Remote family dispute resolution services for COVID and post-COVID times: Client and practitioner perspectives

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Abstract

In 2020, residents in the state of Victoria, Australia endured months of government restrictions aimed at curbing multiple outbreaks of COVID-19. Family Dispute Resolution (FDR) services continued to assist separating couples to sort out their parenting and property matters, necessitating a rapid and wholesale shift to remote delivery via telephone and video conferencing. This paper reports on interviews during and subsequent to ‘lockdown’ with clients of FDR services offered by a large, community-sector provider. The data collected provide insights into the ways in which the pandemic affected the immediate needs and concerns of families as they navigated separation and shared parenting during the pandemic. Of importance to service development, the data include client responses to different methods of FDR service delivery and their reflections on how well these evolving methods were suited to their needs. Practitioner views were also sought on service delivery methods to provide a comprehensive picture of the advantages and challenges of remote delivery, and the ways in which it helped or hindered in catering to the needs of clients with safety concerns. Collectively the results of these analyses indicate that COVID has produced new risks and opportunities for the provision of FDR services, in both COVID and post-COVID worlds. The evolving FDR service model will likely continue to feature multiple delivery options, regardless of the trajectory of the pandemic.
Key points for the family court community

- In 2020, during COVID restrictions, Family Dispute Resolution services in Victoria, Australia, underwent a rapid shift to remote delivery via telephone and video conferencing.
- Client interviews were conducted in order to assess how well these methods of delivery were suited to their needs and concerns during the pandemic. Interviews with practitioners were also undertaken to provide a comprehensive understanding of the advantages and challenges associated with remote delivery.
- Significant benefits were identified, including enhanced accessibility, enhanced physical safety and greater convenience for clients. Reduced emotional intensity and anxiety meant that some clients felt more confident in negotiating agreements.
- Practitioners found it could be more difficult to engage clients fully in the FDR process, and that more work was required to assess client safety and wellbeing. In general, adaptations were successfully made.
- The evolving FDR service model will likely continue to feature multiple delivery options.

“I think we’ll look back on this time and really value the push that sort of situation gave us to be more flexible and develop our ability to offer responsive services to the client.” Family Dispute Resolution Practitioner [FDRP03]

INTRODUCTION

In 2020, every country in the world experienced the dramatic effects of the COVID-19 pandemic and the resulting measures adopted by national and regional governments to slow rates of infection. In Australia, the crisis was contained at levels far more manageable than in other parts of the world. However, within Australia, the state of Victoria, including the populous city of Melbourne, was the hardest hit by COVID infections in 2020, particularly a ‘second wave’ peaking in July and August of that year, and consequently endured the most severe government restrictions for the longest period [1]. With minimal forewarning the population was placed under four months of
strict stay-home orders, with no visitors to private homes, closure of all non-essential businesses, a night-time curfew and mandatory mask-wearing.

The way in which families’ needs changed during the COVID pandemic is a major research topic in itself. Even narrowing the focus to the effect on couple relationships, there are diverse possibilities to consider and investigate. Many partners are likely to have benefited from each other’s company during ‘lockdown’, with strong relationships potentially becoming stronger. However, given the additional time couples have spent together in the confines of the home, combined with the additional stresses of managing work and the schooling of children from home—or, at the other extreme, the financial stress of unemployment—there have been fears that COVID-19 will trigger an increase in relationship breakdown, borne out in limited data so far [2, 3]. Yet, as noted by Lebow (p. 967), ‘COVID-19 both potentiates and constrains separation and divorce’. The constraints have arisen because all the steps and tasks towards separation and divorce—from couples simply having discussions without children being present, to one partner finding alternative accommodation—suddenly became considerably more difficult [2].

A further structural constraint arose in some jurisdictions from family law services pausing their operations during the pandemic, causing a significant backlog in cases [2]. In Australia, the Family Court and the Federal Circuit Court continued to sit, but have experienced increased applications, and increased urgent applications in particular, since the advent of COVID-19, on top of already significant delays [3, 4]. Under these circumstances, methods of alternative dispute resolution might have held additional appeal. However, the pandemic presented a challenge to the timeliness of all such services, particularly for families with urgent needs to resolve their post-separation disputes. For the duration of ‘lockdown’, some couples may have discovered that they were unable to progress separation and in fact needed to find a ‘holding pattern’, or to make half-way arrangements [2]. Whether post-separation arrangements were in place before COVID-19 or in the process of being sorted out for the first time, the pandemic posed significant challenges. Couples attempting to sort out post-separation property division were faced with sudden changes in their own financial circumstances and in property and job markets. No matter how amicable, the very fact of co-parenting across multiple households was rendered problematic under COVID-19 restrictions, especially where there were anxieties about the health or immunity of separated parents, their shared children, or other members of their households. Changeovers that would have otherwise taken place through school or childcare services were no longer possible when these venues were closed. While strong or well-established post-separation parenting arrangements may have withstood the conditions of the pandemic, newer and/or more fragile understandings and arrangements are likely to have found the altered circumstances extremely challenging.

The lockdown experience may have exacerbated or alleviated safety concerns for those in the process of separation or managing post-separation parenting arrangements. For those who had separated already, the severe limitations placed on movement may have restricted harmful interactions. For others, the removal of public, safe and neutral locations for the handover of children may have made these events more dangerous. For those who had just initiated separation but found themselves still cohabitating and locked down with their partner, the situation was likely to be extremely dire.

Many family support services, across sectors, were forced to make major adaptations to their service models in order to suit the times [e.g. 2]. Most notably, technology was employed to enable the provision of services to continue ‘remotely’ when in-person delivery ceased. In Victoria, Family Dispute Resolution (FDR, or mediation) was one such service. FDR services were part of a suite of critical family support services that were deemed ‘essential’ by the State Government during lockdown and thus continued to assist separating and separated couples to sort out their parenting and property disputes. Demand continued unabated and, in many locations, waiting lists increased.

Technology can potentially make existing systems more effective or efficient (‘sustaining’) or can make possible completely new systems and processes (‘disruptive’) [5, 6]. At the organizational level under discussion here, transformation or ‘disruption’ (as in forms of Online Dispute Resolution where technology replaces a human mediator) were extremely unlikely in the context of the rapid adaptation of FDR during COVID. Rather, many existing systems and processes simply shifted, wholesale, to remote delivery by telephone or videoconference.
The use of technology to assist dispute resolution in family law matters and in other arenas is not new, but neither is it well-established in Australia. Some commentators have implied a reluctance to embrace technology among dispute resolution practitioners and the organizations that employ them [7]. Alternatively, or in addition, the relatively slow uptake of technology in the field may be attributed to legitimate concerns about the capacity for remote dispute resolution to preserve safety, fairness and security. Whatever the reasons, in-person delivery remained the default delivery option prior to the pandemic [3].

Just as COVID might theoretically demonstrate effects on couple relationships that push and pull in conflicting directions, the effects of remote delivery on FDR may prove beneficial, disadvantageous, or both at the same time. There are potential emotional implications and security implications, and certain practical implications. There are also considerations relating to accessibility and equity across different social and economic groups.

