



Australian Government
Australian Institute of Criminology

Alternative dispute resolution initiatives in the care and protection jurisdiction of the NSW Children's Court

Anthony Morgan, Hayley Boxall, Kiptoo Terer & Dr Nathan Harris
Child Aware Approaches Conference
11-12 April 2013



ADR in the care and protection jurisdiction of the NSW Children's Court

- Provides opportunity for parties involved in care proceedings to meet and discuss issues relevant to application:
 - Includes parents and their lawyer, other family members or support persons, children and/or their lawyer and the Community Service caseworker, Manager Casework and their lawyer
- Facilitated by a neutral third party
- Less formal than a court hearing
- Parents and family members encouraged to speak for the themselves
- Professionals encouraged to speak directly to the family and avoid using jargon
- Conferences held outside of the courtroom



New model of Dispute Resolution Conference (DRC)

- Operated in all NSW Children's Courts (except Bidura)
- Convened by Children's Registrar
- Conciliation model
- Referred at any stage in the process
- 2 hours per conference
- 1,096 conferences during the evaluation period

Legal Aid Pilot

- Limited to matters referred from the Bidura Children's Court
- Convened by mediator
- Mediation model
- Post-establishment only
- 3 hours per conference
- 84 conferences during the evaluation period

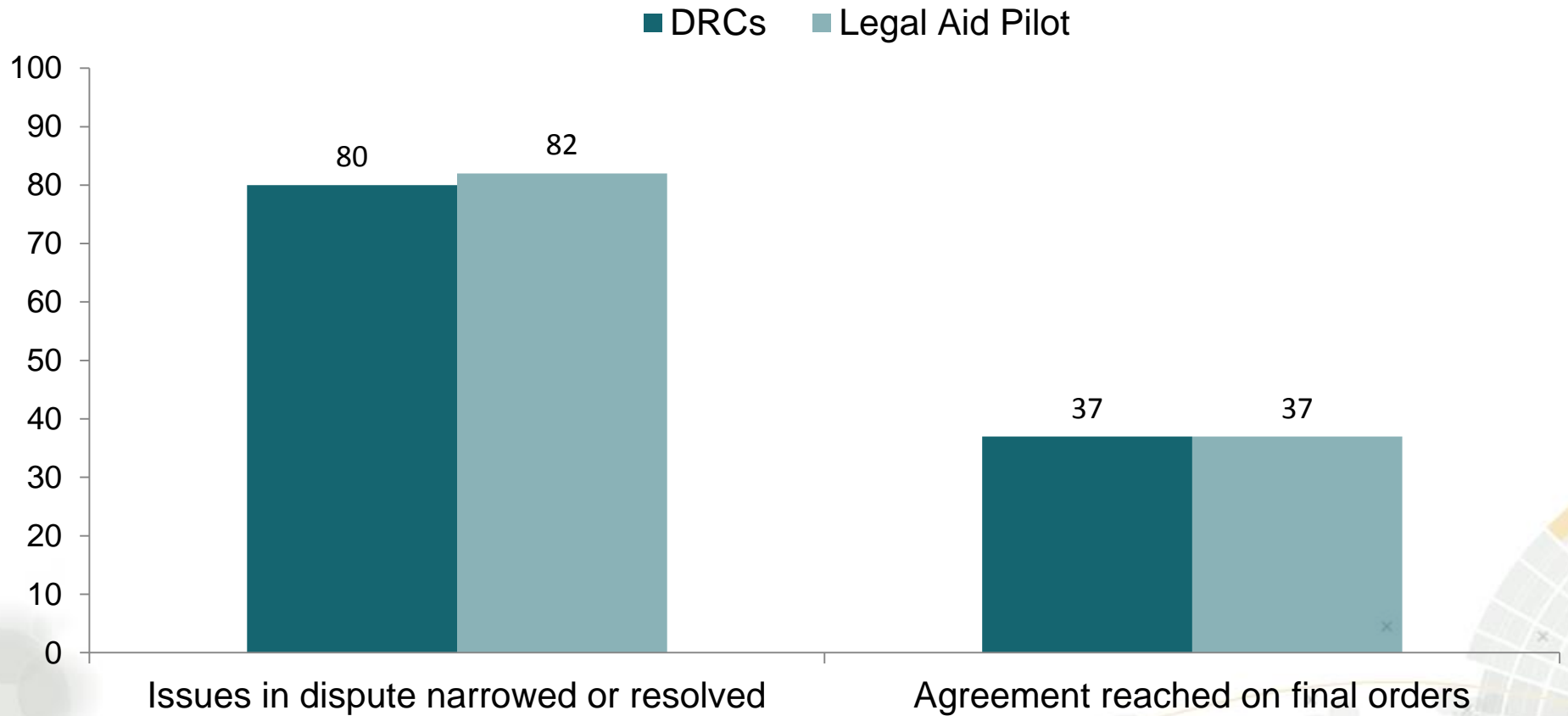


Evaluation methodology





Conference resolution rates and agreement on final orders (%)





Satisfaction with the conference process and outcomes

- High rates of satisfaction with the conference process among families and professionals:
 - Treated fairly by impartial facilitators
 - Other people listened to what they (or their client) had to say
 - Happy with how the conference was run
 - Able to contribute to the end result
- Level of satisfaction with outcomes lower (although the majority still satisfied) and varied between participants
- Participants still felt the conference was useful, even if they weren't happy with the outcome



Regression model predicting mothers' satisfaction with outcomes from conference

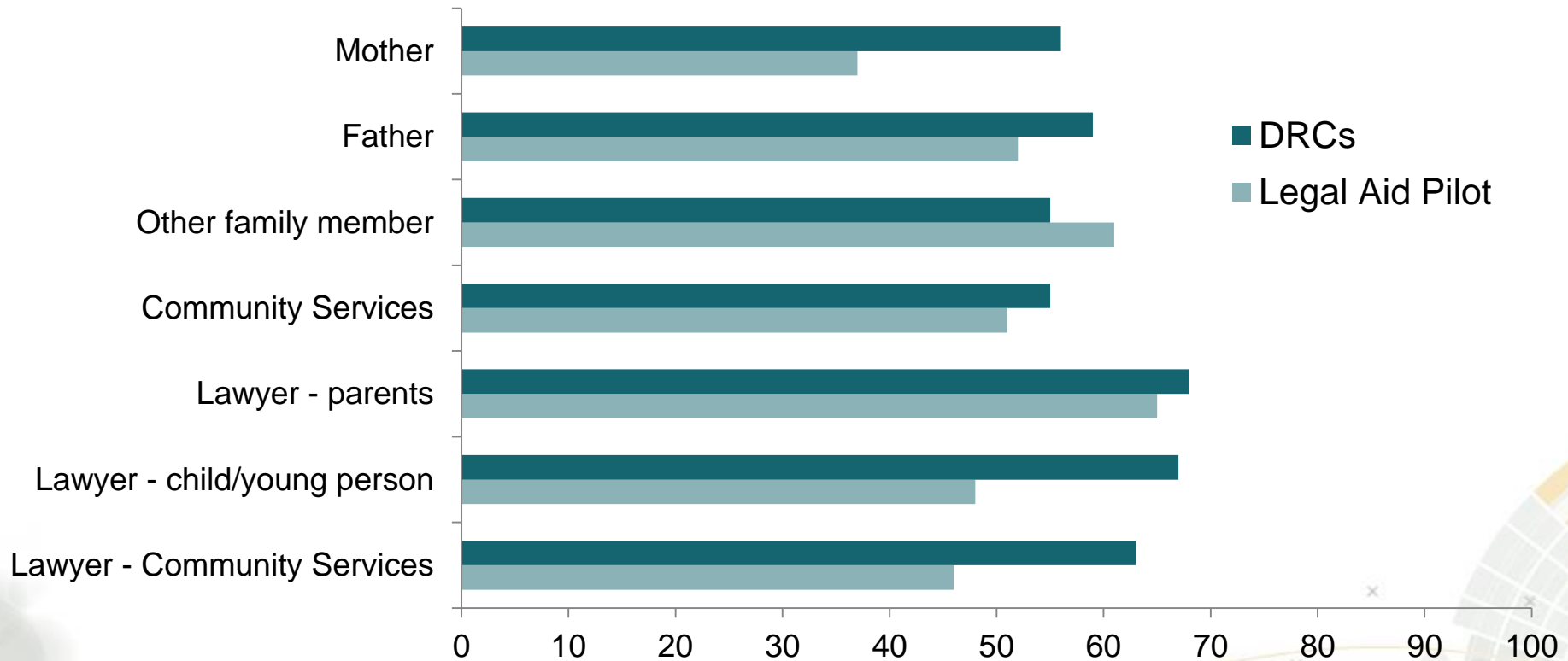
	B	Std error	Beta	t	p
Understanding of what was going to happen at the conference	0.030	0.071	0.019	0.417	0.677
Apprehension about participating in the conference	0.004	0.036	0.005	0.119	0.906
Satisfaction with the conference process	0.608	0.088	0.366	6.905	0.000
Perception of whether Community Services gave them a fair go	0.360	0.034	0.472	10.440	0.000
Constant	-0.236	0.337		-0.701	0.484
R2	0.556				

