



Family Relationship Services

A U S T R A L I A

**Submission to the Review of Legislation, Practice and
Procedures Relating to Family Violence in the Family
Courts**

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About Us

Family Relationship Services Australia (FRSA) is the national peak body for family relationship services. Our vision is for an Australian society that is enriched through respectful relationships in all of their diversity. In the achievement of this vision, our role is to support the delivery of quality services and engage in the development of public policy.

FRSA receives Australian Government funding to support the delivery of the Family Relationship Services Program (www.fahcsia.gov.au/frsp) which has two streams:

- **Early intervention services** work to strengthen families and support healthy relationships; and
- **Post separation services** assist children and parents through separation and assist families to maintain cooperative parenting arrangements after separation where that is appropriate.

FRSA has 143 member organisations, all are non-profit organisations embedded in local communities. The majority deliver a mix of services including both Australian Government programs and State/Territory Government Programs. Examples of the programs delivered (in addition to FRSP services) include:

- Family violence and sexual assault services (e.g. counselling and support)
- Child protection services
- Family support
- Community legal services
- Crisis accommodation and support
- Community/neighbourhood centres
- Disability and carer support services
- Mental health services
- Children's services

For more information visit www.frsa.org.au

Executive Summary

Family Relationship Services are at the forefront of family safety and wellbeing, many have been providing support to Australian families since the 1960's. Over this time, a collaborative and respectful relationship between community-based services and the Family Courts¹ has developed.

Family Relationship Services Australia (FRSA) has developed this submission on behalf of our members that provide Family Relationship Services funded by the Australian Government. We have done so in the spirit of collaboration, with the deepest respect for the work of the Family Courts and their handling of cases involving family violence.

The newly combined Federal Family Courts (the Family Court of Australia and the Federal Magistrates Court) have a central and leadership role in the Australian family law system but they do not operate in isolation. The capacity and performance of the broader family law system has a significant impact on the outcomes for children and families that access the courts.

Family separation can be a particularly dangerous time in which family violence can occur for the first time, intensify or escalate in terms of the severity of threat. Professionals working in the family law system continually make assessments relating to the safety, mental health and wellbeing of the parents and children involved; a significant and challenging responsibility that deserves to be fully supported and appropriately resourced.

The Family Law Reforms enacted in 2006 have substantially increased the number of separating families that participate in screening and assessment processes during contact with a Family Dispute Resolution service (including but not limited to the network of 65 Family Relationship Centres). Effective screening and assessment in Family Dispute Resolution has been supported by government investment in both practical tools and practitioner training. A pro-active approach to encouraging families to disclose and recognise family violence is taken.

Family Relationship Services are identifying separating families affected by violence and those at risk due to other factors including high conflict, threats of violence or impulsive behaviour by one or the other parent. Intervention at an early stage may help to resolve or reduce some of these risk factors or may 'fast track' these families to the Family Court for legal intervention when appropriate.

In addition, there is a capacity to develop more coordinated responses to families at risk and to share information between service delivery agencies, legal services and the Family Courts. This is already occurring; the planned pilots exploring models of collaboration between community legal services and Family Relationship Services is an example.

FRSA supports the development and refinement of mechanisms that enable integration and address some of the practical barriers to cross-disciplinary responses to family violence. Recommendations are made in relation to the development of universal approaches to screening and assessment, cross-disciplinary training and further investment in Family Pathways Networks to support relationship development at the local or regional level.

¹ The term 'Family Courts' is generally used to refer to the Family Court of Australia, Federal Magistrates Court and Family Court of WA, though we recognize the focus of this review is the two federal courts.

There has been considerable discussion on the need to improve mechanisms for sharing information and improving referral pathways between government and non-government agencies when children and families are known to be at risk. This is a key priority of the National Framework for Protecting Australia's Children relevant to the operations of the Family Court and its capacity to respond effectively to Family Violence.

Violence is never acceptable and those who use or threaten violence must be held accountable for the harm they cause. The family law system has a role in clearly denouncing violence and responding appropriately when it occurs. It is reasonable, within this principle, to accept that there are different forms of violence and gradations of severity and impact. Recognising this and reaching agreement across professional groups on appropriate differentiation of behaviours, the implications for risk assessment and decisions made regarding post separation parenting arrangements is an area of challenge in the family law system. This includes rigor in evaluation the efficacy of responses to family violence, from decision-making processes to therapeutic interventions. FRSA also supports the call for a national forum similar to the US Wingspread initiative, to build shared understandings across all professional sectors that intersect with family violence.

While it is appropriate to have a continued focus on family violence in family separation, FRSA cautions against narrowing concepts of risk too exclusively on violence or specifically the presence or absence of a past history of violence. Behaviour patterns such as obsession, stalking, depression, control, retaliation, inability to let-go and attitudes of ownership towards children can be equally important in risk assessment. In cases of Family Homicide, more research is needed to enhance our understanding of cumulative risk and opportunities for intervention.

Professionals working in the family law system continually make assessments relating to the safety, mental health and wellbeing of the parents and children involved; a significant and challenging responsibility that deserves to be fully supported and appropriately resourced. As disclosures and reporting of family violence increases, the gap between demand and needs being met will grow, social investment must match the real size of the problem if our efforts are to be effective.

Summary of Recommendations

Recommendation 1: Continued refinement of screening and assessment tools developed in family relationship services to enhance the early identification of family violence.

Recommendation 2: Greater investment in skills training and professional development opportunities to enhance the capacity of front line workers in the family law system to respond to the diverse needs of families affected by violence.

Recommendation 3: Mechanisms be developed to enhance information sharing between community based family relationship services and the Family Courts, particularly where family violence has been disclosed or significant risks identified.

Recommendation 4: Increase the number of Family Pathways Networks (FPN) to ensure channels of inter-disciplinary communication, practice knowledge and local referral options are developed in as many regions as practicable – at minimum around each Family Court Registry and/or 'regional circuit' across Australia.

Recommendation 5: Strategies be adopted to increase collaborative responses to families affected by violence during and after court proceedings.

Recommendation 6: The provision of cross-disciplinary training opportunities to bring together those working in the Family Law System to enhance shared understanding of contemporary research evidence and new technologies as a key strategy for continually improving integrated responses to families at risk.

Recommendation 7: Establish a national collaborative forum for exchanging information and research, developing shared language and understanding of family violence and progressing initiatives to improve the response to families experiencing violence and other significant risk factors.