Safety considerations are among the most important of these. A strong theme to emerge from the recent literature on family violence is that new technologies have created increased opportunities for perpetrators to harass, abuse, and control partners, as well as ex-partners who might otherwise have effected a physical separation [8, 9]. This is particularly relevant in the context of post-separation services such as FDR that cater to clients at a time of extreme vulnerability, with family violence being a common experience prior to, during, and following separation [10].

It is not immediately clear how the remote delivery of services that must cater to the needs of those affected by family violence, such as FDR, will mitigate or magnify safety concerns. On the one hand, remote delivery could greatly enhance client safety, most obviously where physical violence has been a feature of the relationship. On the other hand, for a client with experience of technology as ‘a weapon in domestic violence’ [9], an encounter with an abusive ex-partner over telephone or videoconference might add to the sense of his omnipresence, and to the erosion of the boundary between public spaces and the privacy and sanctuary of the home [8].

**SETTING**

FDR is an important service that is widely used by separating couples in Australia, and on which the Family Law System now relies: since 2006, under amendments to the *Family Law Act 1975* (Cth), it has been mandatory to attempt FDR in parenting matters before they can be filed in court.¹ A similar requirement has been proposed for property matters by multiple authorities [11–13], but has not yet been legislated.

The organization at which this research was conducted is a large and busy provider of FDR services to separating couples in both parenting and property matters, delivering approximately 300 sessions each week. The clientele is diverse, with a low modal annual income range of AUD25,000 to 50,000 in 2019–2021, and the service is government-subsidized for many. Approximately 2% of clients identify as Aboriginal, Torres Strait Islander or both, compared to 0.8% in the broader Victorian population [14].

Upon contacting the service, each ex-partner attends an intake and assessment session with a Family Dispute Resolution Practitioner (FDRP, or family mediator). Approximately 30% of practitioners have legal qualifications and the remainder have social science backgrounds. As a condition of their employment, all have specialist advanced training and accreditation as registered Family Dispute Resolution Practitioners [15]. The practitioner screens for family violence and must be satisfied that the parties will be able to negotiate freely and safely. If suitable, the ex-partners progress to joint sessions, at which the FDRP facilitates discussion of the matter and negotiation on options for resolution, with a view to the best interests of children. Lawyers are permitted to assist this process, although in practice this is not common.

This context is important to understand when interpreting research outcomes. A proportion of clients attend for a single session only before being assessed as inappropriate for FDR and issued with a certificate that enables them

¹A S60I Certificate must be produced, showing that FDR has been attempted but unsuccessful (including that one party refused to participate), or that FDR was deemed unsuitable by an FDR service, in order to proceed to Court.
to proceed to court. Another cohort may be assessed by the FDRP as suitable but one or both members of the dyad may have poor motivation to participate effectively to settle their issues. In this setting it is the FDRP’s complex task to assess for suitability, exclude the unsafe, and work with the ambivalent as well as the motivated disputants.

Prior to the COVID pandemic and resulting restrictions, FDR services at this organization, including both intake and joint FDR sessions, were routinely provided in person, at one of 10 centres across the State. In cases with history or allegations of family violence, where FDR was nevertheless deemed safe, shuttle provisions were used for joint sessions, with the practitioner moving between parties located in separate rooms at the same centre. Other modifications may include a support person for victim survivors, lawyer-assisted FDR, co-mediation gender-balanced teams, and tight process controls [16].

Remote methods were not entirely foreign to FDR practitioners and clients in the organization. A minority of FDR services have been conducted by telephone, mainly by practitioners in centres servicing rural and more remote areas of Victoria. A specific Telephone Dispute Resolution Service (TDRS) is also available since 2007 through a sister organization funded by the Australian Government to provide remote FDR nationally [17]. In 2009, this funding was extended to the development of an Online Family Dispute Resolution System, with positive evaluations [18]. Opportunities to enhance FDR through online delivery with built-in support and counselling for clients have also been explored [19]. However, in-person service delivery has persisted as the default mode.

When COVID broke out in Victoria and around the world and governments responded with severe restrictions on interpersonal interactions, the provision of FDR ‘business as usual’ became impossible. While FDR services continued to assist separating couples to sort out their parenting and property matters, safety concerns and government restrictions prevented face-to-face sessions from March 2020. Thus, a rapid and wholesale shift to remote delivery of FDR via telephone and video conferencing was required.

As in many other fields, the abrupt change to ways of work necessitated by COVID has the potential to revolutionize practices beyond the duration of the pandemic. The lack of choice at this time may have forced a transition that was otherwise slow but could well prove permanent. At the time of writing, remote methods continue to be employed for all FDR sessions offered by the organization. Though face-to-face sessions are becoming possible once again as restrictions ease, it seems likely that some clients and FDRPs will prefer to continue with remote delivery. To date, however, the views of clients and practitioners have not been sought or assessed.

Given the important status of FDR in Australia and the fact that it is mandated for use in many cases, it is essential that all methods of delivery in use are supported by robust evaluation. The current paper reports on efforts to undertake an initial, qualitative evaluation, exploring client and practitioner responses to remote methods of delivery, even as the transition to these methods was underway.

METHOD

Given the focus on client and practitioner experiences and perspectives, a qualitative methodology was chosen. Semi-structured interviews were conducted during and subsequent to the ‘lockdown’ period in Victoria with clients of FDR services offered by the large, community-sector provider described above. We adopted an instrumentalist approach in seeking information that would be useful to the service and the sector. Interviews were designed to provide insights into the ways in which the pandemic affected the immediate needs and concerns of families as they navigated separation and shared parenting during the pandemic; and client responses to different methods of FDR service delivery and how well these evolving methods were suited to their needs. FDRPs were also interviewed to provide a comprehensive picture of the way in which the remote delivery model operated, the benefits and challenges of remote delivery, and the ways in which remote delivery helped or hindered in catering to the needs of clients with safety concerns. Given the speed of the transition to remote methods, we expected to find room for improvement in processes and protocols. However, we also hoped that our participants would reflect on opportunities for the refinement of the remote delivery model, given the time and resources to undertake more considered changes.
Formal ethics approval from a registered Human Research Ethics Committee was obtained for the conduct of the study. Clients participating in this research had indicated on their routine intake forms a willingness to be contacted for general research purposes. All FDR clients from March 24, 2020 to March 23, 2021 who had provided this consent to be contacted were emailed an invitation to participate in a short survey about their needs during the pandemic and their feelings about remote delivery, the results of which are touched on below and reported in more detail elsewhere [20]. Clients filling out the survey were also asked to indicate whether they would be interested in participating in an interview about their experiences of FDR when delivered by remote means, and to provide contact details if so. From among clients who completed the online survey, those who had indicated an interest were invited by email or phone to participate in an interview of about an hour in length.

We obtained a total of 42 client interviews. The first 30 clients to accept the invitation were interviewed. The final 12 clients interviewed were purposively sampled from among interested survey respondents, in an effort to gather more data from those who had participated in FDR by video rather than telephone, and/or who had experienced greater numbers of FDR sessions.

