Impartiality in the conditions of unequal negotiation

Neutrality, post-separation abuse and the limits of family dispute resolution

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Abstract

Family dispute resolution is commonly described as a neutral process in which separating parents are assisted to make their own decisions. This article argues that neutrality, impartiality and independence are not interchangeable, and that impartiality is better understood as a practice discipline than as a position standing outside power. Drawing on Astor's account of situated neutrality and on the suitability obligations in the Family Law (Family Dispute Resolution Practitioners) Regulations 2025 (Cth), it argues that a suitability assessment counts incidents, while successful coercive control, separation and completion of a behaviour change program each reduce the incident count without reducing the risk. It considers families the process may not recognise, and finds practice guidance where an empirical literature does not yet exist. Neither agreement nor adjudication guarantees safety.

Family dispute resolution is commonly described as a neutral process in which separating parents are assisted to make their own decisions. The description matters. It also compresses several distinct questions: who is recognised as family, whose account is legible to the process, what counts as a freely made choice, and what the practitioner must do when the parties do not enter negotiation with comparable power.

Those questions cannot be answered by treating neutrality, impartiality and independence as interchangeable. The Family Law Act defines FDR as a non-judicial process in which the practitioner is independent of the parties. It does not require the practitioner to decide disputed facts or determine which parent is right. Mediation scholarship shows that practitioners and researchers do not use “neutrality” and “impartiality” in one settled way. Astor argues that neutrality in the strict sense is unattainable, because the practitioner is always situated, and that the response is not to discard the concept but to discipline how the practitioner contributes to the process and to engage with power rather than attempt to exclude it. Douglas, examining how both terms are constructed in Australian practice, finds that each resolves into limiting bias rather than eliminating it. A workable distinction is to understand independence as the practitioner’s relationship to the parties; neutrality as a commitment not to predetermine the outcome; and impartiality as disciplined fairness in how the practitioner exercises judgment and conducts the process. This is a practical distinction, not a claim that the literature has resolved the terms.[1]

Impartiality cannot mean pretending that every dispute is symmetrical. Equal time to speak, identical questions or separate rooms do not establish equal access to information, safety, confidence, legal advice or freedom to refuse. Nor does recognising asymmetry mean deciding an allegation or taking over a party’s choices. The practitioner’s task is narrower and more exacting: assess whether negotiation is appropriate, notice how power is operating, adapt the process where adaptation can address the identified risk, and stop when it cannot.

[1] *Family Law Act 1975* (Cth), ss 10F, 60CC, 60H and 60J; Douglas, S. (2017), “Constructions of Impartiality in Mediation”, Journal of Judicial Administration, 26(4), 232–247, https://research.usc.edu.au/esploro/outputs/journalArticle/Constructions-of-Impartiality-in-Mediation/99451038902621; Astor, H. (2007), “Mediator Neutrality: Making Sense of Theory and Practice”, Social & Legal Studies, 16(2), 221–239, https://doi.org/10.1177/0964663907076531; Douglas, S. (2012), “Constructions of Neutrality in Mediation”, Australasian Dispute Resolution Journal, 23(2), 80–88, https://research.usc.edu.au/esploro/outputs/journalArticle/Constructions-of-Neutrality-in-Mediation/99450218402621.

Suitability is a professional judgment, not a finding of fact

A suitability assessment is not a trial in miniature. An FDR practitioner does not make findings that violence occurred, determine the predominant aggressor or adjudicate a parenting dispute. The assessment asks a different question: can these people negotiate freely enough, and can this process be conducted fairly and safely in the circumstances? Current regulations require practitioners to consider safety, bargaining power, risks to children, health, undue influence and other factors materially affecting free negotiation. They also require the practitioner to determine whether sessions remain appropriate as the process unfolds, and to conduct them, as far as possible, in a way suited to the needs of the people attending. If the practitioner is not satisfied that sessions remain appropriate, they cannot continue on the basis of the earlier assessment. Where FDR proceeds despite a history of violence, the practitioner must provide for fairness and safety before, during and after sessions.[2]

That distinction is especially important in cases involving coercive control. A conflict frame can make patterned conduct look like mutual disagreement. Conversely, an allegation is not proof, and an assessment should not become a shortcut to a conclusion about credibility. The practitioner needs to ask about pattern, context, function and impact: what behaviour is reported; how it has shaped each person's decisions and parenting; what the child has seen, heard or had to manage; and whether the proposed process could reduce, contain or inadvertently extend the harm.

