

Family Dispute Resolution Services

In its first edition, *Global Trends in Mediation* was the first book to concentrate on mediation from a comparative perspective – reaching beyond the all-too-familiar Anglo-American view – and as such has enjoyed wide practical use among alternative dispute resolution (ADR) practitioners worldwide. This new edition has not only been updated throughout; it has also added two new jurisdictions (France and Quebec) and a very useful comparative table summarising the salient points from each of the fourteen jurisdictional chapters. Each jurisdictional chapter addresses critical structural and process issues in alternative dispute resolution such as the institutionalisation of mediation, mediation case law and legislation, the range and nature of disputes where mediation is utilised, court-related mediation, mediation practice standards, education, training and accreditation of mediators, the role of lawyers in mediation, online dispute resolution and future trends. All the contributors are senior dispute resolution academics or practitioners with vast knowledge and experience of dispute resolution developments in their countries and abroad.

The editors' earlier book *Delivering Family Justice in the 21st Century* (2016) described a period of turbulence in family justice arising from financial austerity. Governments across the world have sought to reduce public spending on private quarrels by promoting mediation (ADR) and by beginning to look at digital justice (ODR) as alternatives to courts and lawyers. But this book describes how mediation has failed to take the place of courts and lawyers, even where public funding for legal help has been removed. Instead ODR has developed rapidly, led by the Dutch *Rechtwijzer*. The authors question the speed of this development, and stress the need for careful evaluation of how far these services can meet the needs of divorcing families. In this book, experts from Canada, Australia, Turkey, Spain, Germany, France, Poland, Scotland, and England and Wales explore how ADR has fallen behind, and how we have learned from the rise and fall of ODR in the *Rechtwijzer* about what digital justice can and cannot achieve. Managing procedure and process? Yes. Dispute resolution? Not yet. The authors end by raising broader questions about the role of a family justice system: is it dispute resolution? Or dispute prevention, management, and above all legal protection of the vulnerable?

This article is about the legal concept. Family law (also called matrimonial law) is an area of the law that deals with family matters and domestic relations.

A Foundation Guide

Family Law

A Step-by-Step Manual

Exemptions from Family Dispute Resolution where a Party Did Not Participate

Conflict Resolution

From Alternative Dispute Resolution to Online Dispute Resolution?

Evaluation of Family Dispute Resolution Service and Mandatory Self-representation

This book brings together the expertise of two authors involved in initiating the development of Online Family Dispute Resolution (OFDR), while also examining the unique Australian system. The family arena generally comprises property or child-related disputes arising between parents, whether married or not, and whether the parties have lived together or not. A special feature of Australia's OFDR system is that it deals with children's issues rather than focusing on property distribution. The book first discusses how technological innovations have transformed dispute resolution services to families. It explores the need for OFDR and how such systems can potentially be implemented. In turn, the coverage shifts to screening tools used prior to a Family Dispute Resolution session to ensure that online systems are appropriate for the case under dispute and the people involved. Readers will then learn about the necessary training required – for administrators, practitioners and clients alike - for OFDR to be successful. In addition, the book offers a comprehensive evaluation of the system and reflects on the lessons learned to date. In closing, it suggests ways in which OFDR could be further developed and applied to family disputes around the world.

Designed as a practical hands-on manual or text for students and professors of social work, Therapeutic Family Mediation will also prove highly useful to mental health practitioners, legal professionals and mediators, couples going through divorce, and community workers specializing in family services. Key Features: Guides the reader through the authors' five-step model: Intake/Assessment, Pre-Mediation, Negotiation, Termination, and Follow-Up Outlines the use of parenting plans and financial plans Explores patterns of conflict and monetary issues Explains the process of drafting contracts Provides the tools necessary for assisting high-conflict couples and culturally diverse couples

Examines developments in the community mediation field over the past two decades & reviews the field's major achievements & ongoing challenges. The evolution of the field, the diversification of services, & major resources available to the field are reviewed & research findings dealing with community mediation are also examined. Information for the report was obtained from: a review of literature in the field, an examination of materials obtained from programs across the country, discussions with experts in the field, & site visits to innovative programs in CA, NY, & NC. Charts & graphs. Resource listing.

