

## Appendix C: FDRP Interview Guide

Thanks for your time today. I'll try to be brief.

Just to recap: Participation in this project is voluntary and you may, without any penalty, decline to take part or withdraw from the research at any time without providing an explanation, or refuse to answer a question.

All information will be treated in strict confidence as far as allowed by law.

Only the researchers will have access to the audio recordings, transcripts and the list of names of participants. Neither your name nor identifiable details of your interview will be disclosed in any publication or presentation.

That said, we recommend that you not participate in this study if you are currently or potentially involved in legal proceedings related to your work as an FDRP. In the unlikely event of a request from the court relating to proceedings of this type, we would be compelled to provide the transcripts and recordings from interviews in this study.

Just before we start, could I ask how long you have been practicing as an FDRP? (Including before you came to Interrelate if applicable) years (or prefer not to answer )

And could you also tell me whether, as well as having FDRP qualifications, your background is:

legal       social science       both  
 other (specify)

PREFER NOT TO ANSWER (Do not read aloud)

**Let's begin. Making decisions about whether to issue a certificate, and which category of certificate, can be hard. We're trying to gain an understanding of how practitioners make these decisions.**

### I. GENUINE EFFORT

Let's start by talking about the most common types of certificates: those where both parties have made a genuine effort.

Q1. In a typical situation in which you've issued a 'genuine effort' certificate – what generally informs your decision to issue that certificate?

Q2. Have there been times that you have found it hard to decide whether to issue a 'genuine effort certificate'?

Q2b. If yes – what made it difficult?

Q2c. How frequently is it hard to make the call that you should issue a 'genuine effort' certificate? (Probe: frequently; occasionally; rarely.)

### II. NOT GENUINE EFFORT

Let's now look at certificates where one of the parties did not appear to make a genuine effort to resolve the issues in dispute.

Q3. Have there been times that you've thought about issuing a 'not genuine effort' certificate but decided not to?

Q3b. If yes – what were the circumstances and what shaped your decision?

### III. NOT APPROPRIATE FOR FDR

Turning now to situations where you decided that FDR was inappropriate...

- Q4. In a typical situation in which you've issued a 'not appropriate for FDR' certificate – what generally informs your decision to issue that certificate?
- Q5. Have there been times it's been hard to decide whether to issue a 'not appropriate for FDR' certificate'?
- Q5b. If yes – what made it difficult?
- Q5c. How frequently is it hard to make the call that you should issue a 'not appropriate for FDR' certificate?  
(Probe: frequently; occasionally; rarely.)
- Q6. Have you ever issued a 'not appropriate' certificate after commencing FDR?
- Q6b. If yes – what were the circumstances (bearing in mind client confidentiality)?
- Q7. Have there been times that you have contemplated issuing a 'not appropriate' certificate after commencing FDR and decided not to?
- Q7b. If yes – what were the circumstances and what shaped your decision?
- Q8. Do you have any ideas about why 'not appropriate' certificates are rarely issued?  
(Probe: could you say a bit more about your thoughts on this?)
- Q9. How often, if ever, do you refer to Regulation 25 of the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008* when making a decision about issuing a 'not appropriate' certificate?
- Q9b. If any answer other than never – in what circumstances do you do this?
- Q9c. How helpful or unhelpful are the regulations?
- Q9d. Are there any other tools you use in making these decisions?

### IV. FAILURE/REFUSAL OF A PARTY TO ATTEND

The other category of certificate is based on failure or refusal of a party to attend.

- Q10. Are there any particular challenges you've encountered in deciding to issue certificates from this category? If yes – what are some of the challenges?

### V. GENERAL QUESTIONS

This last set of questions relate to all types of certificates.

- Q11. In cases where it's borderline or hard to decide between categories, how do you decide which category of certificate to issue?
- Q12. Do you discuss your decisions to issue these certificates with other colleagues?
- Q12b. Are those discussions formal or informal?  
(Probe: when do they occur? Where do they occur? With whom? What's the nature and extent of those discussions?)
- Q13. Once you've made a decision, does it need to go through some formal process before the certificate is issued?  
(Probe: what is the process, and how well does it work?)
- Q14. If you could change one thing about the s. 60I certificate process – what would that be?  
(Probe: how helpful or unhelpful do you think the categories are?)
- Q15. In what ways do you believe issuing s. 60I Certificates supports or does not support 'the best interests of children'?  
(Probe: could you give some examples?)
- Q16. Before we finish up – is there anything else you'd like to say about these certificates?