Recommendation 8: Further research in the areas of family homicide and parental child abduction to inform the ongoing refinement of risk assessment that occurs across the Family Law System.

Recommendation 9: Consider the development of 'responsible reporting' protocols for family homicide and parental child abduction with the appropriate industry and professional bodies.

Introduction

Family Relationship Services are at the forefront of family safety and wellbeing. Family Relationship Services Australia (FRSA) has member organisations that have been working in partnership with the Australian Government to provide quality support to Australian families since the 1960's.

Over this time, a collaborative and respectful relationship has developed between service providers and the Family Courts².

FRSA provides this submission in the spirit of collaboration, with the deepest respect for the work of the Family Courts and their handling of cases involving family violence.

FRSA's submission is focused on the potential for enhancing responses to family violence through collaboration and systemic improvements, rather than changes within the Federal Family Court. We do not claim expertise in court procedures or case management within a legal context. Our expertise is drawn from the experience of community based, government-funded family relationship services working in the Family Law System alongside the Family Courts. It is in the areas of systems design, inter-agency collaboration and service integration that we are best suited to assist this review.

We recognise that the Family Courts are a central and significant component of the family law system but they do not operate in isolation.

The capacity and performance of the broader service system has a significant impact on the outcomes for families and children who have contact with the court. This includes the range of services that collectively make up the 'Family Law System' encompassing the legal aid commissions, community legal centres, private practitioners, government-funded family relationship services and government agencies. Related service systems including law enforcement, child protection, mental health and drug and alcohol services also contribute to improving the safety and wellbeing of children and parents affected by family violence.

Review Context

In recognising that the work of the Family Court occurs in a broader social and service delivery context it is also useful to locate this review in the context of a number of related initiatives of the Australian Government including:

- The Australian Law Reform Commission Inquiry into issues concerning violence against women and their children, that will examine the interaction in practice of state and territory family and domestic violence and child protection laws with the *Family Law Act 1975 (Cth)* and relevant Commonwealth, state and territory criminal laws; and the impact of

“Family relationship services work with people in a way that is very different from the Family Courts. Recognising, understanding and accepting these differences is important....we bring different skills, ideologies and strategies for responding to the needs of families. We can transcend these differences if we respect our common purpose. Collectively our work is focused on the safety and wellbeing of children and their parents”

Sue Holmes, FRSA Chairperson addressing the Family Law System Conference. Feb 09

² The term 'Family Courts' collectively refers to the Family Court of Australia, Federal Magistrates Court and Family Court of WA.

inconsistent interpretation or application of laws in cases of sexual assault occurring in a family/domestic violence context, including rules of evidence, on victims of such violence.

- The 2009 report of the National Council to Reduce Violence Against Women and Their Children 'Time For Action' and the 'Immediate Government Actions' announced by the Prime Minister on receiving the National Council's report in April 2009, which we refer to a number of times in this submission.
- The current evaluation of the *Family Law Amendment (Shared Parental Responsibility) Act 2006* (Cth) reforms being undertaken by the Australian Institute of Family Studies from which data is not yet available.
- The current research 'Family Law and Family Violence' exploring the experiences of parents and children in relation to how family violence has impacted on decision-making during relationship breakdown which is being undertaken by a consortia of researchers at Monash University and the University of South Australia.
- Ongoing research into patterns of shared parenting arrangements drawing on Child Support Agency data, being conducted by a research team at the Australian National University.

Conceptualising Family Violence

The definition of family violence used by the Family Court of Australia is broad and captures the many different forms of violence and the diversity of family relationships in which it occurs:

'Family violence covers a broad range of controlling behaviours, commonly of a physical, sexual, and/or psychological nature, which typically involve fear, harm, intimidation and emotional deprivation. It occurs within a variety of close interpersonal relationships, such as between spouses, partners, parents and children, siblings, and in other relationships where significant others are not part of the physical household but are part of the family and/or are fulfilling the function of family³.'

While both men and women can be perpetrators and can be victims of sexual assault and domestic and family violence, research shows that the overwhelming majority of such violence in Australia is perpetrated by men against women.⁴

Violence against women (and children) is a fundamental breach of human rights, and sexual assault and domestic and family violence are the most pervasive forms of violence perpetrated against women in this country.

Sexual assault and domestic and family violence cannot be excused or justified under any circumstances. It is wrong and all victims need compassionate and highly responsive support and all perpetrators must be held accountable for their violence.

- Any woman can become a victim of sexual assault and/or domestic violence – violence knows no geographical, socio-economic, age, ability, cultural or religious boundaries.
- Over their lifetimes, sexual violence affects almost one in five Australian women and physical violence affects at least one in three Australian women.
- Immigrant and refugee women are more likely to be murdered as a result of domestic violence.
- Almost one in four children in Australia has witnessed violence against their mother or stepmother.
- Women and their children who have experienced violence have poorer health and use health services, including mental health services, more often, even after.

Extract from 'Time for Action' the National Council's Plan for Australia to Reduce Violence against Women and their Children,

³ Family Court of Australia, *What is family violence?* Available online at www.familycourt.gov.au

⁴ Time for Action' Report, the National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021:

Family violence does not end with partner separation; separation can trigger, escalate and increase the risk of family violence. This can be exacerbated by high levels of conflict and dispute over post separation parenting arrangements for children. The implications for the development of integrated service responses are examined in a later section of this submission.

