbal/emotional abuse was most commonly reported.
- 72% of participants with parenting matters reported that children were exposed to verbal conflict such as yelling, insults and swearing.

Moving on to joint FDR

- 62% of all participants, and 69% of property matter participants progressed from intake to joint FDR. Most participants attended at least one joint session within 3 months of intake.
- Participants with parenting matters were significantly less likely to progress to joint FDR when physical abuse was reported. This is consistent with RA's prioritisation of client and child safety, and our practices of assessing FDR appropriateness before joint FDR is undertaken, and delivering modified FDR for safety reasons.

Reaching agreements

- 65% of participants undertaking joint FDR reached full or partial agreements on at least one matter (parenting and/or property).
- Participants with high conflict or abuse at intake were significantly less likely to reach agreements.
- 12 months after intake, of parents who had reached a parenting agreement, 51% still had the original agreement, 30% had an amended agreement and 19% no longer had an agreement in place.

Participant satisfaction

Overall, the majority of participants were satisfied with most aspects of RA's FDR services, and considered the services to be accessible, affordable and safe. Mediator characteristics such as impartiality were rated most highly.

'The mediator every time has just been amazing just the ability to just calm a situation I think and get people to talk about what they need to be talking about...' RA Queensland client

Benefits of FDR participation

Reaching agreements in FDR significantly reduced acrimony across the study sample. However, the study indicates that participating in FDR can be beneficial whether or not an agreement is reached. For example, even if an agreement was not reached, the process of engaging in FDR reduced acrimony among participants who, at intake, had stated that they intended to take their cases to court. This suggests that the FDR process may be valuable for some high-conflict clients, irrespective of outcome.

Interview participants also identified benefits of FDR regardless of whether an agreement was reached. These included:

- opening channels of communication, often beyond the FDR process itself
- being heard, and hearing the other party's point of view
- assisting in adjusting to separation.

'That's actually been a really cool thing that's come out of mediation that I can actually communicate with the boys' mother if it's about the children. I can do it with ease, like, and friendly and respectfully. And I can't speak to her about other things... but through mediation we were reminded a bit you're just focusing on the interests of the children.' – RA Northern Territory client

Considerations & future opportunities

1. Of participants whose FDR objectives included reaching a property settlement, 35% did not discuss property matters in mediation. Interviews suggest that this was often the result of former partners declining to negotiate property matters because separating couples are not required to attempt FDR before taking property matters to court. Additionally, until 2019, FDR-focused Family Relationship Centres (FRCs) could not conduct FDR for property matters unless parenting matters were concurrently being discussed. **Therefore, there is an opportunity for RA and other FRCs to promote the benefits of FDR and consequently increase its usage for property as well as parenting matters.**
2. Approximately 19% of parents who initially reached an agreement in FDR no longer had an agreement in place a year after intake. **RA could further promote that parents can return to FDR at any time in future for help to negotiate a modified or new agreement.**
3. High acrimony between separating partners was reported by 17% of participants and was a significant barrier to reaching agreement. While acrimony was reduced when an agreement was reached across the sample, FDR participation alone reduced acrimony for certain subgroups only. Of all elements of FDR, study participants were least satisfied with how FDR had reduced conflict. **RA could consider introducing additional interventions to help families reduce conflict prior to participating in FDR.**