The Family Dispute Resolution Process

Community Mediation Programs

The Case of Family Mediation

Alternative Dispute Resolution (ADR) and Auxiliary Services : a Report

Principles of Practice

Family Dispute Resolution Services in Legal Aid Commissions

Mediation in Family Disputes

This open access book presents twelve unique studies on mediation from researchers in Denmark, Finland, Norway and Sweden, respectively. Each study highlights important aspects of mediation, including the role of children in family mediation, the evolution of application of restorative justice in the Nordic countries, the confusion of roles in court-connected mediation, and the challenges in dispute systems. Over the past 20-30 years, mediation has gained in popularity in many countries around the world and is now a suitable and cost-effective mode of conflict resolution. However, as the studies in this volumes show, mediation also has a number of potential drawbacks. Parties' self-determination may be jeopardized, affected third parties are involved in an inadequate way, and regulations may be flawed. The publication can inspire research, help professionals and policymakers in the field and be used as a textbook.

Building on the success of their groundbreaking 1988 *Divorce Mediation*, Folberg et al. now present the latest state-of-the-art, comprehensive resource on family and divorce mediation. Paving the way for the field to establish its own distinct discipline and authoritative volume offers chapters contributed by leading mediation researchers, trainers, and practitioners. Detailed are the theory behind mediation practice, the contemporary social and political context, and practical issues involved in mediating divorce disputes with contemporary families. Authors also address intriguing questions about professional standards and where the field should go from here. A groundbreaking resource, this volume is indispensable for all mental health and legal professionals working in family transition.

A standard model for effective mediation and conflict resolution, now in an updated fourth edition, can be used in diverse environments. Original.

The Mediator's Handbook

Directory of Alternative Dispute Resolution Organizations in the United States

Theory and Practice

Court-referred ADR in New York State

Divorced from Reality

Family Mediation: Contemporary Issues

Reflections on Theory and Practice

Alternative dispute resolution has now supplanted litigation as the principal method of dispute resolution. This overview of dispute resolution addresses practical developments in areas such as family law, plea bargaining, industrial relations and torts. The authors elaborate on the necessary legal safeguards that should be taken into account when developing technology-enhanced dispute resolution and explore a wide range of potential applications for new information technologies in dispute resolution.

The modern emergence of mediation in the West in the 1980s represents a profound transformation of civil disputing practice, particularly in the field of family justice. In the field of family disputes mediation has emerged to fill a gap which none of the existing services, lawyers and courts on the one hand, or welfare, advisory or therapeutic interventions on the other, could in their nature have filled. In the UK mediation is now the approved pathway in the current landscape of family dispute resolution processes, officially endorsed and publicly funded by government to provide separating and divorcing families with the opportunity to resolve their disputes co-operatively with less acrimony, delay and cost than the traditional competitive litigation and court process. The consolidation of the professional practice of family mediation reflects its progress and creativity in respect both of the expanding focus on professional quality assurance as well as on developments of policy, practice guidelines and training to address central concerns about the role of children in mediation, screening for domestic abuse, sexual orientation and gender identity as well as cross-cultural issues including the role of interpreters in the process. Other areas of innovation include the application of family mediation to a growing range of family conflict situations involving, for example, international family disputes (including cross border, relocation and child abduction issues). Written by leaders in family mediation, this title provides a contemporary account of current practice developments and research concerning family mediation across a range of issues in the UK and Ireland.

"The 3rd edition of this essential title continues its significant role in providing a substantial resource for practitioners, anchoring their work in best practice, standards and ethics." - From the Foreword to the 3rd Edition, by Professor Hilary Astor *Mediating with Families* 4th edition provides unique insights into the theory and practice of mediation in Australia. It considers the variety and diversity of family relationships, such as those between same-sex, de facto and married couples, parents and adolescents, extended family relationships, siblings and their elderly parents.

Models, Techniques, and Applications

Annual Report

Exemptions from Family Dispute Resolution

The Handbook of Family Dispute Resolution

Digital Family Justice

Global Trends in Mediation

Helping Families Resolve Conflict

This handbook invites readers who are interested in mediation, negotiation and conflict resolution to share the perspectives of experts in the field. Contributors include scholars, mediators, trainers and negotiators, all of whom are passionate about their work. Emphasises both internal and external factors as important sources of influence when negotiating conflicts. Explores the cultural and institutional frameworks that have shaped intervention processes. Considers what techniques might work when, how and why. Demonstrates the sophistication of contemporary studies of mediation, negotiation and conflict resolution.

