

Resource sheet

Australian Family Relationships Clearinghouse

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Child inclusion as a principle and as evidence-based practice: Applications to family law services and related sectors

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Research into the impact of post-separation disputes involving high levels of conflict between parents has helped to shape recent changes to the family law system in Australia, along with epidemiological findings on the negative impact of divorce on the health and wellbeing of children. The new family law system is designed to address not only the emotional distress of the children involved in post-separation disputes, but to promote the psychological adjustment of separated families.

Children's rights to have their views given appropriate consideration in the process of attempting to resolve post-separation disputes in which they are involved have been embraced in the Family Court through the adoption of the Child Responsive Program (CRP), and in the community sector through the adoption of child-inclusive

dispute resolution. Both models of practice are grounded in evidence about factors affecting children's wellbeing and their adjustment to family trauma, interventions that facilitate parental reflective functioning, and effective parent education strategies from the divorce literature. Through these combined means, parents are helped to understand and accommodate their child's experiences and needs in their negotiation of post-separation parenting arrangements.

Two main forms of child responsive practice operate in Australia: child-focused practice, in which the focus is on the child's needs, but without their active participation; and child-inclusive practice, which encompasses child-focused practice with additional components. The core components of each approach are outlined in the box below.

The goals of child-focused dispute resolution are to:

- create an environment that supports disputing parents in actively considering the unique needs of each of their children;
- facilitate a parenting agreement that preserves significant relationships and supports children's psychological adjustment to the separation, including recovery from parental acrimony and protection from further conflict;
- support parents to leave the dispute resolution forum on higher rather than diminished ground with respect to their post-separation parenting; and
- ensure that the ongoing mediation/litigation process and the agreements or decisions reached reflect the basic psycho-developmental needs of each child, to the extent that they can be known without the involvement of the children.

Child-inclusive dispute resolution shares these goals, and also includes:

- consulting with children in a supportive, developmentally appropriate manner about their experiences of the family separation and dispute;
- ensuring that the style of consultation avoids and removes any burden of decision-making from the children;
- understanding and formulating children's core experience within a developmental framework;
- validating children's experiences and providing basic information that may assist their present and future coping;
- forming a strategic therapeutic loop back to the children's parents by considering with them the essence of their children's experience in a manner that supports them to hear and reflect upon their children's needs; and
- ensuring that the ongoing mediation/litigation process and the agreements or decisions reached reflect at their core the psycho-developmental needs of each child.

At its core, child-inclusive practice is a process of developmental consultation and therapeutic conversation. The primary goal of the child-inclusive model is to re-establish and maintain a secure emotional base for the child post-separation. It requires the involvement of two highly skilled professionals: the mediator, who works with the parents in the resolution of the dispute; and a specially trained child consultant, who meets with and assesses the child and provides the mediator and parents with feedback. It is best if different people undertake the roles, particularly where neutrality is important or conflict/complexity is high.

Empirical support for the child-inclusive model comes from two studies on outcomes for parents and children. The first study compared outcomes for groups of parents who attended either a child-focused or a child-inclusive intervention. Both treatment groups showed a reduction in levels of conflict over time, but those involved in the child-inclusive intervention showed significantly better outcomes on a range of measures, particularly for fathers and children. The second study examined the Child Responsive Program (CRP) in the Family Court of Australia, which precedes the less adversarial trial (LAT) court process for separating parents. The core clinical process of the CRP has been adapted from the child-inclusive model. Findings from the first stage of evaluation of the CRP, in which measures were completed at intake and post-service, demonstrated benefits for the parents and children, a reduction in the likelihood of proceeding to trial, and parents' clarity in the future management of disputes.

Although this evidence is encouraging, it would be unwise for service providers to rush to adopt the child-inclusive model of practice without appropriate infrastructure being put in place. As this is a psychological, family-level intervention, the role of child consultant requires high levels of expertise and experience in dealing with both parents and children in distress, underpinned by a strong foundation in child development and experience working with complex issues for children. A high level of expertise in dealing with complex clinical and family issues and dynamics is also necessary. Given these requirements, appropriate professional standards and provision for ongoing supervision are critical,

Stepping through the child-inclusive model

The initial stages of child-inclusive mediation are as follows, (with page references to *AFRC Issues* No. 1). Work continues after this initial process in follow-up sessions for both parents and children, as appropriate.

1. Intake and screening (p. 6)
 - Parents attend separate sessions to assess their suitability for child-inclusive mediation. An offer of child-inclusive mediation may be made according to the screening process. A developmental history of the child is taken from both parents.
2. Child interview (p. 7)
 - The child's assessment takes place with a specially trained child consultant, via a brief diagnostic interview. Feedback to parents is discussed with the child.
3. Feedback sessions (p. 8)
 - Feedback from the child's session is discussed with parents at the next mediation session by the child consultant.

Wider application of the model may be useful in marital and pre-separation counselling, disability and adult mental health services, and foster/out-of-home care. These applications are discussed further in *AFRC Issues* No. 1.

as is training in the application of child-inclusive practice to family dispute resolution.

After the initial set-up costs of adopting child-inclusive family dispute resolution practices and the time required to interview children, this approach does not require a substantially greater commitment of practitioner time than in the parent-only approach. The indirect costs of ongoing supervision, training and consultation across professionals involved in a case can be weighed against the savings derived from the prevention of escalating conflict. The issue of cost also points to the need for highly developed screening procedures so that only those families who require it are referred to the child-inclusive intervention. Arguably, the greater issue is whether child-inclusive practice in family dispute resolution cases is perceived as a cost or as an investment in the future.



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The Australian Family Relationships Clearinghouse (AFRC) is an information and advisory unit funded by the Australian Government Department of Families, Community Services and Indigenous Affairs. The Clearinghouse aims to enhance family relationships across the lifespan by offering a resource and a point of contact for providers of family relationship and support services, policy makers and members of the research and broader communities. The Clearinghouse collects, synthesises and disseminates information on family relationships and facilitates networking and information exchange.

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