

**NATIONAL ACCESS TO JUSTICE AND PRO BONO CONFERENCE
REPORT CARD ON FAMILY RELATIONSHIP CENTRES**

Sue Pidgeon, Attorney-General's Department

Overview

- 65 FRCs are now rolled out.
- still early days - last 25 only started in July this year.
- evaluation already underway by Australian Institute of Family Studies.
- early indications are that the community is using the Centres.
In 2007-08, with 40 Centres operating:
 - more than 144,000 people contacted the Centres by phone or walking in
 - more than 37,000 individual sessions
 - almost 14,000 dispute resolution sessions.

What's working well

- getting known in communities –used as a way of getting to a range of services.
- Centres are assessing each case and providing information and referral to other services - not automatically assuming that family dispute resolution is appropriate.
(Note differences between numbers of individual sessions and number of dispute resolution sessions shows dispute resolution not seen as automatic.)
- building relationships with other service providers.
- performance reviews of first 15 has been completed (including interviews with clients). Show Centres are performing well.
- seems to work best where parenting advisers take on quasi case management role, including following up with clients to see if they have taken up referrals.
- most effective aspect is in educating parents about impact on children of conflict – focusing parents on children rather than the fight between them.

Not working well

- Unrealistic expectations or misunderstandings of clients and sometimes their lawyers about what Centres can and can't do.
- Some clients think Centres are there to get them 50/50 care – major obstacle to focusing them on appropriate agreements that meet the needs of their children.
- Clients and (sometimes their lawyers) who think the Centres should proceed with family dispute resolution when the centre considers it inappropriate –complaints about giving certificates too readily.
- Misunderstanding that victims of violence need to get a certificate from a Centre if there is violence involved – no certificate is needed as victims of violence can go straight to court.

Challenges:

- educating the community and other services about what Centres are and what they are not:

- Not advocates or providers of 50/50 shared care –are advocates for focusing on children’s needs
- Not obliged to provide family dispute resolution – obliged to issue a ‘not appropriate’ certificate if Centres assess the case as not appropriate

Note that, a Centre can assess the case as not suitable and issue a certificate but not disclose the reasons to the other party. Where a case involves violence and not appropriate for dispute resolution, disclosing the reason to the other party may put the victim in danger.

- relationship with legal profession:

- Gaps in understanding between the role of Centres compared with the role of legal advisers. Centres work with parents to focus them on needs of children with the aim of reaching agreement that meet their children’s needs. Lawyers are advocates for their clients
- NB: Majority of Centres actively encourage clients to get legal advice before finalising agreements. But this is not helped by minority of lawyers who advise a parent not to sign an agreement because they can ‘do better’ for them. This is seen by Centres as lawyers having an adversarial focus – focusing on whether they could get a better result for the parent rather than focusing on whether it was a good result for the child.

These issues could be resolved if the legal profession and legal services and Centre staff make opportunities get to know each other and what each is trying to do.

- works best when Centres build working relationship with legal services, including through reference groups or pathways networks in local region.
- also enables legal profession to get to know the skills and qualifications of Centre staff – note: family dispute resolution practitioners are required to have appropriate qualifications.

- victims of violence:

More work needs to be done across the family law system, not just in Centres, to ensure safety of victims of violence

New accreditation standards for all FDR practitioners will include the following competencies:

- Respond to family and domestic violence in family work
- Create a supportive environment for the safety of vulnerable parties in dispute resolution;
- Operate in a family law environment.

Conclusion:

Centres are intended to be **gateways** to the service system and, if working well with the legal profession and legal services, this includes legal advice

Not gatekeeper to the courts – no one is required to go to a Centre:

- not the only providers of family dispute resolution
- exceptions to family dispute resolution carefully drafted to ensure direct access to the courts in appropriate cases.

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