Regression model predicting fathers' satisfaction with outcomes from conference

	B	Std error	Beta	t	p
Understanding of what was going to happen at the conference	0.094	0.070	0.066	1.356	0.177
Apprehension about participation in the conference	0.048	0.041	0.058	1.174	0.242
Satisfaction with the conference process	0.262	0.103	0.190	2.545	0.012
Perception of whether Community Services gave them a fair go	0.448	0.050	0.626	9.012	0.000
Constant	0.521	0.398		1.308	0.192
R2	0.610				

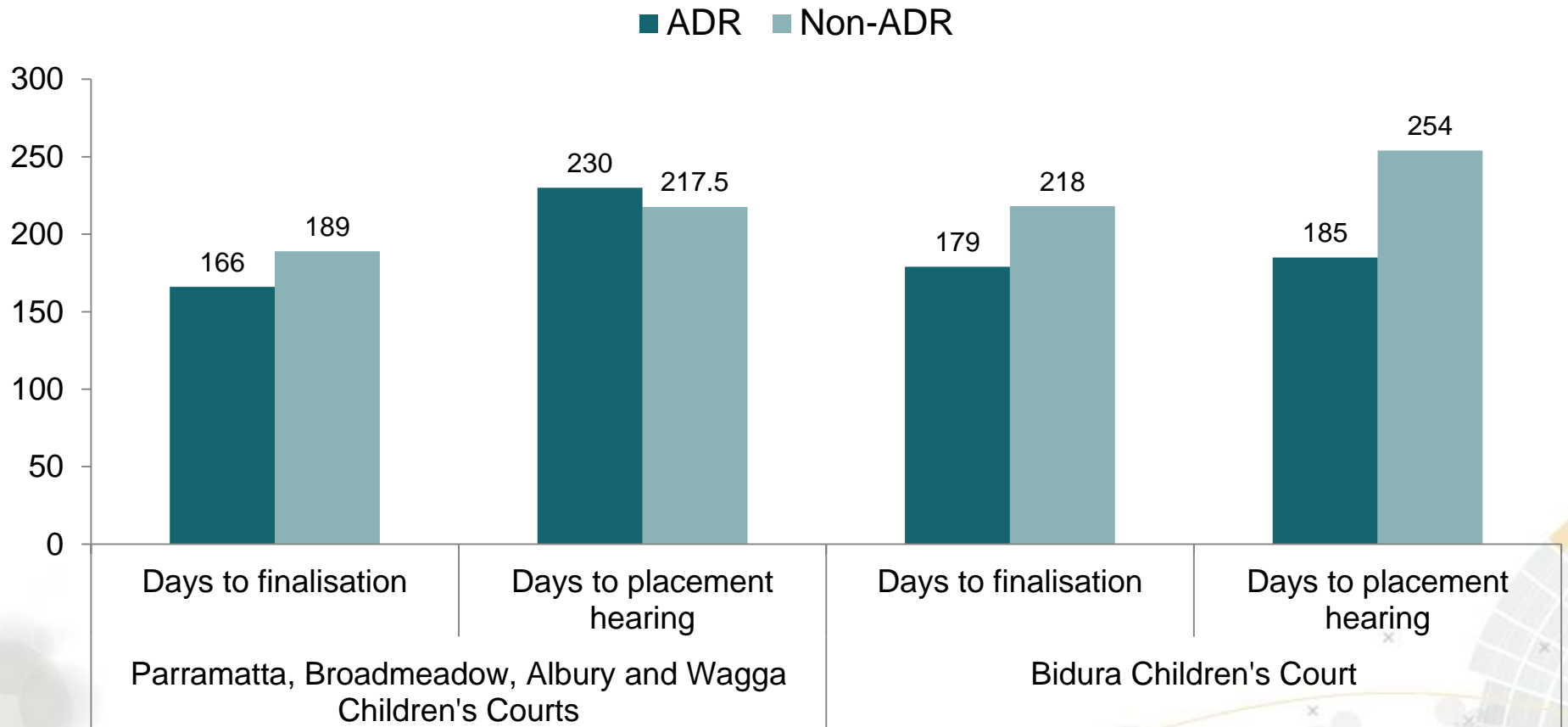


Participants who agreed or strongly agreed with the statement 'The relationship between the family and Community Services would improve post-conference' (%)