We also sought interviews with at least one FDRP from each of the organization’s ten Victorian centres with an FDR service. We invited FDRP volunteers through their centre managers, who were asked to circulate information about the study, and secured 11 interviews in this way. Managers were not aware which of their staff had volunteered to participate, so that practitioners could feel completely comfortable sharing their opinions and reflections.

Both client and practitioner interviews were conducted by a Research Assistant with qualifications as a family lawyer and FDRP, under the guidance of a Senior Researcher. Interviews were audio-recorded, with the written permission of each interviewee, and transcribed. Interview data were then coded by the Senior Researcher and Research Assistant using NVivo software (QSR, 2019) and analyzed using a realist thematic analysis [21].

We used a hybrid deductive-inductive approach to data collection and analysis. Separate schedules guiding semi-structured interviews for the clients and practitioners were developed by the authors based on preconceived research questions identified as being important to practice development. For the client interviews, these questions related to: new or altered needs as a result of the pandemic or consequent restrictions; the experience of FDR under remote delivery, including challenges faced in accessing FDR remotely, and any safety concerns; and perceived effects of remote participation, including on levels of stress and anxiety, feeling heard during the process, and ability to reach agreement. The FDRP interviews sought the practitioner perspective on some of these same points—client needs during the pandemic; extent to which remote delivery was perceived to meet client needs; perceptions of client responses to remote delivery—but also included questions on the experience of the shift to delivering FDR remotely; methods of remote delivery employed; what aspects of remote delivery worked well; challenges related to remote delivery, including effectively assessing client safety; adjustments required; effect of remote delivery on outcomes; and thoughts on the future of remote delivery, post-COVID.

Within each of these topic areas, themes were conceptualized based on the researchers’ thorough reading of the interview material. For example, under the heading of challenges associated with accessing and delivering FDR remotely, three main themes were identified and agreed by members of the research team: privacy and confidentiality concerns; lack of visual cues in telephone FDR (each emerging from both client and FDRP perspectives); and client engagement and commitment (from the FDRP point of view).

The structure of this paper reflects these themes. Because clients and FDRPs raised many of the same issues but from different points of view, this paper incorporates both client and FDRP material together under each theme. The shorthand used for participant quotes is ‘C’ for Client or ‘FDRP’ for Family Dispute Resolution Practitioner, followed by a two-digit identification code.

Although the number of interviews conducted provided a level of confidence in the ‘story’ to be told by pulling these themes together, neither the interview sample nor the survey sample from which it was drawn were representative. Though we do not seek to generalize beyond our sample, the material collected provides insights into a variety of client and practitioner responses to FDR when delivered remotely, enabling greater understanding of the way in which the service was experienced during the pandemic, in order to support a considered approach to delivery methods in the future.
Although we have primarily discussed viewpoints that were repeatedly expressed in response to interview questions, we have discussed divergent views on some points, and have also discussed minority perspectives to illustrate certain points.

**PARTICIPANTS**

The characteristics of the clients who participated in interviews are shown in Table 1 below. As in the FDR population over the period, there were slightly more female \( n = 22 \) than male \( n = 20 \) participants. Two-thirds of interview participants were attending FDR for parenting matters \( n = 28 \)—also consistent with service data for FDR clients more broadly—with significant minorities attending for property/finance matters \( n = 8 \), or both parenting and property issues \( n = 6 \). Participants were well spread across the experiences of intake only \( n = 11 \), a single joint session \( n = 12 \), and multiple joint sessions \( n = 19 \). Over half considered their FDR process complete, having achieved either a full parenting agreement and/or property settlement \( n = 9 \), a partial agreement or settlement \( n = 7 \) or a certificate to proceed to court \( n = 7 \) – the latter being issued in cases deemed unsuitable for FDR by the practitioner, or when the parties have attempted FDR but failed to reach an agreement. The remainder \( n = 19 \) planned to undertake more sessions. Notably, the great majority \( n = 33 \) of interview participants had experienced remote FDR delivered by telephone only, with relatively small numbers having experienced videoconferencing only \( n = 5 \) or both modalities \( n = 4 \).

Among the 11 FDRP who participated in interviews, seven were female and four were male. FDRP participants were from nine of the organization’s ten centres providing FDR in metropolitan and regional areas of Victoria; to preserve the anonymity of FDRP participants, locations are not provided.
RESULTS

The survey from which interview participants were recruited (n=469) provided the following information, summarized here for context and covered more fully elsewhere [20]:

- While 2/3 of clients indicated that their need for the FDR service was unchanged since the advent of COVID-19, over a quarter of respondents (28%) cited increased need, compared to only a small minority indicating decreased need (5%) under the circumstances of the pandemic.
- Similarly, while 2/3 of survey respondents indicated no safety concerns at all, more than a quarter (28%) indicated increased safety concerns as a result of the COVID-19 crisis, while a relatively small proportion (6%) indicated reduced safety concerns.

Though these figures suggest that the pandemic was experienced very differently among couples facing the common challenge of separation, the significant minorities expressing increased need for dispute resolution and increased safety concerns (28% in each case) demonstrate how important it was that FDR services continued under the challenging circumstances of the pandemic.

New and different needs arising from COVID-19

For the purposes of this paper, we are interested in the changing needs of separating families under COVID conditions primarily as a means of understanding how clients’ needs for FDR also changed and, in turn, to what extent FDR was able to meet these needs when delivered remotely. FDRP interviewees confirmed that they had been, and remained at the time of the interviews, busier than many had ever experienced. The interviews explored several ways in which the novel circumstances created a need for FDR; or, more often, exacerbated an existing problem.

Stress on couple relationships

Several client interviewees described additional stress on themselves and their relationships as a result of the pandemic. One mother described the heightened emotions present in her household and relationship, attributing these to the uncertainty and anxiety of the time:

There was a lot more anger and aggression and conflict and frustration ... partly because of the pandemic. Especially at the start, we didn't know what was really going on and how safe we were going to really be. [C39]

Once in lockdown, the fact of partners spending every waking hour together placed additional strain on relationships. The circumstances of lockdown were particularly stressful and, in some cases, unbearable, for those in abusive relationships: “We were all pretty much isolated into what I call a pressure cooker... you're living and breathing and working ... with your family 24/7.... the aggression started to get more so with him and harassment and the intimidation.” [C39]

Ending relationships & effecting separations

The strain of lockdowns led some clients to decide that their relationships were no longer viable: “It really escalated the fact that we’re really not compatible in terms of living together. And the pandemic just escalated everything,
particularly with the lockdowns.” [C46] Some felt that the pandemic might have dictated the timing of the separation though not the fact of it: “...When Stage 3 lockdowns were announced, that's when my partner left... I'm pretty sure we would have separated eventually. But, yeah, I don't know that we would've separated right then.” [C34] Other interviewees discounted the possibility that the breakdown of their relationships was attributable to the circumstances of the pandemic: “It was bound to happen. COVID was purely coincidental for us.” [C52]