This evaluation report presents findings on the effectiveness of family dispute resolution (FDR) services in legal aid commissions throughout Australia. The evaluation looked at: the role of commissions in the new family law context; screening and intake; focus on the best interests of the child; inclusion of extended family; management of family violence, child protection and power imbalance; availability of appropriate FDR services for people with special needs; satisfaction with FDR services; quality improvement; and relative cost effectiveness as compared to litigation. It report also presents recommendations for a framework to facilitate ongoing program development.

In March 2014, changes were made to how the family justice system works in New Zealand. This report evaluates two of the reforms one year after they were introduced: the Family Dispute Resolution (FDR) service and mandatory self-representation in the early stages of some Family Court proceedings. The FDR service supports separating parents to reach mediated parenting agreements out-of-court, and mandatory self-representation applies to people who take their mediated parenting agreement to the Family Court for formal recognition or who would like a judge to help them reach agreement or make a decision for them, in regards to filing court documents or meeting with the judge in the early stages of the court process. Drawing on interviews with parents, FDR mediators and providers, Family Court judges, and legal professionals and staff, the evaluation explores the experiences of clients, investigates the impact of the reforms, assesses what is and what is not working, and identifies opportunities for improvement.

Online Family Dispute Resolution

Bargaining in the Shadow of the Law?

Family Mediation

A Survey of California Family Courts

Evidence for Creating the Ideal People and Technology Interface

Therapeutic Family Mediation

Divorce and Family Mediation

This report investigates why some people refuse to participate in family dispute resolution in New Zealand. In 2014, major reforms were made to the Family Justice System, including the introduction of independent Family Dispute Resolution (FDR) to shift the focus from court resolution of childcare disputes to encourage people to reach agreement themselves. People can be exempt from participating in FDR if domestic violence has been disclosed, if a power imbalance exists between parties, if one or both parties are unable to effectively participate, or where parties would not participate in FDR. Between 1 July 2016 and 30 June 2017, there were 1561 disputes with a completed mediation. However, in the same period, the number of exemptions reached 1542 and, of these, 1276 (83%) were because one of the parties would not participate. To investigate this further, the 3 service providers contracted to deliver FDR started collecting data on reason for non-participation. From February to May 2017, 366 exemptions where one person would not participate occurred: the most common reason (40%) was refusal to engage with the supplier. There could be many reasons why someone may not engage with the FDR process, such as simply not wishing to have contact with the other party, but there is no way to determine this. Other reasons listed included the party could not be reached (23%), cost (14%), wanting to go directly to court (7%), did not believe the other party would approach mediation constructively (6%), or had been advised to go to court by a lawyer (5%). These first two reasons apply equally to men and women, but the other reasons do vary by gender.

This is the authoritative textbook on family mediation. As well as mediators, this work will be indispensable for practitioners and scholars across a wide range of fields, including social work and law. It draws on a wide cross-disciplinary theoretical literature and on the author's extensive and continuing practice experience. It encompasses developments in policy, research and practice in the UK and beyond. Roberts presents mediation as an aid to joint decision-making in the context of a range of family disputes, notably those involving children. Mediation is seen as a process of intervention distinct from legal, social work and therapeutic practice, drawing on a distinctive body of knowledge across disciplinary fields including anthropology, psychology and negotiation theory. Incorporating empirical evidence, the book emphasizes the value of mediation in mitigating the harmful effects of family breakdown and conflict. First published in 1988 as a pioneering work, this third edition has been fully updated to incorporate legal and policy developments in the UK and in Europe, new sociological and philosophical perspectives on respect, justice and conflict, and international research and practice innovations.

This book draws on the concrete knowledge and practice experience of leading mediators, working in a variety of fields, to inform contemporary debates and challenges. These practitioners reflect on the excitement, complexity and satisfaction of their work as well as on the differences and commonalities across diverse fields of mediation practice.