Post-separation abuse complicates the idea that separation ends the relevant relationship or the exercise of control. Parenting communication, changeovers, disputes about health or schooling, contact with extended family, financial decisions and repeated applications can become routes through which coercion continues. Not every difficult exchange, breach or disagreement is evidence of abuse. The concern is the pattern and its function, including whether the child or the other parent is being made to remain available to the former partner's control. Recent Australian qualitative research with 14 family-law-involved victim-survivors describes legal and financial systems being used to continue coercion, while also acknowledging that this is a small, specific sample and not a prevalence estimate.[3]

A parenting plan can therefore be both practical and risky. It may reduce avoidable contact and give a child predictable routines. It may also create repeated points of access, surveillance or leverage. "Co-parenting" is not a neutral description if one person is using routine coordination to maintain control. At the same time, a practitioner should not presume that parallel parenting, restricted communication or reduced contact is always the right answer. The question is what arrangement is safe, developmentally workable and responsive to this child and this family, on the information available.

A falling incident count is not evidence of safety

A suitability assessment works with what can be reported, dated and described. That is a reasonable place to begin and an unreliable place to finish, because the circumstance most likely to make negotiation unfree is also the one least likely to present as a countable event.

Stark's account of coercive control moved the analysis away from violence as a series of discrete assaults and towards the cumulative restriction of liberty and autonomy. The question is not exhausted by asking what has been done to a person. It also asks what she can no longer safely do: disagree without anticipating retaliation, spend money without accounting for it, keep a friendship, turn off a phone, make an ordinary parenting decision.[4]

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[2] *Family Law (Family Dispute Resolution Practitioners) Regulations 2025* (Cth); Attorney-General's Department, "Obligations when conducting family dispute resolution".
[3] Meyer, S. et al. (2026), "Experiences of post-separation coercive control: family law-involved victim-survivors' perspectives on coercion, litigation abuse and financial impacts", *Violence Against Women*, https://doi.org/10.1177/10778012261484130.
[4] Stark, E. (2007), *Coercive Control: How Men Entrap Women in Personal Life*, Oxford University Press.

That has a consequence practitioners meet directly. Once expectations are established and their consequences understood, they need to be enforced less often. The other person begins adjusting in anticipation rather than in response. From outside the relationship, fewer incidents can look like improvement. Inside it, control may have become more complete. A reduction in observable conflict is not evidence of a reduction in coercion, and may be evidence of its success.

The timing of FDR compounds this. Assessment usually occurs at or shortly after separation. In Monckton Smith's analysis of intimate partner femicide, separation is the most common trigger: the event that most substantially challenges a perpetrator's control and precedes escalation in attempts to restore it. The practitioner is therefore forming a view at the point where the pattern is most likely to be changing, using material most likely to understate it. Australian homicide-pathways research cautions against treating any single model as predictive, while supporting the significance of coercive control, fixation, stalking and separation within particular trajectories.[5]

A further difficulty arises where a person attending FDR has completed, or been ordered into, a men's behaviour change program. The Australian evidence is explicit that completion marks attendance rather than change: the national evidence brief states that completion is not an indicator that someone who has used violence has engaged in any meaningful degree of behaviour change, that it is dangerous to assume attendance or reduced recidivism equates to reduced coercive control or improved safety, and that men may mask violence or exchange physical and sexual violence for psychological abuse. Attendance may itself be used to present as reformed.[6]

My own work in men's behaviour change informs a narrower point than a claim about program effectiveness. Court-ordered attendance frequently produces men who are more fluent in the language of accountability and more precise in the administration of control. What changes is the register of the abuse rather than its function. That is difficult for a process to see, because the more articulate presentation is also the more credible one. Three things therefore tend to run in the same direction. Coercive control reduces its own visible incident count as it succeeds. Separation moves conduct into administrative forms — messages about changeovers, disputes about schooling, applications, and complaints - that are harder to characterise as violence. Program completion supplies a document suggesting change. Each points a suitability assessment towards a finding that FDR is appropriate, at the point where it may be least so. This is where the composition of the profession becomes relevant rather than incidental. Family dispute resolution practitioners come from a range of backgrounds, with law prominent among them, and the regulatory framework presents suitability as a set of factors to consider. Taking each factor in turn and recording a view on it is a defensible way to document a decision. It is a poor way to perceive a system. The contribution of the Duluth power and control wheel, whatever its limits as a programme model, was representational: it showed particular behaviours as spokes attached to a single hub rather than as a list of separate complaints. A pattern assessed factor by factor tends to disappear between the factors.[7]