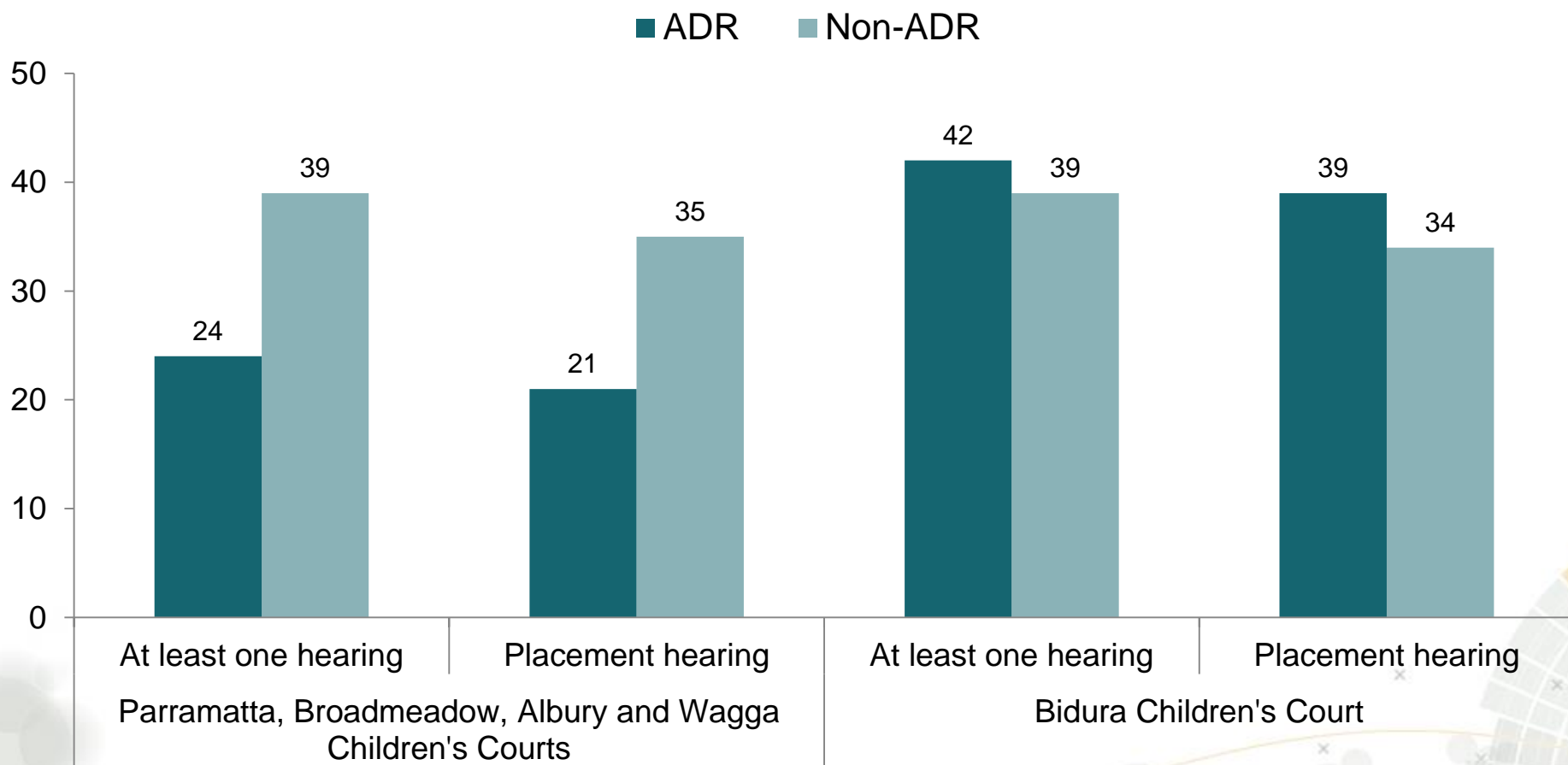


Median number of days to finalisation of matter and to placement hearing





Matters involving a hearing (%)