Bridging Theory, Research, and Practice

A Report on Use Of, and Attitudes to Mediation Services Among Divorcing and Separating Couples

The Delivery of Primary Dispute Resolution Services in Family Law

Mediating with Families

In Business, Family and Community : Multidisciplinary Perspectives

Nordic Mediation Research

Mediating Divorce

A book that deals with the resolution of conflict across the legal, social and political spectrum by means of alternative methods to confrontation and conflict and adversarial approaches. No matter your profession (attorney, clinician, family therapist) or skill level (seasoned professional or novice), *The Handbook of Family Dispute Resolution* is an invaluable resource that outlines the most effective mediation approaches, techniques, and skills. *The Handbook of Family Dispute Resolution* is a practical and comprehensive guide that includes * A review of professional ethics and standards * Help for attorneys who are not trained in the skills needed for working with families * Information about cultural issues that affect families during mediation * Highlights of key legal and negotiation skills * Guidelines for understanding complex family dynamics and conflicts * A screening tool for evaluating domestic violence * A matrix for starting discussions of parenting plans based on children's needs * An examination of specialized practices for family mediation * Direction for assessing one's professional approach to family mediation

Mediating Divorce: A Step-by-Step Manual is written for family law attorneys and therapists who need a comprehensive resource for facilitating the divorce mediation process. Written by Marilyn S. McKnight and Stephen K. Erickson, two widely known pioneers in the field of divorce mediation, this useful guide will show how to implement the techniques needed to be an effective divorce mediator. It includes helpful information for understanding and working through the emotions experienced by people going through a divorce.

Mediation Theory and Practice

Dispute Resolution Program Directory

Revised & Expanded Fourth Edition

Developing the Craft of Mediation

Enhanced Dispute Resolution Through the Use of Information Technology

Alternative Dispute Resolution

Evaluation Report

This timely collection written from a social work perspective includes original chapters by leading experts in specific fields of mediation and conflict resolution. Each chapter examines a field of practice, describes the actual mediation/conflict resolution process, considers current debates and research, and provides alternatives to mediation. Gender, race, class, and cultural diversity issues are integrated throughout the text, with a separate chapter addressing mediation and multicultural reality. This book is a first-ever study of the role of law in family mediation. Written by two well-known Australian researchers in family dispute resolution, it uses real family mediation cases to explain what kind of protection from exploitation the law offers negotiators in informal

processes. It helps us to better understand how private negotiations in family law work. In the current Australian and international family law environment, there is an almost universal emphasis upon separating families taking responsibility for resolving disputes themselves in a non-adversarial manner. In the context of such a sustained policy focus, the question of whether separating families use and are protected by the law in private settlement remains central to understanding the fairness of the system. Ultimately the book questions the success of recent family law reforms. This book will be of interest to policy makers, the legal profession, family dispute resolution practitioners, mediators, community organisations involved in family service provision, family law service providers as well as academics interested in family law, dispute resolution and the interrelationship between law and society.