The practical question for an assessment is therefore not only how many incidents can be documented. It is what the other parent has stopped doing, what she does automatically to prevent a reaction, whether separation ended the behaviour or relocated it, and whether anything has changed recently. Those questions sit within the practitioner's role. They do not require a finding that violence occurred and they do not resolve a disputed allegation. They make the pattern legible enough to judge whether negotiation can be free.

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[5] Monckton Smith, J. (2020), "Intimate Partner Femicide: Using Foucauldian Analysis to Track an Eight Stage Progression to Homicide", *Violence Against Women*, 26(11), 1267–1285; Boxall, H., Doherty, L., Lawler, S., Franks, C. & Bricknell, S. (2022), The "Pathways to Intimate Partner Homicide" Project, ANROWS Research Report 04/2022.

[6] Helps, N., Bell, C., Schulze, D., Vlais, R., Clark, M., Seamer, N. & Buys, N. (2025), "The role of men's behaviour change programs in addressing men's use of domestic, family and sexual violence: An evidence brief", ANROWS Insights 01/2025.

[7] Pence, E. & Paymar, M. (1993), *Education Groups for Men Who Batter: The Duluth Model*, Springer.

Entrapment extends the point beyond the relationship. Tolmie, Smith and Wilson argue that coercive control remains an incomplete account unless the social and institutional conditions shaping a person's options are included: housing, money, whether disability is understood, whether a service is culturally safe, whether protective action is read as obstruction. For FDR this is not background. The room a person has to negotiate freely is set partly by what the surrounding system makes possible, and partly by whether the process itself becomes another route through which their attention can be compelled.[8]

The family in front of us may not fit the form

Families do not become less complex because a service intake form has only two boxes for parent, a template assumes one mother and one father, or the process treats an articulate adult as an uncomplicated participant. Heteronormative, cisnormative, ableist and classed expectations can shape what practitioners recognise as parenting, reasonable communication, risk and cooperation. These are not merely matters of courtesy. If the framework misdescribes the family, it can distort the assessment.

“Vulnerable” is most useful here as a description of exposure to harm or constraint in a particular context, not a fixed quality of a person or community. Disability, Indigeneity, sexuality, poverty or trauma should not be used as shorthand for incapacity. At the same time, individual resilience does not neutralise structural barriers. Intersectional assessment asks how identities, relationships and institutions interact in this family, rather than adding identity categories to a checklist and treating the result as a risk score.

This is not a claim that every queer family sits outside the gender binary. Some same-sex families are organised around two mothers or two fathers and may fit familiar binary categories of gender while still confronting assumptions built around heterosexual couplehood. The practical questions may concern how each person became a parent, what legal parentage applies, the role of a donor or known genetic parent, who has provided day-to-day care, and what relationships the child understands as family. These matters should be clarified rather than inferred from biology, gender presentation or an assumed “mother/father” division. The Family Law Act recognises several routes to parentage, including some assisted-conception and surrogacy circumstances; the legal position depends on the facts and relevant State or Territory law.[9]

The same discipline applies to family violence. Practitioners should not presume that violence only occurs in heterosexual relationships, that a same-sex relationship makes violence inherently mutual, or that a familiar gender presentation identifies who has power. AIFS has documented how heterosexual assumptions can make abuse in LGBTIQ relationships less visible, while also stressing the limits and gaps in prevalence data. Hardy, Rundle and Riggs address what this requires of mediators directly, arguing that treating every client equally in effect treats them all as heterosexual and as having a gender that matches the sex they were assigned at birth, and working through accessibility, mediator competence, impartiality, power, violence and safety on that basis; their wider treatment in Sex, Gender, Sexuality and the Law takes up parentage and family recognition. That is practice guidance rather than research about FDR process or outcomes. What I could not find is an Australian empirical literature examining how FDR is conducted with LGBTQIA+ families, or what it produces for them: the guidance exists, the evidence base does not. That gap calls for careful inquiry and better research, not a claim that all queer families share one experience.[10]

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[8] Tolmie, J., Smith, R. & Wilson, D. (2024), “Understanding Intimate Partner Violence: Why Coercive Control Requires a Social and Systemic Entrapment Framework”, *Violence Against Women*, 30(1), 54–74.