It was clearly hard for some couples to arrange a separation during pandemic restrictions, even when the process had been underway prior to COVID-19. While bigger-picture issues were sometimes unchanged (i.e., the need for a parenting arrangements or property division), the more specific challenges (e.g. of child transfers or the sale of a property) were altered suddenly and completely by the pandemic. The interviews confirmed that while the pandemic may have hastened some decisions to separate, it simultaneously inhibited the ability to effect a physical separation, or to make post-separation parenting arrangements or property settlements: “COVID's been a nightmare... It's just put it off and put it off.... It caused huge delays and a lot of frustration. And you're sort of talking about people's lives that are on hold...” [C03]

This scenario was, of course, particularly serious for partners affected by family violence. One practitioner spoke of “a few situations where people were feeling so trapped by the lockdowns” and of “the stress of feeling stuck in the sense of family violence escalating in that period where parents were separated under the same roof.” [FDRP03]

**Post-separation parenting challenges**

With schools closed for months on end, and many parents unwilling or unable to send younger children to childcare centres and kindergartens, the COVID situation meant that parenting contact hours increased dramatically. The situation served to highlight the need for some recently separated co-parents to clarify and articulate parenting arrangements where previously a minimal or more casual schedule might have sufficed. Client interviewees with historical separations also found that pre-existing parenting arrangements were no longer workable under the altered circumstances. Some difficulties mentioned were solely due to restrictions, e.g. border closures. More often, however, responses on this subject referenced the way in which the restrictions made a difficult co-parenting relationship even more difficult.

Schooling at home created a new form of parenting labor to distribute between separated parents, and therefore a new source of conflict, creating the need for dispute resolution among some interviewees: “I think the whole home schooling scene and trying to work out parenting arrangements around the home schooling impacted, because we couldn't agree.” [C24] Others, again, perceived that conflict over post-separation parenting arrangements during COVID, including home schooling, simply highlighted existing problems and amplified the need for dispute resolution: “…Well, it has been difficult for a long time, but I think especially during the pandemic, the lockdown, the inequities in responsibility [were] very high. We didn't have the tools to be able to communicate effectively.” [C35]

At the extreme, resident parents used the pandemic as an excuse to cancel a non-resident parent’s time with his/her children, and the catalyst for FDR was that the non-resident parent was unable to see his/her children at all. “Withholding” of children by the resident parent for COVID-related reasons was cited by two interviewees, even though, at the height of the pandemic in Victoria, the movement of children between separated parents’ homes was specified by the Victorian Government as a valid exception to rules otherwise prohibiting movement between households.

At the other extreme, there were examples of co-parents relaxing the ‘rules’ around their previous arrangements in order to manage the pandemic situation, sometimes with negative consequences. One interviewee explained that FDR was necessitated by issues created when, despite an intervention order restricting contact, she reverted to (and subsequently found cause to regret) allowing her child’s father to collect him from her driveway, rather than conducting changeovers through friends as was the pre-COVID arrangement. Another said, “I tried to be a bit more flexible, and me being flexible added to the... disagreements.” [C24]
Other separated parents discovered a capacity to demonstrate greater flexibility in terms of their arrangements when COVID circumstances required it. Although flexibility is more likely to have been a feature of co-parenting arrangements that were already co-operative, one FDRP felt that some co-parents accessing the FDR service were more accommodating than they might have been in normal times. ‘My impression was that there were a lot of parents... that managed very well in terms of being able to go: “this is unprecedented and we have to make this work”... everyone was scrambling and having to be a little bit flexible.’ [FDRP03]

There were clients who saw a positive side to having their needs and priorities crystallized at a time of crisis. One client summarized the way in which the pandemic, whilst not creating the issues that prompted FDR, focused the separated co-parents on the need to formalize arrangements: “I think [the pandemic] heightened your awareness of your situation and how fickle it can be at times. And the need for probably a little bit more stability...” [C36]

The transition to remote delivery

In response to the needs described above, on top of all the usual issues presenting at the service, FDR sessions were quickly, and in large numbers, shifted to remote delivery by telephone or video. While there were significant logistical challenges to be overcome, practitioners felt that the primary achievement had been continuing to provide the FDR service under challenging circumstances: “We were able to offer the service that [FDR clients] signed up for” [FDRP03]; “I don’t think we missed a beat. Our productivity was high” [FDRP05]. Under the circumstances, both clients and FDRPs demonstrated flexibility and, in general, appear to have embraced remote methods.

Most clients .... were downloading the apps and having a go.... I’d say the majority of our clients embraced still [being] within the system and getting access to the service. And if [video] wasn’t going to work, telephone was an option. [Being] client-centered was really important’ [FDRP03].

This was notwithstanding a minority of clients who, it was felt, may be disadvantaged by remote delivery, if they did not have the necessary technology or skills.

Although remote FDR could be delivered by telephone or video conference from an organizational perspective, individual centres and FDRPs exercised their own choices as to method of delivery—necessarily so, as many were using limited equipment at the outset. As became evident in the recruitment of interviewees, the majority of FDR services were in fact conducted by telephone during the pandemic, with 79% of the interview sample experiencing this method alone (Table 1). (The views of FDRPs on the merits of telephone vs. video delivery are explored in 5.6).

The lessons from this rapid transition, with regard to both benefits and risks, are explored in the sections below.

Advantages of remote delivery

Improved accessibility & efficiency

Primary among the advantages of remote delivery, practitioners spoke of the greater convenience for clients: “It gives us much broader and more flexible service delivery. It actually meets a lot of clients’ needs” [FDRP04]. This was particularly emphasized by practitioners working in regional locations, whose clients would otherwise travel long distances. Several practitioners also cited the ability to include cases previously considered outside of the jurisdiction of the organization; for example, in situations where one ex-partner lived interstate. This was also a theme that came through very strongly from clients, many of whom spoke of the convenience of not having to attend a physical location. As a consequence of providing greater convenience for clients, several practitioners also suggested there were efficiency gains for the service, due to fewer cancellations and ‘no-shows.’ [FDRP09]
All FDRP interviewees felt that there had been practice improvements as a direct result of the shift to remote delivery. This was mentioned, for example, in relation to the ability to share spreadsheet calculations relating to property division on the screen (previously managed in centres using a projector or written on an electronic whiteboard). One practitioner characterized this as “much more professional and much more efficient.” [FDRP04] Most client interviewees felt that the technology of video conferencing adequately replicated the in-person experience; and some appreciated the technical enhancements the video environment provided, particularly for those dealing with property and financial matters: “Not only could we see everyone’s face but we could also share numbers and figures in real time” [C41].

A client interviewee who had experienced both in-person and telephone FDR felt the telephone option was just as effective: “... there wasn’t a lesser quality within the telephone access, I didn’t think” [C17]. Another noted the comparative efficiency of the remote process, particularly by telephone, to deliver an outcome: “... because it was by phone, we realized that there was obviously certain time constraints and we didn’t beat around the bush... mostly because we weren’t face-to-face” [C53].