Prevalence and Impact across Population Groups

There are population groups that experience higher rates of family violence and population groups that are particularly vulnerable to the impacts of violence once it has occurred. For this reason one-size fits all approaches are unlikely to be effective in responding to the diverse needs of families affected by family violence. It is difficult to do justice to the diversity of need and experiences in the timeframe available. The NSW Office for Women (2008) summarises some of the key issues as follows:

- **Aboriginal and Torres Strait Islander** people are over represented as both victims and perpetrators of all forms of violent crime in Australia. Statistics cited in the Australian component of the International Violence Against Women Survey (IVAWS) published in 2004, show that the rate of domestic and family violence victimisation for Aboriginal women may be 40 times the rate for non-Aboriginal women and that despite representing just over 2% of the total Australian population, Aboriginal women accounted for 15% of homicide victims in Australia in 2002–03.
- **Women living in rural or regional areas** experience social and physical isolation due to geographical location, transport difficulties, and unreliable or unavailable telephone services. Isolation, the limited availability of legal services, such as police, legal aid, and advocacy support, and domestic violence services, such as long term counselling and refuge accommodation, mean that accessing help can be challenging. In addition, when services are available they are often not used because of concerns regarding confidentiality.
- **Women with physical and cognitive disabilities** experience higher rates of violence than those without disabilities. Those with cognitive disabilities are particularly vulnerable. Once violence has occurred, women with disabilities suffer more severe and prolonged episodes of abuse. This is often due to their social and economic marginalisation and greater dependence on partners. Women with disabilities experience specific types of abuse related to their disability, such as the withholding of equipment, food and medication; limitations on their access to communication devices; and threats of institutionalisation. Compared with their non disabled counterparts, restraint and control are more likely to be features of domestic and family violence for women with disabilities.
- **Women from culturally and linguistically diverse backgrounds**, including immigrant women and refugee women, may be at increased risk of experiencing abusive situations. Reporting of domestic and family violence incidents by women from CALD backgrounds is low. Reasons include feelings of shame, fear of deportation (eg as a result of marriage breakdown), she also may feel responsible for providing financial support for family in her country of origin, and consider that their situation is more important or serious than her own. The erosion of self esteem accompanying domestic and family violence is compounded if the woman is isolated by limited English or lack of family/ friends in whom to confide.

There are also important differences in the experiences and help-seeking behaviour of older women, young women and women in same-sex partner relationships. Further consideration of the impact of these differences on the operation of the Family Courts and family law system more broadly is needed.

People must be able to understand the law if it is to be effective. A key component of a proper approach to enhancing access to justice of all Australians should include increasing individuals' capacity to access and understand information.

The Hon. Robert McClelland, Opening Address to the Family Law System Conference, February 2009.

Disclosure of Family Violence

Review Question: Do the practices and procedures of the family court encourage disclosure of family violence?

Screening and Assessment in Family Relationship Services

The Family Law Reforms enacted in 2006 have substantially increased the number of families participating in screening and assessment processes before coming into contact with the Family Court. This means that many more families affected by violence are being identified and offered support at an earlier stage.

Specifically, following the full implementation of the new Family Law Act provisions, families in dispute over post separation parenting arrangements for children are required to attempt to resolve the dispute before accessing the Family Courts. The Family Courts cannot hear an application for an order concerning a child unless the person applying to the court files a Certificate from a registered family dispute resolution practitioner identifying one of five possible scenarios in which dispute resolution has been determined to be either inappropriate or unsuccessful. There are very clear exceptions in the Family Law Act for cases involving family violence, child abuse or urgency. Nonetheless the majority of families affected by violence will have contact with a family dispute resolution service before having contact with the Family Court.

There has been some concern amongst stakeholder groups that women who have experienced violence are not well-informed of the exemptions in the Family Law Act related to family violence and may feel pressured to participate in family dispute resolution when it is not appropriate to do so. Our view is that family relationship services are well placed to inform people of the exemptions that apply and make every effort to encourage the disclosure of violence. More can always be done to improve practice and to educate the community but we believe relationship services endeavour to achieve improved capacity in this area. The more difficult challenge is to respond to families in which violence is an issue but those affected choose not to make use of an exemption and wish to continue with dispute resolution. This will be examined in more detail in a later section of this submission.

It is important to recognise that assessment and screening is not an optional activity in family relationship services. Family law regulations require family dispute resolution practitioners to undertake a thorough assessment to determine if family dispute resolution is appropriate for clients before family dispute resolution starts. The family dispute resolution practitioner must be satisfied that this assessment has considered whether the ability of a person to negotiate freely in the dispute is affected by:

- a history of violence (if any) among the people involved in the dispute
- the likely safety of the people involved
- the equality of bargaining power
- the risk that a child may suffer abuse
- the emotional, psychological and physical health of the people involved, or

“We all have a responsibility to be vigilant in screening and identifying, at the earliest possible stage, at-risk families and taking steps to ensure that they are supported through the system”

The Hon. Robert McClelland Attorney-General, February 2009

- any other matter that the family dispute resolution practitioner considers relevant to the proposed family dispute resolution⁵.

As well as ensuring a matter is appropriate for family dispute resolution, screening and assessment assists services to identify the needs of all family members and to address any immediate and ongoing safety concerns.

The Australian Government Attorney-General's Department commissioned the development of a Screening and Assessment Framework to provide guidance to staff in the Family Relationship Centres. The framework is also used by the Family Relationship Advice Line. The Framework describes the good practice principles underpinning screening and assessment and gives guidance in screening and assessment. The Framework identifies three domains of risk-to-safety posed by clients, and to those associated with them (usually the partner or ex-partner):

- domestic and family violence and violence towards others
- child abuse or abduction, and
- self-harm.

Early screening questions include:

- do you have any reason to be concerned for your own safety or the safety of your children?
- do you have any other worries about your children at the moment?
- do you have any reason to be concerned for the safety of anyone else?

While screening for the presence of violence may help identify cases where there are safety issues, a single screening process cannot be relied upon to fully identify a history of, and potential for, violence and abuse. Victims may not perceive the abuse they have lived with as violence, may not feel comfortable reporting their experiences because of shame or embarrassment, may underestimate the severity of the situation, fear they won't be believed or that their children may be removed from their care. It could be that victims of violence are too afraid to disclose violence for fear of reprisal from their ex-partner. Screening and assessment is an ongoing process that continues throughout the provision of support to a family or family members using family relationship services.

Family Relationship Services have found the screening and assessment tools developed when the Family Relationship Centres were established to be very useful but practice is continually evolving in this area. Ongoing work to identify and evaluate tools and inform practice is necessary.

Screening and assessment tools are more effective when used by practitioners that have the relevant skills and understanding to identify family violence and other risks, to respond in an appropriate way and to offer practical and effective support. Initial and ongoing professional training, performance measurement and supervision are critical to continual enhancement of screening and assessment processes. The Family Relationship Services sector has repeatedly called for greater investment in training and development in family violence for both new and experienced practitioners.