[9] *Family Law Act 1975* (Cth), ss 10F, 60CC, 60H and 60J.

[10] Campo, M. & Tayton, S. (2015), “Intimate partner violence in lesbian, gay, bisexual, trans, intersex and queer communities”, Australian Institute of Family Studies, https://aifs.gov.au/resources/practice-guides/intimate-partner-violence-lesbian-gay-bisexual-trans-intersex-and-queer; Hardy, S., Rundle, O. & Riggs, D. W. (2017), “Working with trans or gender diverse, intersex and/or non-heterosexual clients: advice for mediators”, Australasian Dispute Resolution Journal, 28(1), 35–42, https://researchonline.jcu.edu.au/47985/; Hardy, S., Rundle, O. & Riggs, D. W. (2016), Sex, Gender, Sexuality and the Law: Social and Legal Issues Facing Individuals, Couples and Families, Thomson Reuters, https://researchonline.jcu.edu.au/46654/.

First Nations families require more than inserting culture as one item on an intake checklist. The Family Law Act directs courts to consider an Aboriginal or Torres Strait Islander child's right to enjoy their culture, including connection with family, community, culture, Country and language, and kinship obligations and child-rearing practices. FDR is not a court, but a practitioner advising about parenting arrangements must take the child's best interests seriously, including cultural needs and significant relationships. A two-parent model may fail to capture the child's actual network of care, belonging and responsibility.[11]

There is evidence of a service problem, although not a complete evidence base about what works. A 2026 evaluation of the Australian Government's legally assisted culturally appropriate FDR pilot drew on 216 interviews and two large client datasets. It found that mainstream Family Relationship Centres continued to under-service Indigenous and culturally and linguistically diverse families, even with additional funding. The Department of Social Services' published account records that the separate First Nations FDR pilot was extended to 30 June 2026 and notes challenges with service continuity, workforce recruitment and retention. That account does not establish the pilot's current status or provide outcome evidence. These findings do not license generalisations about First Nations families. They challenge the assumption that a mainstream process is culturally accessible simply because it is formally open to everyone.[12]

Culturally safe practice cannot be delivered by a non-Indigenous practitioner declaring themselves culturally competent. It requires humility about the practitioner's authority, attention to kinship and community context, time to build trust, and partnership with Aboriginal community-controlled organisations and First Nations practitioners. It also requires asking who the family identifies as significant and what connection the child needs protected, rather than importing a generic model of family. The ALRC has noted that access to family law services for First Nations people cannot be separated from colonisation, dispossession and child removal, and has pointed to community-led service design and a First Nations workforce as important responses. Practitioners should neither treat mistrust as an individual deficit nor assume it in advance; services have to earn trust through accountable practice. My own position matters here. I am a non-Aboriginal practitioner and the parent of Aboriginal children, and I have been through both family dispute resolution and family law proceedings as a party rather than only as a practitioner. Proximity is not standing. Marrying into Aboriginal families, working for years in remote Aboriginal health and then in policy at an Aboriginal legal service taught me the extent of what I have no authority to decide.[13]

What that vantage point shows is a problem of translation. The legislation requires an Aboriginal child's right to enjoy their culture, including connection with family, community, culture, Country and language, to be considered in determining best interests. The requirement is sound. The difficulty lies in who performs the translation. Connection becomes a matter to be established by evidence, argued by solicitors and counsel, and determined from the bench - a sequence whose participants may include no Aboriginal person at all, and in which proceedings about a child's cultural connection can run for years. A court may adjourn so that counsel can produce authority on what a child's Aboriginality requires. The process is proper. It is also a process in which people outside a culture produce an account of what that culture means for a child, to a standard set by law rather than by the community whose connection is at issue.

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[11] *Family Law Act 1975* (Cth), ss 10F, 60CC, 60H and 60J; *Family Law Act 1975* (Cth), ss 60CC(3), 61F.

