

First Nations

FAMILY DISPUTE
RESOLUTION

Pilot



Helem Yumba
HEALING PLACE

Acknowledgement to Country

On Behalf of Helem Yumba we acknowledge the Traditional Custodians of the land where we gather today and pay our respects to Elders past, present and emerging.

Helem Yumba
HEALING PLACE

About the First Nations Family Dispute Resolution Pilot Project

What is Family Dispute Resolution?

- The Australian Government funds Family Dispute Resolution services to help Australian families discuss and agree upon arrangements that meet the best interests of their children without going to court.
- Family Dispute Resolution (FDR) is the legal term for services (such as mediation) that help people affected by separation or divorce to sort out family disputes. FDR focuses on the best interests of children when supporting parents to resolve custody disputes.



About First Nations Family Dispute Resolution.

- The Australian Government's first Implementation Plan under the National Agreement on Closing the Gap included funding for culturally safe and appropriate family dispute resolution (FDR) for Aboriginal and Torres Strait Islander families.
- The funding was provided to organisations with strong community connections and Aboriginal and Torres Strait Islander governance. Pilot programs are being run across Australia throughout 2023 – 2024 to identify and trial models of Family Dispute Resolution which will work for our First Nations families.



CURRENT MEDIATION AND FAMILY DISPUTE RESOLUTION

• MEDIATION

- Can be more than 2 people
- Independent Mediator – confidential, self-determining
- Process (steps) mediator maintains process
- Safe space
- Power balance - Capacity to be able to talk freely and not be intimidated in any way (e.g. DFV)
- Costs – cheaper
- Timeframes

• FAMILY SEPARATION (WITH CHILDREN)

- Qualified Family Dispute Resolution Practitioner
- Mediation Process (steps) same
- Safety Power
- Certificate for attempts (601)
- Compulsory
- Courts prefer disputes resolved outside of Court
- Costly legal fees going to Court
- Timeframes lengthy for Court

Family Dispute Resolution & Domestic Family Violence

- A study by the Australian Institute of Family Studies (AIFS) found that 50% of parents reported that they held safety concerns for themselves &/or their children and yet many parents accessing family law services don't report DFV because they don't want to be seen as an unfriendly parent (Carson et al. 2018).
- Many men who present to relationship services, mediation, or supervised contact, that are using abuse or violent behaviour have not yet entered the criminal justice system or are at earlier stages of offending. This is the point where engaging men in a change program can have a marked effect on outcomes for children and ultimately for the way they think about and treat women (Interelate Submission 2018).
- Despite the prevalence of DFV within the relationship services client group, the specialisation of DFV services has discouraged the intervention of staff in issues that pertain to the use of violence and abuse in relationships. As a result, referral pathways to specialised services are viewed as the appropriate response. It is vital that Relationship Services are part of the DFV system, and that staff are well trained and familiar both with recognising and responding to issues of family violence (Interelate Sub.2018).
- FDR is appropriate where there is equal power between the parties, which is unlikely where there is family violence. FDRs should occur alongside legal support that is culturally safe and family violence aware (Aboriginal Justice Caucus WG on FV).

WHEN DO WE THINK FAMILIES WOULD NEED MEDIATION/FDR

When	What would prevent and/or encourage them to come
<ul style="list-style-type: none">• WHEN DO WE THINK FAMILIES WOULD NEED MEDIATION OR FAMILY DISPUTE RESOLUTION	<ul style="list-style-type: none">• WHAT WOULD PREVENT AND/OR ENCOURAGE THEM TO COME TO MEDIATION OR FAMILY DISPUTE RESOLUTION

FIRST NATION FAMILY DISPUTE RESOLUTION PILOT



If you have any questions and/or want to know more please feel free to contact

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