Increased efficiency was also mentioned by several practitioners as a by-product of conducting shuttle FDR by telephone, rather than having clients in separate rooms at a centre as was previously the case when ex-partners did not want to see each other, or when having them in the same room was deemed inappropriate.

Reduced anxiety & emotion

Clients often experience significant levels of stress when attending a centre in person, particularly for joint FDR sessions; due to a combination of factors including but not limited to the fraught content of discussions over post-separation arrangements. For most clients, FDR will be a new and unfamiliar experience, which can create anxiety. Further, many have been through acrimonious separations and would prefer not to see or speak to their ex-partners at all.

Given this, clients and practitioner interviewees alike observed that the remote delivery of FDR offers some emotional protection to clients and can be, in the words of one FDRP, “less daunting, less confronting for some people, less nerve wracking” [FDRP09]; “I think that people were more relaxed in their own home, their own environment.” [FDRP07].

Many client interviewees indicated that being able to take part by phone or videoconference significantly reduced their anxiety about the process, primarily because they did not have to see their former partners in person, or (when FDR was conducted by phone) at all. Similarly, an FDRP observed that “I think doing [FDR] over the phone does take some of the emotion out of it in terms of you’re not actually sitting in front of your ex-partner and the emotion that that can have” [FDRP02]. Another practitioner described the subtle slights that are endured by ex-partners in person, that can be avoided in remote FDR sessions: “the micro facial expressions or whatever, being in the same room or [an ex-partner] rolling their eyes that they just don’t have to deal with.” [FDRP04]

The flipside to this was that positive emotions could also be diluted. This may be most salient where FDR takes place between more amicable separating partners, as in a case where the client compared a previous, positive experience of joint FDR undertaken face-to-face: “Being in the same room I think facilitated simple moments that at least for me, brought us a little bit closer together.... It acted as a barrier, the virtual format, to sort of more natural responses.” [C51].

Reduced conflict

Several clients believed the remote service reduced the level of conflict that would have otherwise arisen in an in-person encounter. They recognized that just being in the physical presence of their ex-partner generated animosity...
that influenced the course of the negotiations: “It’s just so much more adversarial when we’re in the same space” [C33]. One client, comparing previous face-to-face FDR experiences in which conflict had escalated, observed of the remote experience that “you’re not sort of in each other’s faces riling each other up, I feel like it’s a less emotional forum” [C26]. Several FDRPs noted that remote delivery was not only more comfortable for clients without the anxiety of confronting an ex-partner and risking conflict in person, but also more conducive to negotiation (see 5.3.4–5.3.5).

**Improved agency**

While it is the FDRPs job to assist both parties to feel comfortable and capable of effectively participating in FDR, participation remains a daunting challenge for some. Because of the reduced anxiety and reduced conflict, multiple clients reported that remote delivery empowered them to participate more effectively, whereas being in an unfamiliar environment and sitting in the presence of their ex-partner would have undermined their confidence to negotiate. Many felt better able to express themselves because they were more comfortable in their own spaces: “I took all the calls from home. I was able to sit down and relax and get my messages across and to be heard in the most relaxed state that I could without feeling anxious.” [C37]

Being in their own secure and familiar environment was clearly more than convenience and comfort but rather enabled clients to feel stronger in asserting their views and wishes: “The remote delivery allowed me to get my feet underneath me to kind of negotiate from a stronger position within myself” [C16]. One client noted “a little bit more of a sense of confidence when you’re not confronting anyone” [C53].

Clients were somewhat divided on the way in which remote delivery altered the structure of discussions, and whether it helped, hindered or made no difference in terms of having their say. A few were able to make direct comparisons based on having experienced both remote and in-person sessions, including the following client who found it harder to find her moments to speak in a teleconference or videoconference than in face-to-face sessions: “Just having that physical presence means that you’re more clearly, you know, a part of the conversation.” [C04] However, others felt that the technology assisted the participants to take turns in speaking: “The fact that it was delivered over phone conference… I just felt it gave me a better voice, because the mediator was making sure that we both had the opportunity to talk.” [C26] One client implied it might depend on the usual dynamic in the relationship between ex-partners: “I felt like I could actually finally speak and say what I needed to without being talked down or talked over …” [C45].

**Perception of improved outcomes**

About a third of client interviewees explicitly connected their remote participation in FDR to their ability to reach an agreement (about half as many felt that remote delivery made no difference, and a few felt that it made agreement more difficult). These clients also offered valuable insights into how remote delivery might have facilitated agreement. Again, the theme of reduced emotion and anxiety emerged as being important, as expressed by clients who believed that an agreement was more likely because the parties were more at ease in a remote forum: “Being in a safe environment, in our homes, and being able to speak freely and have that third party, the mediator, present, in a conference call type setting, all of that contributed to why we reached the point that we did in terms of a resolution.” [C44] Some clients explicitly dismissed the possibility that satisfactory agreements could have been reached in person: “Had it been in-person, I would have either not been able to agree to anything, or I just would have rolled over and accepted whatever he chose to offer…” [C16] Likewise, practitioners also recalled cases where they felt that the outcome of FDR was improved, by virtue of clients being more at ease in their own homes and therefore “feeling a bit more relaxed and able to engage” [FDRP03].
Challenges in accessing & conducting FDR remotely

The material presented so far clearly indicates that the remote delivery of FDR has improved accessibility for many clients, most obviously because they do not need to physically attend a centre. Client interviewees reported few problems accessing the service by telephone or video, in technical terms, citing only minor glitches (video freezing, phones dropping out briefly), or concerns about connectivity which created anxiety in anticipation rather than in the event: “If anything failed technologically it’s quite an emotional thing already and then that just adds to the stress” [C18]. For the most part, these concerns were outweighed by the benefits of remote participation: “Where I live, it can be quite difficult to get a good clear line at times. But... I was grateful to use that mode in terms of it meant I didn’t actually have to be in the same room as him [ex-partner].” [C49] Challenges that proved more prominent in the interview material are described below.

Limits to privacy and confidentiality

Participation in remote FDR during COVID appears to have been most problematic for clients with children at home. FDRPs found that “largely it was about the clients being able to find some private space ... particularly the parent who had care of the kids at the time .... to be able to have an open conversation” [FDRP11]. Clients described the challenge of arranging childcare during lockdown to enable their participation in FDR. Many parents had no choice but to participate in FDR sessions with children at home. “Obviously I don’t want her [daughter] overhearing. But she couldn’t go anywhere and I couldn’t take her anywhere.” [C30] Creative solutions were required to avoid children overhearing discussions. One client, for example, set up outside in his caravan to provide privacy. [C49].

Logistics to achieve privacy were challenging for FDRPs as well as clients. As one practitioner noted, “If you’d told me in 2019 that I would have been comfortable to do an FDR while a client sat in a car, I would have laughed at you. And that was just a standard way that parents were managing to have those conversations...” [FDRP03] A high degree of flexibility was required from clients and FDRPs alike, and breaks for meeting children’s demands (including breastfeeding infants) were frequent.