[12] McDonnell, S. & Wright, A. (2026), "Family Dispute Resolution in Australia: The Under-Servicing of Indigenous, Migrant and Refugee Families Experiencing Family Violence", Australian Journal of Social Issues, https://doi.org/10.1002/ajs4.70103; Department of Social Services, "First Nations Family Dispute Resolution Pilot", https://www.dss.gov.au/national-plan-end-violence-against-women-and-children/progress/aboriginal-and-torres-strait-islander-action-plan-progress/activities-aboriginal-and-torres-strait-islander-action-plan/first-nations-family-dispute-resolution-pilot.

[13] Australian Law Reform Commission (2018), Review of the Family Law System, Issues Paper 48, "Access and engagement", https://www.alrc.gov.au/publication/review-of-the-family-law-system-issues-paper-ip-48/issues-paper-5/access-and-engagement-2/.

The same translation happens earlier and less visibly in FDR. A practitioner assessing suitability, or helping draft a parenting plan, may be rendering cultural authority into the process while holding none of it. This is not an argument for inaction, since a non-Aboriginal practitioner cannot decline to consider a child's cultural needs. It is an argument for being precise about what is occurring. An outcome can satisfy the statute and still not be congruent with what connection would require, and the practitioner is often the last person placed to notice the difference.

Neurodivergent children raise a related but distinct question: how can their views and needs be understood without treating neurodivergence as incapacity, unreliability or a reason to speak over them? A child may communicate through speech, writing, play, movement, assistive technology or delayed responses. Sensory demands, processing time, literal interpretation, masking, anxiety or shutdown can affect how a child participates. None should be used as a diagnostic shortcut to what the child wants. The practitioner needs to consider the individual child, provide appropriate communication and sensory adjustments, and avoid placing responsibility for the decision on the child. The 2025 Regulations specifically require FDR sessions, as far as possible, to be suited to the needs of those attending, including their mode, timing and safe delivery.[14]

Children's participation is not equivalent to asking them to choose a parent or carry adult conflict. Research by AIFS found that more than three-quarters of young participants wanted their parents to listen to their perspectives and communicate with them about separation and parenting arrangements. Victoria Legal Aid's Kids Talk program reports that 36 per cent of children who participated in its 2024–25 program were neurodivergent. That is useful descriptive evidence that neurodivergent children do participate in a supported FDR model. It is not a population estimate or proof that child-inclusive FDR is suitable in every case. The safety, method and purpose of a child's participation need their own assessment.[15]

The alternative is not a neutral court

It is not enough to say "go to court" as if adjudication were a clean alternative to imperfect negotiation. Courts can do things FDR practitioners cannot: make binding orders, determine disputed issues, consider evidence, seek information from agencies, and make interim or protective orders. The Family Law Act provides exemptions from the pre-filing FDR requirement in circumstances that include family violence, child abuse, risk and urgency. The Court is required to take prompt action on allegations of family violence or child abuse and consider protective interim or procedural orders. In some cases, these powers are essential.[16]

But court is not outside the social conditions that produce inequality. Litigation can be costly and slow; it can intensify contact and conflict, and legal processes may themselves be used as instruments of coercion. The Court has acknowledged the cost, time and acrimony litigation can involve. The 2026 qualitative study of 14 victim-survivors adds accounts of legal and financial abuse within proceedings. Neither source proves that court is always harmful or that FDR is generally preferable. The court is a necessary source of authority and protection in some cases, and a demanding, imperfect system in which protection is not automatic.[17]

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[14] *Family Law (Family Dispute Resolution Practitioners) Regulations 2025* (Cth); Attorney-General's Department, "Obligations when conducting family dispute resolution".

[15] Campo, M. et al. (2018), Children and young people in separated families: Family law system experiences and needs, Australian Institute of Family Studies, https://aifs.gov.au/all-research/research-reports/children-and-young-people-separated-families-family-law-system; Victoria Legal Aid, "Giving young people a voice in family law via our Kids Talk Program", https://www.legalaid.vic.gov.au/giving-young-people-voice-family-law-our-kids-talk-program.

[16] *Family Law Act 1975* (Cth), ss 10F, 60CC, 60H and 60J; Federal Circuit and Family Court of Australia, "How the Court considers safety and risk"; "Compulsory pre-filing Family Dispute Resolution", https://www.fcfcoa.gov.au/fl/fv/court-considerations-safety.

