Lawyer-Assisted Family Dispute Resolution: Evaluating outcomes from a partnership model

Relationships AUSTRALIA · VIC

Research summary

Family dispute resolution (FDR) is a structured process in which an impartial practitioner helps separating couples to resolve their post-separation parenting and/or property arrangements outside of court. Relationships Australia Victoria (RAV) is one of the largest FDR providers in Victoria.

Some cases may be unsuitable for standard FDR due to family violence, unequal bargaining power between the parties, or other client vulnerabilities. Our Lawyer-Assisted Family Dispute Resolution (LAFDR) service enables separating parents in these situations to access support through an adapted model which involves each parent being assisted by a lawyer during FDR. We've delivered this service since 2013 through our Sunshine Family Relationship Centre in partnership with local community legal centres who provide access to lawyers. Since 2020, sessions have been delivered by videoconference.

In 2023–24, we conducted a study to evaluate outcomes from the LAFDR partnership model with particular focus on clients' experiences and how lawyer assistance enhances the FDR process.

What we did

We undertook a survey and interviews with LAFDR clients, as well as interviews with practitioners. The survey was completed by 54 clients, who answered questions about the benefits and challenges of participating in LAFDR and the impact of having a lawyer involved. Interviews were then conducted with 14 of the survey respondents and 5 LAFDR practitioners including 3 lawyers and 2 FDR practitioners (FDRPs).

Why we did it

The advantages of FDR for separating couples are well established. LAFDR has the potential to enhance FDR's effectiveness and impact by providing legal clarity and structured support. It can also improve accessibility for clients who would normally be 'screened out' of standard FDR, or who need legal advice but can't afford a private lawyer. While the LAFDR partnership model consistently achieves strong rates of agreement, the aim of our research was to identify the factors that underpin this success. We also sought to understand clients' and practitioners' experiences of the process, to inform ongoing service enhancement.

Summary

Method

- Mixed methods study
- A survey sample of 54 clients with 1-3 children each, 40 with some experience of abuse from their former partner
- 14 semi-structured client interviews with 7 females and 7 males
- 5 semi-structured practitioner interviews

Key benefits for LAFDR clients

80% **reached full or partial agreement**.

91% felt having a lawyer present **helped them understand their position**.

83% felt LAFDR helped them **avoid high legal costs**.

Key learnings

- **Lawyer assistance markedly enhances the FDR process for vulnerable clients** by increasing feelings of safety, support, and empowerment.
- **Session format plays a role in client satisfaction**, underscoring the need to maintain flexibility and consider joint, rather than shuttle sessions where possible.
- **Adequately preparing clients and managing their expectations** of legal outcomes may enhance their experiences of LAFDR.

Further research

Visit rav.org.au/about/research-evaluation for more research and evaluation resources.

What we found

Benefits

Effectiveness of LAFDR in resolving disputes

80% of clients reached an agreement in their LAFDR session, exceeding the 59% who expected to do so.

This exceeds the 66% agreement rate observed in standard FDR (Heard et al.., 2024).

> 'It was a good outcome. I was actually really surprised with the outcome.' –Client

High levels of client satisfaction

70% were satisfied with how LAFDR was carried out and 59% were satisfied with the outcomes of LAFDR.

> 'I was pretty happy and relieved that we got something out of it, that it was productive.' –Client

Clients most appreciated the legal support, child-focused approach, and cost-effectiveness of LAFDR.

> '[LAFDR] will save families thousands of dollars, stress, time in court, and all the rest of it.' –Client

Value of lawyer assistance

Clients emphasised the value of lawyer assistance, stating that lawyers helped them:

- understand their position (91% agreed)
- respond to proposals (89% agreed)
- feel more confident (85% agreed)
- feel safer (80% agreed).

> 'I felt so supported. I felt really comfortable and confident.' –Client

Feelings of safety

Although 74% of LAFDR clients had experienced abuse of some kind from their former partner, 95% of these clients felt safe in LAFDR, underscoring the value of the structured support offered by the service.

> 'My lawyers were looking out for me.' –Client

Practitioner collaboration

Practitioners described strong and productive working relationships between lawyers and FDRPs. This was considered key to the success of the service, as well as providing an opportunity for practitioners to model respectful interactions to high-conflict parents.

> 'We work well together ... because we have that shared passion for this as a process.' –FDRP

Challenges

1. Emotional challenges: Clients often felt anxious before and during sessions, and found the process emotionally draining.
2. Session format and duration: 'Shuttle' sessions, where the people in dispute are in separate online 'rooms' with their respective lawyers, is the preferred delivery mode for LAFDR. While it prioritises safety, this mode can create delays and limit the time available to cover both parties' agendas. Some clients wanted more opportunity to have their say.
3. Non-binding agreements: Some clients were concerned that agreements resulting from LAFDR sessions, like all parenting plans, are not legally enforceable without a consent order from the court.
4. Administration: The service offers a single LAFDR session per week, which can make for long wait times for clients.

> 'I just think we ran out of time to discuss everything.' –Client

> 'Exhausted. Just exhausted. Mentally drained.' –Client

Conclusions

1. **Lawyer assistance adds considerable benefit** to the FDR process for vulnerable clients and leads to clients feeling safe, supported and empowered. However, lawyer support does not always mitigate clients' anxiety around participation.
2. **Lawyer assistance supports high rates of agreement.** These exceeded client expectations in our study, as well as the rates of agreement observed in standard FDR.
3. **Considering joint rather than shuttle sessions in appropriate cases,** and/or offering a second session where resourcing permits, may enhance clients' outcomes and experiences.
4. **Managing clients' expectations of legal processes and possible outcomes can improve satisfaction with LAFDR.** Clients also had better service experiences when they felt well-prepared before sessions. Adequate client preparation and clear communication by practitioners are therefore critical to the success of the service.