The childcare issue was to some extent COVID-specific, but other aspects of confidentiality may be salient to remote delivery at any time. While keeping children out of earshot is primarily an issue of their own safety, confidentiality is important for other reasons, including for the safety of the clients themselves. It is worth noting the potentially serious challenge to confidentiality and safety inherent in conducting individual assessments with clients who are separated under the same roof, as was the case for one client interviewee who expressed concern that his ex-partner might have overheard his assessment. Two other clients described finding it difficult to be certain of confidentiality when joint FDR sessions were conducted by video: “You don’t know who else is listening to the other person’s video.... I felt a bit like we’d lost the right to privacy” [C25]. “He [ex-partner], I strongly suspect, had his new partner present and said that he couldn’t get his camera to work...” [C08]. Several FDRP interviewees expressed similar concerns (see 5.5).

Lack of visual cues in telephone FDR

Some clients felt that the absence of face-to-face interaction during FDR detracted from the impact of the engagement. Being in front of someone, whether the FDRP or ex-partner, meant that the interaction had substance and meaning: “I think having that physical presence means you can’t be forgotten” [C04]. Another client, struggling to explain this feeling of reduced impact, spoke of the need to be understood: “I think there’s a lot of communication that’s missed because of this. I think to be heard and to be understood are different things.... there’s a shift to, I guess, relying on the spoken word to give meaning, but it also vacates a lot of information.” [C35]
Others recognized that while in-person FDR might have been more satisfying method of engagement, there were drawbacks that needed to be balanced.

We came to an agreement. It would have been nice to be able to sit down face-to-face because you can be a bit more emotional and open when you’ve got a person in front of you. But in some ways it probably was a good thing that I wasn’t getting that emotional because then he [ex-partner] would have used that against me. [C48]

Many clients and FDRPs who had undertaken FDR sessions by telephone commented on the absence of visual cues available to participants using this mode of delivery. “It was sort of a bit hard not being able to see the mediator. I didn’t really want to see my ex but also not the body language, you don’t get to see that.” [C06] There was a new appreciation of the way in which person-to-person communication relies on these cues in terms of knowing when someone else wants to speak, and in terms of reading emotion. FDRPs were highly attuned to this, and a strong theme among the practitioner interviewees was the challenge in delivering FDR via telephone without these visual cues. “You’re only getting part of the communication; the visual side’s gone.” [FDRP02]

A repeated theme amongst FDRPs was the challenge of monitoring and responding to client needs and wellbeing without these visual cues (see also 5.5). Some FDRPs expressed this issue simply as not being able to assure themselves that their clients were OK, being accustomed to the rich texture of cues that came from the complex three-way interactions in a mediation session—not only observing clients individually, but also observing how they interact with each other: “they might be agreeing to everything and everything might be going swimmingly, [but] if I was in the room with them, I would be able to see that they were nervous or uncomfortable or angry or whatever.” [FDRP01]

On a similar note FDRPs found they were not able to exercise some of their more subtle but important process management tools. When working with clients face to face, FDRPs are usually able to manage the course of the interaction by monitoring the emotional climate to predict and sometimes preemptively intervene to defuse conflict or enhance cooperation. When the time is right FDRPs might encourage clients to speak directly to each other. At other times an FDRP might choose to call a break in proceedings when energy is flagging or emotions running hot.

.... You have to adapt to not being able to use body or facial cues.... Knowing when, you know, you might have to take a break, for example, you’re only going on one cue, you’re going on what you can hear, as opposed to... all those other cues [in face to face]. [FDRP09]

This was a consideration in terms of FDRP thinking about the comparative advantages and disadvantages of conducting FDR by telephone or video, respectively (see 5.6).

Reduced engagement and commitment

Of importance in terms of implications for dispute resolution, some FDRPs noted a lesser engagement of clients participating in remote sessions. While not having to attend a centre in person was enormously advantageous in terms of convenience and accessibility for clients, this meant that some did not adequately focus on the issues under dispute. Practitioners had experienced clients attempting to participate in FDR sessions while driving (prompting them to end telephone calls or even video calls abruptly, for fear of an accident) or engaging in other activities: “How much attention are they paying? Can you talk about your children’s interests and do the dishes at the same time?” [FDRP03]

This was interpreted as a lesser commitment to the process by one FDRP: “[Remote FDR is] more convenient for parents; on the downside, perhaps they’re less committed.... there’s not as much thought and preparation and
planning [going] into it.” [FDRP06] Other FDRPs conceptualized similar observations in terms of the relative formality of the different modalities: “I think, the telephone and [video]...it can sometimes seem like a less formal process to them or something.” [FDRP04]

Even clients themselves touched on this. One client, who had experienced face-to-face sessions as well as telephone FDR sessions in which his ex-partner had seemed distracted, noted that “... face-to-face is really the only way in which you can pretty much guarantee that people will be just attended to the session.” [C51] A related practitioner observation was that remote clients obtain a more limited sense of the FDRP “as a person and you as a mediator, you know. So, you're a voice, just a voice...” [FDRP11] This FDRP made a connection between the lesser ability to engage clients when communicating remotely, and clients’ lesser commitment to the process:

I've had people trying to operate machinery, people shopping,... because it's just another phone call.... [when] we are talking about the parenting arrangements for their children.... they were really just responding to a voice and it was up to them exactly how interested they'd be in the process. [FDRP11].

Safety considerations relating to remote delivery

There were both positive and negative implications of remote delivery for the safety of vulnerable clients. Several clients interviewed felt that the remote delivery of FDR greatly enhanced their sense of safety. “Because.... [ex-partner's] gone out of his way to intimidate me and pressure me, being able to conduct the meeting via [video] was really helpful” [C16]. The reduction in emotion and anxiety associated with remote FDR was most significant where there were issues of family violence. Previously, where such cases were deemed suitable for FDR, shuttle mediation sessions were used, requiring (when conducted in person) stringent measures to ensure that parties do not encounter each other before, during or after FDR sessions. Despite these measures, FDRPs acknowledged a certain level of anxiety attached to these sessions, both for clients and for staff, that was removed through remote delivery: “With that concern gone, people can be more relaxed about accessing the service, and we can be more relaxed about providing a service without those concerns in place” [FDRP07]. One client recalled and compared the experience of a previous in-person shuttle session with her more recent experience of telephone FDR, noting that, with the remote option, “I just didn't have to worry about any of those sorts of chance encounters, or you know, just even the anxiety around going into the building.” [C33].

Several practitioners, in fact, observed that remote delivery had enabled FDR sessions with clients and couples who would otherwise have been deemed unsuitable for mediation. These FDRPs spoke of assessing a broader range of cases suitable for FDR when conducted remotely, and some cases becoming suitable for joint FDR by telephone, as opposed to shuttle format using any method of delivery, given the lower risk of intimidation. “There are some things that may not have been appropriate face-to-face that became appropriate because we could do them via the phone.” [FDRP07].

From the perspectives of both clients and practitioners, the reduced potential for intimidation was, again, conducive to more productive negotiations: “I was able to.... actually just be present to what was being said rather than, you know, feeling uncomfortable or feeling threatened, because he wasn't in my physical vicinity.” [C30] Clients and FDRPs also cited agreements that they attributed to the greater sense of safety offered by remote FDR.