⁵ Extract from the 'Family Dispute Resolution Practitioner Obligations, Attorney-General's Department 2009

This is particularly pertinent when adapting assessment processes to different contexts and target groups. Approaches in rural, regional and remote areas need to be much more sensitive to confidentiality concerns and may need to address challenges such as transport issues, geographic isolation and a lack of available specialist services. Similarly, when working with Indigenous families there may be quite different approaches that recognise cultural norms and language as well as more complex family structures and relationships. Also, families from culturally and linguistically diverse backgrounds may need assistance from services that have specialist knowledge or skills or the capacity to work in a culturally sensitive way. Similar needs can be identified for other groups including people with a disability, young people, older people and those in same-sex relationships.

Recommendation 1: Continued refinement of screening and assessment tools developed in family relationship services to enhance the early identification of family violence.

Recommendation 2: Greater investment in skills training and professional development opportunities to enhance the capacity of front line workers in the family law system to respond to the diverse needs of families affected by violence.

Sharing Information with the Court

As described above, the screening and assessment that occurs in Family Dispute Resolution services is identifying families affected by family violence and risks in other domains including mental health, drug and alcohol misuse, self harm and suicide as well as child safety concerns related to abuse, neglect or parental capability.

Currently Family Dispute Resolution practitioners have limited options for passing on information about risks identified to the Family Court where this would be appropriate. The Certificates prescribed in Section 60I of the Family Law Act allow for limited identification of reasons why Family Dispute Resolution is either inappropriate or unsuccessful.

The main purpose of these certificates is to verify that a court applicant has fulfilled their obligation to have attempted Family Dispute Resolution prior to attendance at court, rather than to be a mechanism by which information can be shared. In circumstances where client consent is given and a clear risk identified, there is no clear mechanism by which information can be shared with the Court. Practitioners can share information with a legal practitioner and/or make a referral to a legal support service but this may not be acceptable to the client, in which case the value of the assessment work undertaken may be lost.

The Section 60I certificate provides one line for Family Dispute Resolution Practitioner's to indicate the issues in dispute (which generally pertain to the logistics of 'parenting matters') and separately the selection of one of five options (A to E) to indicate the Practitioner's judgement about the outcome of dispute resolution. The certificate's format and categories listed do not aid identification of cases involving family violence because such cases are exempt from the requirement to attend Family Dispute Resolution prior to court attendance and therefore do not require a certificate per se.

If, during initial assessment and or subsequent dispute resolution sessions, the practitioner assesses that family violence may be an issue (among others listed in sub regulation 25 (2)) a 'not appropriate for Family Dispute Resolution' certificate can be issued. There is no requirement under the Act or via the Certificate to detail reasons for such an assessment beyond that contained in this sub regulation. Therefore the court could interpret this certificate type to refer any number of factors.

In a recent discussion forum on family law matters, representatives from a cross-section of family relationship services agreed on the potential value of enhancing information sharing between Family counsellors and Family Dispute Resolution Practitioners in the community and professionals in the Family Court. It was agreed that there is the potential for this to help:

- Clarify the issues in dispute and/or reduce conflict;
- Identify children at risk and those with health or wellbeing concerns;
- Share more information with the Court relevant to children's well being and safety (i.e. flag concerns);
- Identify parents at risk of violence and/or mental health issues (particularly when family violence is suspected but not confirmed);
- Keep parents focused on children's best interests; and
- Minimise the need for repeated interviewing of children where appropriate.

It is critical that a sustainable and responsive service system is in place to support women who experience sexual assault or domestic and family violence, and that service providers at the first point of contact are able to support disclosures of abuse and respond appropriately in a timely manner. 'The first door is the right door' means that for women who have experienced violence, their first point of contact should provide professional and compassionate assistance, and that the complexity and entirety of their needs are met. Recovery begins with the first point of contact. Access to quality legal, medical, and support services (both immediate and ongoing) is essential"

Extract from 'Time for Action – A Snapshot', The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021

FRSA supports the development of mechanisms to encourage information sharing as alternative or in addition to Section 60I Certificates. In particular, we are in favour of the development of mechanisms that would allow Family Counsellors and Family Dispute Resolution practitioners to make case management recommendations to judicial officers managing the early stages of the case in the Family Court (Registrar, Family Consultant etc). For example, a Family Dispute Resolution practitioner who is concerned about the safety of children due to the behaviour displayed by a parent could alert the Court Registrar to the concern, recommend that the case be 'fast tracked' or make suggestions such as the use of a children's contact service or family violence program. It would then be up to the Family Court to decide how to handle the case and it may choose not to accept any of the recommendations, the purpose is to assist and inform rather than constrain early decision-making.

Agreement regarding the potential value of sharing information for the purpose of case management does not extend to greater involvement of Family Dispute Resolution Practitioners in court proceedings. While some practitioners argue in favour of providing evidence to the court in cases where there is a risk of violence, abuse or neglect, others believe that removing confidentiality provisions that currently apply to Family Dispute Resolution could potentially undermine the likelihood of disclosure and the role of family relationship services. Ongoing consideration of the appropriate balance between client confidentiality and information sharing to address risk is warranted.

Recommendation 3: Mechanisms be developed to enhance information sharing between community based family relationship services and the Family Courts, particularly where family violence has been disclosed or significant risks identified.

Support Provided to Families Affected by Violence

Review question: Is appropriate support provided within the court system for families who have experienced or are at risk of family violence?

Since the 2006 amendments to the Family Law Act many more families are now accessing family relationship services, often much earlier in the journey through parental separation. As previously identified a much higher number of separating families now participate in an assessment process, beginning with their first contact with a service and continuing throughout their engagement in support programs.

Intervention at this early stage may help to resolve or reduce some of the family violence risk factors or may 'fast track' these families to a family court for legal intervention when appropriate. In the past, the family courts have adopted the view that separating couples benefit from more time to sort out their difficulties. However couples experiencing the highest level of entrenched conflict who are disproportionately represented in family law proceedings do not have the skills to 'work things through' on their own but need more support and direction to have improved outcomes. Delays can exacerbate the conflict, defer solutions and impose more hardship on the couple and particularly on children caught in these proceedings.

The opportunity to provide timely access to appropriate programs for families affected by family violence is essential. This is equally, if not more so during and post separation. The Court's access to up to date information would increase the 'take up rate' of referrals which can enhance separating parents' ability to cope with separation issues and their subsequent capacity to respond to their dispute in a manner that is more considerate of their children's best interests. Private and community based practitioners also benefit from regular opportunities to up-date their knowledge of local programs and research developments related to effective practice. One approach is to develop local reference guides to services and programs, including a calendar of programs available across the year.