Preface by Hugh McIsaac Family mediation has quickly become a significant means of legal dispute resolution, recognized in most North American jurisdictions as a relief to already overburdened judicial systems. Using an innovative practical approach, the authors of *Family Mediation* incorporate the pivotal principles of family therapy into this new context—the judicial realm of family mediation. The practice model—therapeutic family mediation—thoroughly treats history, specific issues, and practice in an ecosystemic approach and responds to feminist critique of mediation. In addition, the authors offer important perspectives on mediating with multicultural populations and the role of the mediator in child custody disputes and child protection cases. Through examination of family mediation research as well as helpful case history vignettes, the authors of this volume take action to fill significant gaps between family therapy and mediation. *Family Mediation* provides a new take on family mediation that will benefit not only professionals and researchers in family studies, social work, clinical psychology, and sociology but also professional and volunteer mediators, conciliation court personnel, and family law specialists. "Family Mediation is an excellent blend of scholarship and practice, and it is the best of the books I have read on family mediation. First, it is clear and well written. Second, it provides an in-depth, current review of the divorce literature. The literature on divorce is large, uneven, and difficult to interpret. The authors have done a service to the profession by skillfully reviewing and integrating this literature." --Stephen J. Bahr, Brigham Young University "This book is one of the most comprehensive and well-researched texts on mediation to date. The authors have compiled an immense array of information regarding the history of family mediation, the practice and knowledge base, a review of literature regarding divorce, the principles of mediation, gender and cultural issues, elements in a child custody dispute, sharing parenting, cultural issues, and the use of mediation in dependency, and they include an excellent summary of research conducted. . . . Of particular value is the enormous scope of the review of literature and the work of others, not only in Canada but also the United States, Australia, and Great Britain, underscoring the international nature of this transformation. What Howard H. Irving and Michael Benjamin have done is chart a major shift in the handling of conflict and they have done it very well." --Family and Conciliation Courts Review "Howard H. Irving and Michael Benjamin have surveyed and summarized an immense amount of material within the covers of this volume, presenting it in a clear, readable style. It is one of the rare texts on mediation that does justice to the complexity of families generally and families in North America particularly—to their diversity of culture, to the scope of feminist thought and gender differences, and to the ranges of social class. Their attention to divergent forms of mediation and differences in practice across jurisdictions is broadly sighted. An excellent choice for a text in mediation." --Mary A. Duryee, Family Court Services, Alameda County, Oakland, CA "Howard H. Irving and Michael Benjamin grapple with what is the most difficult event that confronts almost half of all modern families—divorce. Historically, the developmental issues and problems surrounding divorce have been solved in the courts. But modern-day courts are overwhelmed by an avalanche of divorce cases, more than a million a year, and are unable to meet the needs of separating parties. Family Mediation offers a fundamentally different approach from the conventional legal system. The empirical research and clinical experience Irving and Benjamin bring to bear on this subject have resulted in the seminal work in this area. This delightful and thoughtful book is a must for the modern mediation practitioner who works with families and children." --Duncan Lindsey, Professor, UCLA, and Editor-in-Chief, Children and Youth Services Review "This book is unique in providing a complete overview of relevant subject areas for family mediation under one cover. Its writing is timely because it dispels some of the myths in the rapidly expanding field of family mediation. . . . Family Mediation is a comprehensive text that follows the development of family mediation through the present and concludes with the predictors of future directions. It is perhaps the most thorough critical review of the literature pertaining to family mediation and develops an inclusive practical model of practice for practitioners. The book is readable. . . . responsible, and of interest to family mediators and the family law lawyers who work closely with them. It may become a must as a background for the novice family mediator about to embark on a course of training." --Laurel Pearson, McWhinney, Metcalfe, and Associates, Toronto, Canada

Qualitative Research Findings

FDR Mediation

Annual Directory of Alternative Dispute Resolution Organizations in the United States

Care and Contact of Children, Parenting, Guardianship, Family Dispute Resolution Services

Options for All Ages

Mediation and Conflict Resolution in Social Work and the Human Services

Next Steps

Over the past thirty years, there has been a dramatic shift in the way the legal system approaches and resolves family disputes. Traditionally, family law dispute resolution was based on an "adversary" system: two parties and their advocates stood before a judge who determined which party was at fault in a divorce and who would be awarded the rights in a custody dispute. Now, many family courts are opting for a "problem-solving" model in which courts attempt to resolve both legal and non-legal issues. At the same time, American families have changed dramatically. Divorce rates have leveled off and begun to drop, while the number of children born and raised outside of marriage has increased sharply. Fathers are more likely to seek an active role in their children's lives. While this enhanced paternal involvement benefits children, it also increases the likelihood of disputes between parents. As a result, the families who seek legal dispute resolution have become more diverse and their legal situations more complex. In *Divorced from Reality*, Jane C. Murphy and Jana B. Singer argue that the current "problem solving" model fails to address the realities of today's families. The authors suggest that while today's dispute resolution regime may represent an improvement over its more adversary predecessor, it is built largely around the model of a divorcing nuclear family with lawyers representing all parties—a model that fits poorly with the realities of today's disputing families. To serve the families it is meant to help, the legal system must adapt and reshape itself.

This study was carried out against the background of the Federal Attorney-General's Department White Paper, *Delivery of Primary Dispute Resolution Services in Family Law*. The White Paper states that the Government is considering a greater community sector focus in the provision of federally funded primary dispute resolution services, in an effort to improve effectiveness. The report shows that people who were not aware of mediation services at the time of their separation or divorce felt they might have been better off – in terms of cost, fairness of outcomes and access to information – if they had used family and child mediation to resolve their issues.

Contemporary Issues

Final Report of the Chief Judge's New York State Court Alternative Dispute Resolution Project

Family Dispute Resolution

The Blackwell Handbook of Mediation

Rethinking Family Dispute Resolution

Developments and Challenges