

Implementation of the Law for Promoting Family Dispute Resolutions in Israel – A National Evaluation Study

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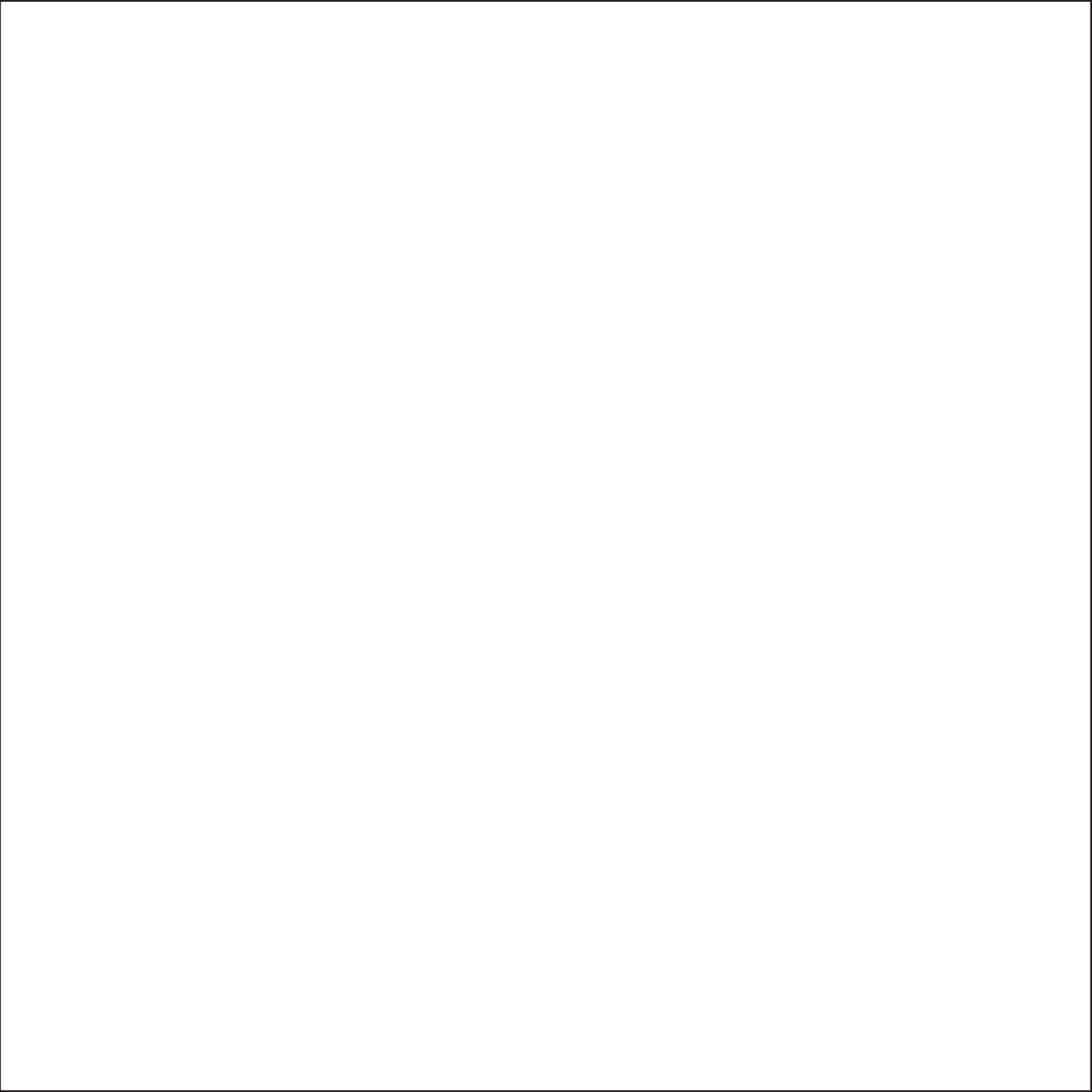
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Abstract

Background

The current study evaluated the implementation of a new law in Israel: the Law for Promoting Family Dispute Resolutions. This law generated a reform in the management of family disputes in Israel; as of July 2016, filing a lawsuit regarding a domestic dispute requires initial attending "assessment and informational" sessions, at the Family Court Supporting Services (FCSS). Only then, will there be a decision on how to proceed in resolving the family dispute. These sessions, referred to as MAHUT sessions (Hebrew acronym for information, assessment and coordination), are aimed at promoting alternative dispute resolutions (ADR) rather than judicial rulings for family disputes. The law came into effect as a temporary provision for 3 years, at the end of which the Israeli parliament will determine whether to implement it permanently.

Method

This study aimed to assist the policymakers at the FCSS in developing and improving the MAHUT sessions. To this end, MJB conducted a national evaluation study using a mixed method of qualitative and quantitative tools. The study examined attitudes towards the law and its goals, as well as the implementation process of the MAHUT sessions and their preliminary outcomes, from the perspectives of clients and of various professionals. The study also examined the achievements and the challenges that emerged during the implementation period. The study included a telephone survey of a representative sample of 240 clients, conducted some 3 months after completion of the MAHUT sessions process, and eight in-depth interviews with clients and sixteen in-depth interviews with directors and professionals at the FCSS. In addition, administrative data and summaries of committee meetings of the Israeli parliament were analyzed for the study.

Findings

The study indicated that the assimilation period was stormy. The FCSS were in the midst of a significant organizational transition due to the reform, and the law was subject to continued criticism in the media. The data showed that 78% of the cases centered on disputes regarding children and parenting issues such as custody. In addition, the study indicated a very high level of conflict in 68% of the families, as well as high rates of intimate partner violence. Despite these challenging initial data, the findings indicate encouraging outcomes of the MAHUT sessions. By the time of the survey, 58% of the families had resolved the legal dispute, and

an additional 26% of the families had continued to ADR. The remaining families (16%) had not resolved the legal dispute by the time of the survey, nor had they proceeded to any ADR path. Almost 40% of the families reported that during the MAHUT sessions they were able to reach agreement on at least one topic of the dispute. In most of these cases, the agreements were reported to be stable over time (72%) and to have contributed to further management of the dispute (59%). Furthermore, around 40% of the clients reported that the sessions had additional contributions such as reducing the family conflict.

Conclusions

The findings clearly indicate the necessity of the Law for Promoting Family Dispute Resolutions, and of the MAHUT sessions. The study identified substantial issues in the implementation and enforcement of the law that require improvement, e.g., long waiting time for the families and absence of a public campaign to promote this national reform. The report includes recommendations for policymakers and for the FCSS MAHUT process that will help address the issues and promote optimal assimilation of the law.