Enhancing service integration requires the development of relationships of trust between practitioners. Cross-disciplinary training opportunities can provide the dual benefit of professional development and relationship building. Family Pathways Networks can help to facilitate such opportunities.

Supports such as counselling and other therapeutic interventions for victims of family violence, including support to children who have witnessed family violence can occur in parallel with court processes. Services such as children's contact centres and behaviour change programs for those who have used violence or made threats of violence can also play a part in enhancing safety and support in some cases.

Family Pathways Networks

The 2001 report, *Out of the Maze: Pathways to the Future for Families Experiencing Separation*⁶, found that there was a need to improve coordination within the family law system. To this end, one of the important outcomes of the report was the establishment of pathways networks. As a catalyst for the formation for these networks, seed funding was offered by Attorney-General's Department in 2003 to support eight community-based family pathways networks.

Since then, 17 more networks have requested funding to support their activities making a total of 25 funded family pathways networks currently operating across Australia in each State and Territory except Queensland, Tasmania and the Northern Territory. In financial year 2009-10, each of the Networks receives government funding in the range of \$35,000 to \$70,000 per annum.

Family Pathways Networks aim to build connections and understanding between those operating within the Family Law System in order to make each family's pathway through the system more accessible at the local or regional level. Participants in Family Pathways Networks typically includes a range of representatives from all local agencies involved in the Family Law System including the Family Court, Legal Aid Commissions and Community Legal Centres, Family Relationships Service providers and private practitioners working in family law, mediation and dispute resolution services.

Most networks have a part-time Project Officer who organise monthly meetings, coordinates and facilitates agreed actions and plans with and for the network members. Many Networks have hosted interdisciplinary training, public information evenings and regularly disseminate up to date information about services available within the Network. The role of Family Pathways Networks in facilitating cross discipline links between private and public service providers and practitioners at the local level with the Courts is an important investment in achieving a collaborative and integrated Family Law System.

Networks do not operate in all states and territories and there are many rural and/or regional areas where the court visits on a 'circuit' basis that would greatly benefit from the establishment of a local Family Pathways Network. With further investment these Networks could become a linchpin in the future development and promotion of best practise in collaborative responses to family violence issues faced by the Courts and service providers on a daily basis.

Recommendation 4: Increase the number of Family Pathways Networks (FPN) to ensure 'formal' channels of inter-disciplinary communication, practice knowledge and local referral options are developed in as many regions, as practicable – at minimum around each Family Court Registry and/or 'regional circuit' across Australia.

How can we better link in with community based services to provide families with 'post-operative care'? By that I mean equipping parents to live within the parameters of new arrangements and assisting them to think constructively about how to respond when tensions arise, as they inevitably will.... parents need assistance and support in learning to live within the parenting arrangements that have been agreed to or imposed upon them.

Chief Justice Bryant, addressing the Family Law System Conference, Feb. 09

⁶ 2001 report, *Out of the Maze: Pathways to the Future for Families Experiencing Separation* - AGD

Follow-up Support

Post separation support services have developed and implemented a range of effective intervention programs from those that assist parents to reduce mild conflict and co-parent more effectively through to those that work separately with perpetrators of violence or with victims of violence including children. The Building Connections program and the Making Choices program are two such examples described below that have provided the foundation for expanded post separation support services to families affected by violence. Yet others are being developed and trialled under new and expanded funding from the Parenting Orders Program (POP) and the Supporting Children after Separation Program (SCASP)⁷.

There is a range of behaviour change / perpetrator programs conducted within the community and the criminal justice system. These programs work with those who have used violence to facilitate changes in behaviour and attitude in order to take responsibility for their actions. What is needed is continued research into the effectiveness of these programs and their success drivers. Timely dissemination of this research to service providers and the family Courts combined with access to information about local availability of such programs will further increase options available to the Courts and families.

There is further scope for the range of programs such as those outlined above to be utilised in the family support and child protection service systems with families that remain intact but have high levels of conflict and those that have separated but did not access support services during that transition. Referral of these families to support services during court processes (via interim orders for example) can facilitate far better outcomes for children in the short, medium and longer term.

The ongoing establishment and strengthening of links between services and the Courts will improve the capacity of the entire Family Law System to respond in a more holistic manner. Children and adults that have been the subject of family violence and are in high conflict and/or ongoing family law disputes need access to a range of parallel support both legal and non-legal. A collaborative approach to ongoing education and skills training by Family Law System practitioners will build trust and confidence between disciplines over time and potentially result in more complimentary service delivery across the whole system.

Increased knowledge between practitioners of what is legally, and therapeutically available to separating families facing family violence issues and the Family Law Courts will eventually deliver a more responsive and integrated system that assists families earlier and reduces conflict and subsequent trauma for children and families.

Another strategy, understood to have been quite effective in Western Australia is for the Family Court to work with community based service providers on the development of protocols for draft

As disclosures and reporting of violence against women increases, the gap between demand and needs being met will only grow.

Many in the sector, and the community, hold concerns that under-resourcing is already leading to limited service delivery, so that a consistently professional, high quality, and coherent response to sexual assault and domestic and family violence is, at best, uneven across the nation.

Budgetary allocations must match the real size of the problem.

Extract from 'Time for Action – A Snapshot', The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021

⁷ For more information about these services please visit the service directory on the FRSA website at www.frsa.org.au

interim and final court orders that are sensitive to ongoing risk assessment and decision-making. For example, orders can be drafted to accommodate changes in service delivery and/or empower practitioners in related services to make judgements on risk and safety. This can be particularly important when there is an uncertainty about relative benefits to the child of maintaining a relationship with a parent who has used violence or planned transitions such as a move from supervised to unsupervised contact that may be informed by other professionals such as those working in children's contact services.

Recommendation 5: Strategies be adopted to increase collaborative responses to families affected by violence during and after court proceedings.

Recommendation 6: The provision of cross-disciplinary training opportunities to bring together those working in the Family Law System to enhance shared understanding of contemporary research evidence and new technologies as a key strategy for continually improving integrated responses to families at risk.