[17] Meyer, n 3; Federal Circuit and Family Court of Australia (2023), "New approach for family law property disputes saves time, money and stress for people facing family violence and other risks", https://www.fcfcoa.gov.au/news-and-media-centre/media-releases/mr301023-ppp.

The alternatives are therefore not a simple choice between mediation and court. Depending on the circumstances, they may include legal advice and lawyer-to-lawyer negotiation, legally assisted FDR, a carefully adapted FDR process, specialist family-violence and child supports, culturally safe First Nations services, or an application for court orders. Some families will need a combination over time. Others should not be asked to negotiate together. The practitioner must explain options within their role and recognise when legal advice, urgent protection or a decision-maker with statutory authority is needed.

The evidence does not support a universal claim that FDR is safe, unsafe, successful or unsuitable for all families affected by violence. The AIFS Experiences of Separated Parents Study provides an important warning, but it is historical and self-reported. The broader study used two national samples of recently separated parents, surveyed in 2012 (6,119) and 2014 (6,079); the pathway-specific subgroup estimates are necessarily smaller. Among parents reporting family violence or safety concerns who used FDR or mediation to sort parenting arrangements, 46.2 per cent in the 2012 cohort and 45.7 per cent in the 2014 cohort reported that they had not disclosed those concerns to the practitioner. The report also complicates any simple reading of these numbers: among 2014 participants who explained non-disclosure, many said they had no concerns at the time; others described not recognising behaviour as abuse, not seeing it as relevant to the child, fear of escalation or disbelief, not being asked, or the violence emerging later. These weighted estimates do not show what happened after FDR and cannot evaluate practice under the 2025 regulations. They support two careful conclusions at once: non-disclosure cannot be treated as proof that no risk exists, and non-disclosure alone does not establish that a practitioner failed to identify a concern.[18]

Outcome data also need interpretation. AIFS research reports that FDR can lead to agreement for many families, and that the families using different pathways differ in complexity and experience. But settlement is an output of a process, not by itself evidence that an agreement was freely made, remains safe, or works for a child over time. Those are distinct outcomes and should be measured separately. The current evidence is much better at describing service use, reported experiences and immediate resolution than at showing which tailored model produces durable safety for which families.[19]

My developing FAMILIES practice framework is an attempt to make some of these questions more visible in assessment: patterns of behaviour, their effects on family functioning, the child's everyday experience and protective parenting. It is a practice framework in development, not a validated screening instrument and not a substitute for legal judgment, specialist advice or community-led knowledge. Its value will depend on whether it helps practitioners make more careful, transparent decisions about suitability and process design, including when the answer is that FDR should not proceed.

This is where impartiality becomes a practice discipline rather than a claim to stand outside power. It means not deciding what the practitioner has no authority to decide, while also refusing to let a tidy process substitute for an adequate assessment. It means neither presuming that a party is incapable nor mistaking participation for freedom. It means attending to the child as a person with relationships, needs and views, rather than as the subject of an adult bargain. And it means being prepared to conclude that FDR cannot safely do the work this family needs. My research on LGBTQIA+ victim-survivors and the Australian family court, my practice in domestic and family violence and in men's behaviour change, and my position as a queer, mother to four young First Nations children and as a neurodivergent practitioner shape the questions I bring to this work. They do not make my experience universal. They make it difficult to accept "neutrality" as an adequate answer when the process itself may reproduce assumptions about which families are intelligible and whose agency is credible.

Power is never neutral. Impartiality does not require indifference to its effects. The practitioner's responsibility is to preserve self-determination where it can be exercised meaningfully, to assess honestly when it cannot, and to understand that neither agreement nor adjudication guarantees safety.[20]

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[18] Kaspiew, R. et al. (2015), Experiences of Separated Parents Study, Australian Institute of Family Studies, Evaluation of the 2012 Family Violence Amendments, https://aifs.gov.au/all-research/research-reports/experiences-separated-parents-study.

[19] Kaspiew, R. et al. (2019), "Family dispute resolution: Use, timing, and outcomes", Australian Institute of Family Studies, https://aifs.gov.au/research/journal-articles/family-dispute-resolution-use-timing-and-outcomes.

[20] Douglas, n 1; *Family Law (Family Dispute Resolution Practitioners) Regulations 2025* (Cth); Attorney-General's Department, "Obligations when conducting family dispute resolution"; Astor, n 1.