I was able to feel as safe as I was going to be able to feel because I was, you know, physically distant; I could, if I wanted to, just go away from the meeting. And I think that feeling certainly allowed me the space to try and get to a settlement, and also not be as bullied and threatened as I think I would have been had it taken place in-person. [C16]

In general, practitioners remained confident in conducting safety screenings by remote means but acknowledged that this assessment was more challenging when conducted by telephone, due to the lack of non-verbal cues: “Sometimes I
needed to ring clients back to do a secondary level of assessment or even a third level of assessment, just to ensure that I wasn’t missing anything” [FDRP10]. On the other hand, practitioners had observed some remote clients “feeling more comfortable to reveal things rather than less” [FDRP04], without feeling intimidated by a face-to-face conversation.

While physical safety is most obviously improved through remote delivery, emotional safety is somewhat more complex. Emotional safety may follow from feeling physically removed from one’s ex-partner; further, several FDRPs suggested that clients with safety concerns are in fact empowered with greater control in remote sessions, citing participants who simply hung up the telephone or turned off the video when they needed a break. On the other hand, one FDRP was concerned that “if they are struggling in any way, I’m not physically present to be able to assist them in any way.” [FDRP01] Another noted that it is more difficult to check on the wellbeing of a client after a remote session (follow-up calls may go unanswered) than after an in-person session before a client leaves a centre. [FDRP03]

The primary safety concern expressed by FDRPs relating to remote delivery was that they felt less confident in gauging that clients were alone, and therefore able to speak freely, confidentially, and without intimidation [see also 5.4.1]. “We’re very explicit about ensuring it’s private and that we’re not being recorded, but you are going on people’s word.” [FDRP09]. While this assessment was hardest to make over the telephone, it was also a challenge in some FDR sessions conducted by video. One FDRP recalled a client becoming angry when asked to show that he was alone in the room for a videoconference.

Practitioner thoughts on mode of delivery

Although practitioners certainly described initial misgivings about remote delivery, and difficulties in transitioning quickly, they were overwhelmingly positive about the results of this unexpected, mass trial of remote methods. Several practitioners reflected that, by the time of interview, it seemed hard to believe that methods of remote delivery were not widely used before COVID: “Now that we’re doing it, it seems silly that we weren’t always doing it.” [FDRP01]

Notwithstanding some reservations about the use of remote methods in some situations, all practitioners were certain that remote delivery should and would continue in the future for suitable cases. Practitioners were accepting and embracing of remote delivery as their new reality: “It’s become the new norm. The overwhelming majority [of clients] prefer for it to be done remotely…. I don’t have any reservations about it. I think it works well.” [FDRP04]

It was generally agreed that both telephone and videoconferencing should continue to exist, as options, alongside face-to-face delivery. While some considered that intake appointments should default to remote methods, it was understood that face-to-face appointments would also need to continue, in order to cater to diverse client needs and preferences. The challenge of working out which clients should attend face-to-face sessions, and under what circumstances, was acknowledged by some practitioners.

As long as we’re providing procedural fairness to both parties and maintaining the core principles of the FDR…. I’m quite happy continuing to deliver it [remotely] but with the proviso that I think there are situations where parties may benefit from getting out of their space and moving into the more structured environment of going to a centre and engaging with someone. [FDRP11]

In terms of specific method of delivery, practitioners acknowledged that telephone and teleconferencing had been more commonly used, somewhat by default, for both individual assessment and joint FDR sessions. One practitioner acknowledged that delivery via telephone might lag behind some clients’ expectations of videoconferencing: “They’re sometimes a little surprised that [videoconferencing’s] not the default.” [FDRP01] The limitations of using telephone only were acknowledged by FDRPs; primarily, as explored earlier, the challenge in delivering FDR via telephone without visual cues (5.4.2). However, in general, it was felt that the challenges of telephone delivery were not insurmountable. An FDRP described adaptations on both sides: he would explain to all clients his diminished ability to gauge distress; clients were responsive to this and would initiate breaks when needed.
Practitioners were generally open to using either telephone or videoconferencing, given the right equipment and administrative support. Many were glad to have the choice of videoconferencing and were positive about its potential to circumvent some of the challenges of delivery by telephone. In particular, the use of videoconferencing assisted in reading visual information. However, FDRPs were not without reservations about videoconferencing. One practitioner spoke at length about the evolution of her own thinking on the choice of modality, and how she came to appreciate the complexities around this option.

The clients both had to have access that was good, decent bandwidth, a decent machine that they were using. They had to have somewhere they could sit and deal with it. I had to consider, you know, is it fair that someone has a desktop computer with a really good camera and [connection] and the other person's in their car on their telephone, using their mobile connection? And so [video] added elements that I must admit I hadn't anticipated when I was first pushing for it. [FDRP01]

These considerations about remote delivery options were linked to the nature of the organization's clientele and to equity of access, given the diverse range of resources available: “[video-conferencing] wasn't the obvious choice like it might be for other clients” [FDRP01]. Another practitioner, who was equally enthusiastic about FDR via videoconferencing at the outset, also expressed enduring reservations in terms of the emotional implications for clients: “I have noticed that, for clients, [video] can be very confronting... you can be stuck with this situation where, you know, you really have your ex-partner up close and personal. I am not a complete convert at this stage.” [FDRP03]

Despite such reservations, most practitioners identified situations in which the utility of videoconferencing made this option highly advantageous. One practitioner explained that despite teleconferencing being the default method, he would suggest video-conferencing for sessions when he foresaw that screen-sharing would be particularly useful: “For example, if someone's roster is a particular issue, then ... being able to look at ... the roster and making plans around it was very useful, and so then video might be a helpful thing.” [FDRP03].

Ultimately, it was felt that FDRPs were responsible for choosing the most appropriate mode of delivery for FDR on a case-by-case basis, based on client preferences and suitability to the circumstances. [FDRP07].

**DISCUSSION**

At the time of writing, increased demand for FDR continues unabated. Families are still grappling with the effects of a lockdown that prevented a public health catastrophe but created new financial pressures for many and continues to place strain on relationships. Even in situations where much of the pressure has eased along with the easing of restrictions, the experience of the pandemic continues to be felt through the FDR service, with families having gained a new perspective on their priorities. Some separated parents are wanting to formalize new arrangements that worked well during COVID; others are wanting to return to pre-COVID arrangements; and all such changes create the potential for conflict between co-parents.

Given the clear gains in terms of convenience and efficiency, it seems likely that remote FDR will be a significant component of the service repertoire offered to separating clients in the future, now that it has proved entirely possible (pending sufficient evidence that remote FDR can also be fair, safe and secure). It also seems likely that clients themselves, particularly following their experiences during COVID, will expect and perhaps demand that services (FDR but also many others) remain available remotely. As Sourdin et al. (2019: 31) contended, even before COVID, with regard to the ‘justice sector’ more broadly: ‘the clients (and potential clients) are increasingly tech-savvy. Arguably, the cart is full and eager for the horse to come to the fore.’