Building Connections: post separation services for high conflict families

Building Connections is a half-day psycho-educational seminar, developed and piloted by [Interrelate Family Centres](#) and conducted through child contact centres. Twenty seminars held at four different locations were attended by a total of 105 participants. Its aim was to help participants:

- Become aware of the effect of high entrenched unresolved parental conflict on their children
- Recognise the need to deal more constructively with the other parent.
- Become aware of the importance for the child's sake of supporting their relationship with their other parent.
- Value the role of both parents.
- Change attitudes/behaviours during their involvement with the Child contact Service.
- Commit to enrolling in a course or seek other professional help such as mediation or counselling.

An [evaluation](#) of the program showed 58% of participants gave more child focussed parenting responses (compared to 39% prior to the seminar) and 63% of participants identified an increased number of beliefs seen as more conducive to child-focussed parenting. Contact centre managers also observed improved handling of child contact arrangements.

Making Choices: support for women experiencing family violence

Through the Making Choices Program, **Family Life** helps women learn how to make choices and re-gain some control over their lives.

Day or evening courses and a safe and supportive atmosphere help women learn that they are not alone. It also helps women develop skills in taking better care of themselves, build resources and learn acceptance of themselves and others. In 2004 women who participated in Making Choices groups reported the following benefits:

- improved ability to care for themselves physically and emotionally,
- better communication skills and assertiveness in relationships,
- improved social supports, personal networks and friendships,
- stronger self esteem, confidence and capacity to manage stress, and
- reduced depression, anxiety and fear.

Listening to Children

Family law reforms emphasise finding appropriate ways for children to maintain meaningful relationships with both parents wherever possible. Some children that have experienced or witnessed violence by a parent will want to escape that relationship and not continue to have a relationship with that parent. Others want to stay connected with that parent, even when they are clear sighted about the risks and the need for safety precautions to be in place. Regular contact with a parent can be important to a child's sense of identity and connectedness. Research with children in out-of-home-care identifies the importance to children's identity and healing of having the opportunity to tell their story and continue to have relationships with parents and relatives even where there may be a history of abuse or neglect⁸.

The capacity of the Family Law System to listen to children and take note of their wishes has been substantially increased by the use of strategies such as child inclusive practice in family dispute resolution and the role of Family Consultants and Independent Children's Lawyers in the Family Court. In particular, the use of Child Inclusive Practice in post separation services involves specialist child consultants who discuss the impact of parental separation with the child/ren and feed this back to parents during family dispute resolution. It is a powerful way to ensure that parents move past old conflicts to focus on the best interests of their child/ren. Comprehensive research confirms the benefits of child inclusive practice when properly implemented, particularly in the process of family dispute resolution⁹.

Post separation parenting arrangements involving contact between children and parents who have used violence involve complex risk assessment and balancing competing 'best interests'. Clearly, inappropriate contact arrangements can be detrimental to children¹⁰, so too can denial of contact which may further exacerbate rather than alleviate risk, particularly as children get older. Children's Contact Services have an important role in the family law system both as a safe place for contact to occur and as a mechanism for further risk assessment and risk management in conjunction with the Family Court.⁹

⁸ Mudaly (2005)

⁹ McIntosh, Wells & Long (2007) pgs 8-25; McIntosh & Long (2006).

¹⁰ Bickerdyke (2007)

Court to consider risk of family violence

In considering what order to make, the court must, to the extent that it is possible to do so consistently with the child's best interests being the paramount consideration, ensure that the order:

- is consistent with any family violence order; and
- does not expose a person to an unacceptable risk of family violence.

For the purposes of paragraph (1)(b), the court may include in the order any safeguards that it considers necessary for the safety of those affected by the order.

Legislation and Procedures

Review Question: Do the legislation and (Court) procedures support best practice for handling family violence matters?

While FRSA welcomes the Family Court's Family Violence Best Practice Principles, we are concerned that these guidelines only refer to the Court's legal responsibility. As a result they do not locate the Court's response to family violence in the context of collaboration with other community based family support structures more broadly that would give increased options to both courts and families when dealing with family violence.

FRSA supports the development of system-wide assessment frameworks and better tools for identifying risk factors. The capacity for both legal and non-legal services to offer more case management, participate in training and offer clients longer term support are important strategies to enhance safety for families. However, FRSA would caution against narrowing our concept of risk to focus exclusively on violence or specifically the presence or absence of a past history of violence. Behaviour patterns such as obsession, stalking, depression, control, retaliation, inability to let-go and attitudes of ownership towards children are equally important in risk assessment.

There are parallel challenges in child protection service systems in relation to assessment of risk and safety factors. There is much more that can be done to identify early warning signs if we all know what to look for and have the capacity to respond. This needs to be a priority for the research agenda and a point of connection to developments in systemic responses to child protection and family violence where the Courts and many family relationship services are also working.

There has been significant debate in Australia since the introduction of the 2006 Family Law Act amendments about the impact of the friendly/unfriendly parent provisions and the cost implications. FRSA awaits with interest the results from the review of the amendments to the Family Law Act that we hope will provide some direct feedback from clients. In principle, family relationship services consulted during the drafting of the legislative amendments were concerned about the focus on 'false allegations' of violence and the need to 'prove' its existence because this had the potential to discourage disclosure. However, the extent to which this is actually occurring is unclear to us.

Recommendation 7: Establish a national collaborative forum for exchanging information and research, developing shared language and understanding of family violence and progressing initiatives to improve the response to families experiencing violence and other significant risk factors.

Integrating Responses to Family Violence

While all forms of violence are harmful, there are variations in severity, context and the harm that results. Research in the last decade has begun to differentiate violence, identifying non-physical violence — patterns of power and control, threats and intimidation — that can have debilitating consequences for all family members. For example, The NSW Government has identified a number of dimensions to domestic and family violence including:

- mode - physical, psychological, sexual and/or social;
- frequency - on/off, occasional, chronic; and
- severity – both psychological or physical harm and the need for treatment; transitory or permanent injury; mild, moderate, severe and at the extreme, homicide.

The Australian Institute of Family Studies differentiated between

- 'intimate terrorism' involving violence or threats of violence sustained over time with multiple incidences and controlling behaviour; and
- situational violence and the damage to children caused by chronic high level parental conflict¹¹.

Some academics and commentators have suggested that shared parental responsibility is always inappropriate in families where violence has occurred and that contact between a parent who has used violence in the past is never in the best interests of children. Others argue that violence between parents is not relevant to child safety or that it is the denial of contact with children that leads to the more extreme acts of harm. FRSA believes that there are no simple answers or universal rules that apply to these circumstances. Risk assessment is a complex and difficult task that can only occur on a case by case basis. We do not support constraints such as legislative presumptions on those that carry the burden of making these decisions. Instead we support a rigorous research agenda and continual efforts to enhance the service delivery system, as reflected in the recommendations we make in this document.