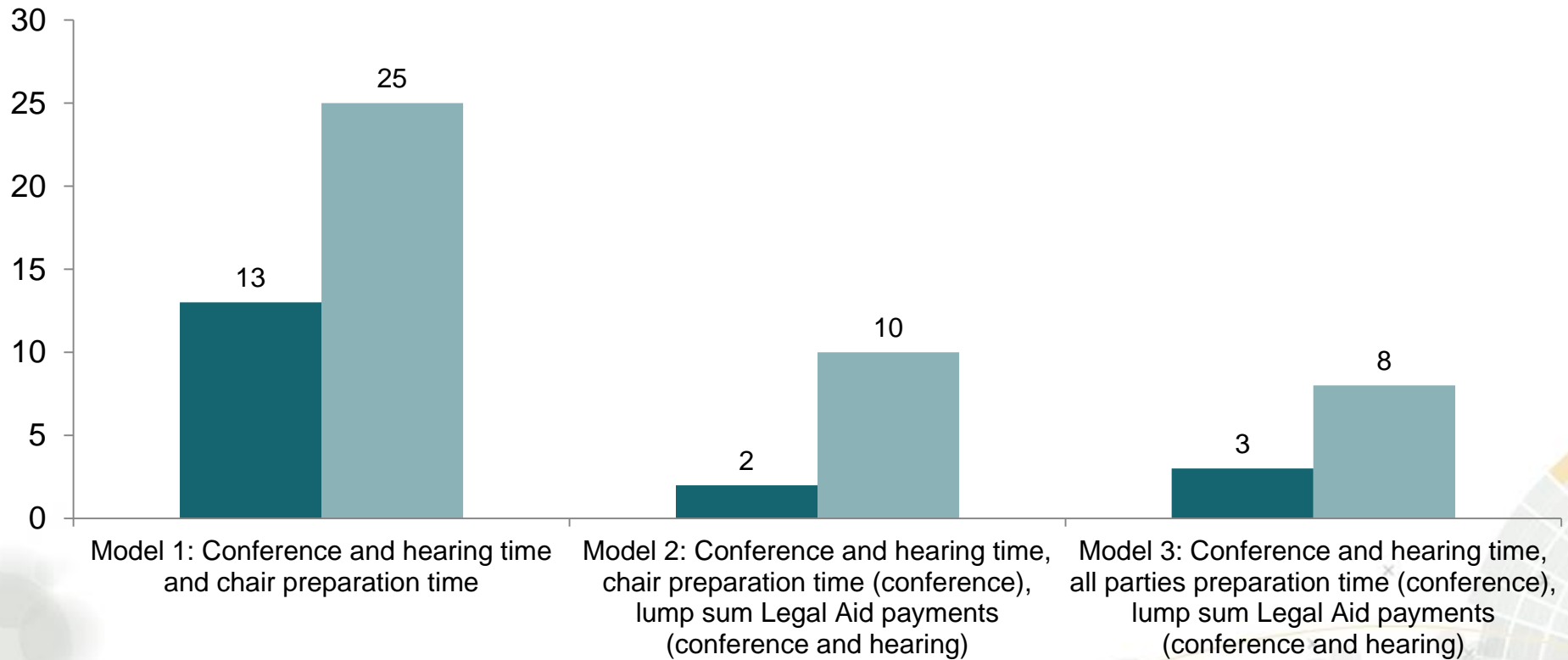
No measurable impact on...

- Hearing length
- Vacated hearings
- Matters resolved on the basis of consent
- Care plan agreement rates
- Placement outcomes



Difference in average cost per matter (ADR compared to non-ADR matters) (%)

■ Parramatta, Broadmeadow, Albury and Wagga Children's Courts ■ Bidura Children's Court





Conclusion

- Evidence supports continued involvement of ADR as integral feature of care and protection proceedings
- Recommendations to further enhance the effectiveness of ADR in the Children's Court:
 - Continue to build and maintain support for the programs and the capacity of professionals involved
 - Further refine the ADR models based on the evaluation findings
 - Ensure the sustainability of both models of ADR



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Report available at www.aic.gov.au



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