

Models of child participation in family mediation: A review

Research summary

‘Children’s opinions are some of the most important, as we might not be experts, but it’s our futures at stake.’ – Benji, 14 years old

Under the United Nations’ Convention on the Rights of the Child (CRC), children have a right to express their views and to be heard in processes affecting them. This includes in family mediation, known as family dispute resolution (FDR) in Australia. Yet children’s participation in family mediation is rare in most countries.

FDR helps separating couples to resolve their family law disputes, including conflicts over parenting and the care of children, with the help of an independent, unbiased practitioner. Relationships Australia Victoria (RAV), one of Victoria’s largest FDR providers, offers child-inclusive FDR. However, across Australia and internationally the default and far more common family mediation process does not involve children.

One reason for this is that the dominant practice model for child-inclusive FDR is more resource- and time-intensive than standard FDR, making it hard to promote and deliver in this high service-demand environment. This begs the question: Are there alternative ways of ‘doing’ child-inclusive FDR that might increase children’s participation?

This resource summarises a literature review we undertook to identify and map models of children’s participation in family mediation, to help RAV and other service providers think about how we could all do more.

What we did

- Searched large electronic library databases and general search engines.
- Reviewed and classified academic and other sources published between 2009 and 2025.
- Identified examples of different models of children’s participation in mediation or FDR.
- Described, differentiated and mapped each process.

Why we did it

Separation is a difficult time for families. It’s important that children are able to have their say about issues that affect them, which usually include their own living arrangements, in safe, age-appropriate and effective ways. Providing a broader view of child-inclusive family mediation models may help service providers consider other ways to involve children, and ultimately support greater uptake of child-inclusive practices.

Overview

Context

- Children have a right to be heard and be involved in decisions that affect them, but are rarely involved in family mediation or FDR.
- The main model of child-inclusive FDR used in Australia is resource- and time-intensive.

Aim

- To increase child-inclusive practices by providing an overview of child-inclusive family mediation models around the world.

Process

- We identified and organised 54 relevant information sources into 6 main categories.

Findings

- Children’s participation relies on services adopting workable, affordable practice models.
- More research is needed to compare models and assess which best suit different contexts.

Further research

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

What we found

After screening for relevance, we had 54 sources in our dataset. Many discussed or weighed the benefits and possible disadvantages/risks of child inclusion in neutral terms. Only 2 were cautionary about involving children in mediation. This suggests the academic debate has shifted from ‘whether’ to ‘how’ children might participate in an authentic way. Many more of the 54 sources could be described as advocacy, arguing for child participation in family mediation processes.

Despite this, we found little development or evaluation of practice models since 2009. Few sources described a new or unique model, and very few in any detail. Nonetheless, we found that we could differentiate models identified in the literature in terms of whether, how directly and at what stage children participate in the mediation process. We summarised these models and grouped them into categories.

Child focus model

The child's best interests guide all parental negotiation and decision-making around post-separation arrangements involving the child. This is the default service model used in much family mediation, including FDR at RAV, and across Australia. In an 'enhanced child focus' model, a child specialist attends mediation to share general information on children's developmental stages. However, children themselves have no opportunity to express their views. As such child-focused mediation does not provide for children's CRC rights and is not a model of participation.

Representation model

Children meet with an advocate or child lawyer who then speaks in family mediation sessions on their behalf and advocates for their views. This model borrows from legal frameworks, emphasising advocacy on a child's behalf, rather than obtaining and reporting on their views in a neutral way.

Consultation model

This model is currently the most common method of including children in mediation or FDR. Children speak to either the mediator or a separate child specialist. This practitioner usually meets with the child on their own, early in the FDR process, then relays the child's views to the parents and mediator. This informs the negotiations and post-separation parenting arrangements which are made.

Collaboration model

Different organisations work together to support child participation in family law matters. Mediators may work with other professionals such as counsellors, social workers, family lawyers and other family and child service workers to gain input from both parents and children. Their concerns and opinions can then be considered in the decision-making process.