Family Dispute Resolution services are sensitive to family violence, both disclosed and undisclosed. They are also conscious that clients make choices and will not always follow advice regarding the most appropriate pathway to resolving a dispute over post separation parenting arrangements. Increasingly services are reporting that women who have experienced family violence and are advised of the exemptions and certificates that can be provided to satisfy the Family Law provisions yet choose not to take this path. Services are sometimes concerned that arrangements will be agreed to in the 'shadow' of the court – where decisions of the court are presumed rather than sought and that these arrangements may be clearly inappropriate or poorly informed. In these circumstances, family dispute resolution may be the best option available and safety strategies can be adopted to minimise risk (see below).

¹¹ See for example Bailey (2007) Separating safety from situational violence: a response to the AIFS report and Kelly (1999) Current research on children's post divorce adjustment - no simple answers.

Safety Strategies in Family Dispute Resolution:

A number of features can be incorporated into the mediation process to assist abused partners participate safely and achieve constructive decision-making for their children and for other outcomes, including:

- An experienced practitioner undertaking thorough assessment for safety, capacity and willingness of each party
- Coaching and information prior to the session not only on process but how to anticipate the impact of violence on mediation
- Safety planning before and after mediation
- Short, multiple mediation sessions to reduce stress and impact of contact with an ex-partner
- Presence of a third party to assist in speaking freely or legal representation in or between sessions
- Separate 'time out' for mediator to check with parties
- Shuttle mediation (where parties do not meet/attend simultaneously) or co-mediation: using two mediators (male and female)
- Separate waiting rooms, separate arrival and departure times.
- Follow up after mediation to ensure safety and provide support, post-mediation coaching or counselling.

Source: Bikerdyke (2007)

Recent research has also noted a developing trend of adolescent male violence particularly towards mothers. The authors suggest it should be further explored as a form of family violence impacting on all family members and particularly for its predictive power in relation to future violence towards women.¹²

The application of broad-brush definitions and 'one-size-fits-all' responses can lead to the important differences between families being overlooked, as well as failure to examine the context of behaviour in ways that predict and prevent risk. Both oversights have potentially serious consequences for safety and longer term outcomes of family members.

There are benefits to be gained by bringing together different sectors and exposing them to differing perspectives, research and insights. A collaborative forum would provide opportunity for developing mutual respect, a common language and sharing expertise. It would allow shared understanding of the wider paradigm within which responses to those inflicting violence and those affected by it are made, including the legal constraints and ethical dimensions operating on different sectors. Wingspread is a United States initiative that brings together all sectors dealing with family law proceedings. It aims to clarify the tensions and differing perspectives between sectors, develop shared understanding and language, better public policy and more collaborative approaches on family violence.

The report on the Wingspread Conference on Domestic Violence and Family Courts is available from www.afccnet.org/about/domestic_violence_and_family_courts_project.asp

Several FRSA Member organisations, private practitioners and other statutory state authorities and the Family Law Court of Western Australia are involved in collaborative work to build a shared understanding of the roles and functions of different sectors including a case management approach in which judicial and social science officers work together on each family law case. This has built greater respect and understanding between professions of the different paradigms within which each sector must operate. This has also led to more appropriate and timely referrals that has reportedly resulted in more positive outcomes particularly for children in family law proceedings.

¹² Howard & Rottem (2008) *It All Starts at Home: Male Adolescent Violence Towards Mothers*.

Australia would benefit from a forum such as Wingspread as suggested in recommendation 7 above, that creates more dialogue between sectors responding to family violence (e.g. domestic violence services, child protection, women's services, the family relationships services program, mental health services and family law) and lead to shared language, agreed definitions and terminology as the basis for greater collaboration.

Collaboration between Family Dispute Resolution and Family Violence Services

In light of increasing numbers of families disclosing family violence, some Family Dispute Resolution services have been rethinking current approaches to violence and family dispute resolution and exploring strategies to support the families that choose family dispute resolution despite some history of family violence and to do so with safety and integrity. An investigation by the Domestic Violence and Incest Resource Centre (DVIRC), and Relationships Australia Victoria identified factors that supported participants through mediation even where violence was factor. (See box below).

Mediation and violence: a DVIRC and RA Victoria exploration

The Domestic Violence and Incest Resource Centre (DVIRC), collaborated with Relationships Australia, Victoria exploring models of mediation that can take account of women's experience and respond to the higher incidence of families facing violence presenting to mediation services. They identified factors that appear to improve women's perception of safety and satisfaction with mediation outcomes, particularly where mediators:

- worked in a co-mediation, gender-balanced team
- asked specific questions about violence or abuse, including non-physical types of abuse or harassment;
- offered women detailed information about the process and specific guidance on the possible impact of violence or abuse on the mediation process;
- offered women separate time with the mediator to disclose or discuss any concerns before, during and after mediation sessions;
- demonstrated that they understood the woman's concerns both within and outside the mediation session by implementing specific strategies to deal with those concerns such as
- demonstrating that they could control abusive behaviour in the session and/or assist the woman to deal with it; and
- assisting the woman to deal with harassment or intimidation occurring outside the mediation session.
- Taking steps to ensure physical safety and safe protocols such as separate entrances and waiting areas as well as departure protocols are important but mediators also need to:
- Find ways to validate the experiences that victims have of violence while remaining neutral – women seek acknowledgement and belief, which are distinct from neutrality.
- Assess a victim's capacity — in the context of her experience — to participate in mediation, particularly where trauma affects capacity;
- Extend ongoing external support, including intensive coaching or counselling before, during and after mediation.
- Incorporate practices that provide 'time out' during mediation sessions, demonstrate understanding of non-physical abuse and its impacts and find ways to continuously 'check in' with the woman.