The reality is that there will be diversity of preferences within the FDR clientele: ‘... there’d be a small group who love [remote delivery] and wouldn’t want to do it any other way. There’d be the bulk who just go, “Well, it’s
what it is and it's okay." And then there'd be again, the other end who'd be people who just refuse to do it at all.' [FDRP01] Under these circumstances, there is an unforeseen opportunity to develop a service model featuring multiple delivery options to suit different clients and different cases. Indeed, the client preference may be characterized as a desire for choice and flexibility, rather than for remote or face-to-face delivery, or for any particular method of remote delivery. One FDRP had observed that “On balance, [clients were] very accepting of [remote delivery] last year and I think now much more wanting to have the option around choosing the mode themselves” [FDRP03]

Considerations for remote service provision

Where remote delivery remains an option for Australian FDR, as we argue it should, flexibility will be required from organizations and from individual practitioners. Remote delivery requires that organizations provide the equipment to enable staff to provide FDR in multiple ways: for example, with flexible spaces that may be used for face-to-face sessions but which are also enabled for teleconference calls and/or videoconferencing.

The challenge for FDR services will be to decide under what circumstances remote services are contraindicated. Protocols will need to be developed to guide practitioners in this decision-making. Tools may also be needed to assist clients to understand the options, the circumstances under which they may or may not be appropriate, and the requirements attached to all options (e.g. no children present, no driving) and to particular options (e.g. an adequate internet connection and camera for videoconferencing).

A second challenge will be to decide under what circumstances remote services are preferred. Previously this had usually been decided based on practicality. Remote services were provided to remote clients who could not attend or easily attend for face-to-face services. The explicit assumption has been that face-to-face is better, if at all possible. Those affected by family violence were either screened out or offered a modified face-to-face process when safety and capacity issues could be addressed. The pandemic and subsequent enforced application of remote services has allowed this assumption to be challenged.

In some instances, clients may be better served by telephone or video FDR over and above those benefits of convenience and practicality. In some cases, the level of animosity and negativity between a couple may work against progress in a face-to-face encounter, despite the best efforts of an FDRP to manage the process. Some clients and FDRPs noted that telephone FDR imposed a helpful structure on the interactions that facilitated constructive negotiation. Of particular interest were the reports that clients felt better able to speak up for themselves when participating from home. As one client nicely put it, remote services allowed her “to get [her] feet underneath [her] to kind of negotiate from a stronger position.” A related benefit was the reduction in anxiety reported by many clients brought about by not coming to an external environment and meeting their ex-partner face to face. Interestingly, all these potential benefits were identified not just by clients who had only experienced remote services but also by those who had experienced face-to-face services.

An important learning from the client and FDRP interviews is the relevance of remote services for clients affected by family violence. Clearly, clients felt safer with remote services. Trauma-informed FDR practice recognizes that traumatic events can have a lasting and debilitating impact upon a person's capacity to participate in FDR. Even when client safety can be assured, and a client is judged to be capable to participate, the lingering effects of a past trauma can have subtle and unpredictable effects. This point is illustrated by one interviewee who much preferred using remote services to a previous shuttle mediation in which she would never meet her ex-partner. The concern of a chance encounter troubled her deeply and she appreciated the ability to participate from home. While FDRPs also recognized this benefit, they found it more difficult to assess and manage client wellbeing and safety without being able to control the environment and benefit from the face-to-face interaction.

What happens when the parties to a case disagree as to their method of participation? In some cases, it might work for each party to nominate a different method— for example, one client might be in a centre with the FDRP, while the other participates by video link; or one party might wish to participate by video while the other has their camera switched off. However, with multiple options available, practitioners must decide how best to conduct joint FDR
sessions on a case-by-case basis, having canvassed and considered the preferences of each party, alongside any safety considerations. That the decision ultimately rests with the practitioner should be made clear to clients from the outset.

Flexibility may also be needed from practitioners, and multiple delivery methods used, in the management of individual cases. Engaging the responding party in an FDR case is often difficult [22], and our FDRP interviews suggest that client engagement can be even more challenging under remote delivery. Where this proves to be the case in any given session, an FDRP might require that a subsequent session take place in a centre. One client interviewed suggested that in her case, remote FDR had worked for their early negotiations but that a face-to-face session may be required to finalize their agreement. Conversely, where it becomes clear that attending in person has been particularly anxiety-provoking for a client, subsequent sessions could be offered remotely.

When we asked FDRP interviewees what adjustments were required to make remote FDR a routine offering, suggestions included:

- Additional time for the FDR process when conducted by telephone, to allow for (a) the greater need for explicit verbalization, i.e. having to read out proposals and points of negotiation or agreement regularly, since clients cannot see the documentation in progress on a board or screen as could clients participating in-person or by video (b) additional breakout private conversations with clients undertaking joint FDR by telephone, due to the lack of visual cues (“just to ensure that what I was hearing and what I was thinking was happening is what was really happening” [FDRP01]);
- More structured information, or a more comprehensive ‘How To’ guide, for clients preparing to participate in remote delivery by video (instructions are already provided);
- More training, especially for early-career FDRPs, in assessing safety during remote delivery: “Going forward, if we’re going to have these modalities, we need to probably have specific training around them, just because they’re different in some ways and require a different skill set.” [FDRP07]

CONCLUSIONS

Remote delivery offers enormous advantages for many FDR clients, including enhanced accessibility, enhanced physical safety, and greater convenience. Many clients and practitioners identify as beneficial the way in which reduced emotional intensity creates greater opportunities for parties to express their points of view with confidence and facilitates agreement by mitigating animosity and anxiety. Remote service models may also broaden the scope of those clients who can safely and effectively undertake FDR. Rather than simply a choice of convenience, remote models of service delivery should be seen as a powerful tool in the repertoire of an FDR practitioner and an FDR service.

Significant challenges have also been identified. Client engagement can be a greater challenge for practitioners operating remotely, and it can be harder to obtain client commitment to the FDR process. Clients and practitioners alike have noted the loss of visual cues available to them in negotiating and guiding negotiations respectively, particularly when sessions are undertaken by telephone. New skills and processes will need to be developed and applied. Training programs and professional development activities will need to respond to the new needs. Further evaluation and research will need to investigate the benefits, risks and limitations of remote FDR and examine what types of client presentations are best served by remote methods.

Adapting to remote delivery requires a lot from the staff of FDR service providers, but arguably much of the hard work has already been done; the transition forced by the unique circumstances of COVID-19. The challenge will be for organizations providing FDR services to build on the progress already made and avoid the temptation to return to the comfort of established practices. This will no doubt require more training of staff (not only practitioners but administrative staff) to consolidate learnings and clarify protocols, and the purchase of more equipment. There will be implications for the way in which centres are fitted out, and eventually for the physical spaces chosen to
house such services. These challenges, by and large, did not seem insurmountable to our FDRP interviewees, and FDR service providers will likely approach them willingly given the opportunity created by COVID-19.

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