Direct child participation model

The decision-makers, for example the parents during the mediation session, hear from the children directly, rather than via an intermediary such as the mediator or another specialist. Children participate in mediation sessions (for full or part sessions) alongside their parents and the mediator and can directly share their views and wishes.

Blended models

These use more than one of the processes described above, depending on a family's specific needs and relationships. Blended models reflect the view that there is no 'one-size-fits-all' model of child participation in family mediation.

Mapping models

Figure 1 organises these model types and shows the relationships between them. The child's best interests principle guides all models.

The other levels show for each practice model whether:

- children's best interests are inferred, or obtained by speaking to the child directly (child-inclusive)
- the child's input is heard directly by parents (direct) or via another professional (indirect).

Conclusion

Children's opportunities to be involved in mediation/ FDR rest on whether services adopt workable and affordable practice models. This review showed limited literature detailing family mediation models/practices that invite children's views, except for the dominant consultation model.

Despite this, we were able to identify and map existing alternatives. More research is needed to compare the efficacy and assess the suitability of different models in different contexts.

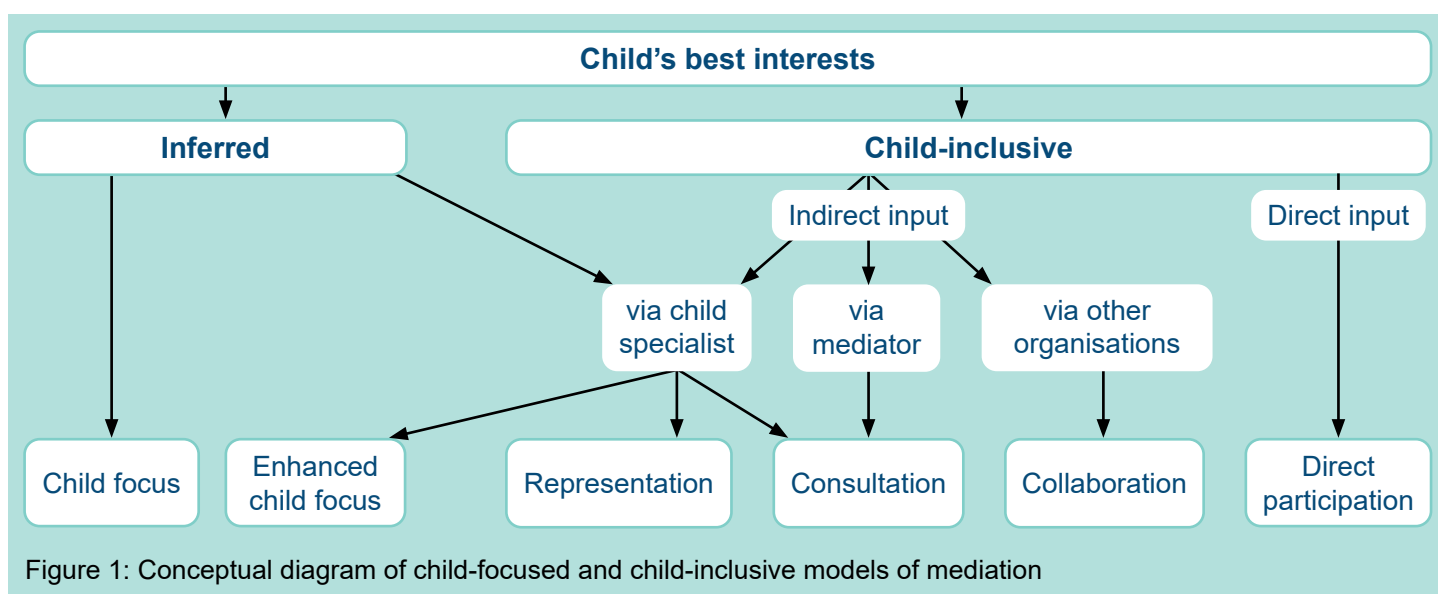


Figure 1: Conceptual diagram of child-focused and child-inclusive models of mediation