Sources: *DVIRC Newsletter*, Autumn 2005 and *Family Matters* No. 77, 2007

Building on this work, Bickerdyke also argues that the concepts of 'neutrality' and advocacy for children need to be carefully determined. The Family Dispute Resolution practitioner must listen about and acknowledge violence and seek recognition by the perpetrator; the point is to weigh this information in the best interests of children rather than respond simply in terms of mediator

'objectivity' or neutrality.' He also argues that there are 'degrees of violence in family dispute resolution'¹³ but through constantly classifying, assessing and checking the circumstances, a mediator uses the information to modify the mediation process rather than simply define cases 'in' or 'out'. All types of violence can be severe. Non-physical or seemingly less severe physical violence (particularly where control and intimidation are present) may in some circumstances be more debilitating or traumatising than other forms.

While some cases are unsuitable for mediation particularly those associated with 'intimate terrorism', a party who has been chronically abused and undermined over many years who wishes to mediate, can, Bickerdyke believes, with careful management by the family dispute resolution practitioner, be supported to participate and achieve outcomes that may not have been available via the court process.

To this end, FRSA is pleased to support the recent roll-out of funds for pilot projects between Community Legal Centres and Family Relationship Centres to develop collaborative practice strategies to support families where violence may be present and are still wishing to participate in Family Dispute Resolution safely. In such circumstances, FRSA believes such collaborative approaches are more likely to improve outcomes for children than when services are working with families in isolation.

¹³ Bickerdyke (2007)

Homicide and Abduction

The most extreme cases of harm occurring in the post-separation context occur when children are abducted, assaulted or killed by a parent and/or a parent is killed by their former partner.

There are few crimes that generate the public outrage that child homicide provokes, particularly when a parent is the offender – as this is an extraordinary breach of trust by one who is meant to be responsible for nurturing and protecting the child.

Despite the high profile of these cases there is relatively little Australian research into the circumstances and contributing factors that might inform effective interventions to reduce the number of such tragedies. A study by Mouzos & Rushforth at the Australian Institute of Criminology¹⁴ in 2003 examined 13 years of data on Family Homicide, found:

- On average, about 129 family homicides occur each year, with intimate partner homicides accounting for three out of five family homicides.
- Three quarters of intimate partner homicides involve men killing their female partners.
- More than half (53 per cent) intimate partner homicides stemmed from a domestic altercation between the victim and offender, slightly less than three in 10 (29 per cent) were believed to stem from jealousy or desertion/termination of the relationship (actual or pending).
- On average, 25 children are killed each year by a parent (filicide), with children under the age of one at the highest risk of victimisation and 68 per cent of all victims aged five years or younger.
- Fathers were responsible for the majority of filicides in Australia (63 per cent compared to 37 per cent by mothers).

Mouzos & Rushforth report that the underlying motives behind incidents of filicide are difficult to explain with the motive undetermined in three out of five cases (61 per cent). The most prevalent motives, where known, were domestic altercations (21 per cent) and jealousy/termination of a relationship—where the child is killed by one parent as a consequence of the actual or pending separation from the other parent (nine per cent). They found that 15 per cent of all filicide offenders and one-third of the female filicide offenders were suffering from a mental disorder immediately before or at the time of the homicide incident, a quarter of the filicides involved the parent also committing suicide following the event (compared to about six per cent of murder-suicides in the general homicide offender population). They also refer to research on child deaths in New South Wales which reported that family breakdown was a precipitating factor in almost one in five filicides, and parental mental illness in three out of 10 filicides¹⁵.

“Children are not just at risk of homicide through fatal abuse incidents; family breakdown has also been identified as a precipitating factor in some filicides. The improvement of counselling and support services for separating parents may play an important role in reducing child homicide in these instances. Other family and friends may also play a vital role by raising the alarm if they notice a family breakdown affecting the parents’ mental health and by encouraging the parents to seek medical or other assistance in dealing with possible illnesses such as depression resulting from the separation.”

Mouzos & Rushforth (2003) ‘Family Homicide in Australia’, *Trends and Issues in Crime and Criminal Justice*, no 225, Australian Institute of Criminology, Canberra.

¹⁴ Mouzos, J and Rushforth, C. (2003) ‘Family Homicide in Australia’, *Trends and Issues in Crime and Criminal Justice*, no 225, Australian Institute of Criminology, Canberra.

¹⁵ Lawrence, R. & Fattore, T. (2002) *Fatal Assault of Children and Young People*, Commission of Children and Young People, Sydney.

In her 2005 review of child murder-suicides after separation, Carolyn Johnson¹⁶ identifies a history of domestic violence as one of a number of potential 'danger signs' or risk indicators. A history of violent and controlling behaviour as well as drug/alcohol use were common in these cases, but there were also other danger signs such as specific threats of harming children, rehearsal of the act of homicide, stalking behaviour, refusal to accept the separation and proprietorial attitudes to children. With the power of hindsight these signals are very evident, yet at the time the risk was either unrecognised or no action taken. Those who were worried about the mental state of the perpetrator were either uncertain or afraid to intervene, it is also unclear what preventative action could have been taken by the Police or other agencies. The involvement of the Family Court was relevant to only a proportion of cases.

Both studies referred to above highlight the need for further in-depth and ongoing research to inform our understanding of causation but also to identify the points at which effective intervention might have occurred. There may be certain combinations of risk that warrant higher priority in the screening and assessment process. There may also be value in strategies that educate parents and other family members to be alert to danger signs as well as enhancement of response options when risk is identified.

A parallel may be drawn here with cases of parental child abduction. Further research could assist with refining risk assessment processes. There have also been calls for greater investment in law enforcement responses¹⁷ which is beyond the scope of this review but might be assisted by the development of mechanisms for sharing information across the service system as recommended earlier.

The very high profile media coverage of family law cases that end tragically, particularly cases involving filicide, creates an insatiable media appetite for information and opinion. This can very quickly come to include sensational claims, misinformation and accusations of blame. It is also possible, as in cases of suicide, that it may trigger ideation in others. There may be some value in exploring opportunities to engage media industry bodies in the development of responsible reporting protocols, similar to the voluntary code for reporting on actual or suspected suicide. This code has been quite effective in reducing graphic, distressing descriptions of suicide that can have a substantially negative impact on others at risk. In addition, there might be an opportunity to feed correct information into media coverage of tragic events and to encourage the inclusion of preventative messages regarding warning signs, help-seeking and supports available.

Recommendation 8: Further research is undertaken in the areas of family homicide and parental child abduction to inform the ongoing refinement of risk assessment that occurs across the Family Law System.

Recommendation 9: Consider the development of 'responsible reporting' protocols for family homicide and parental child abduction with the appropriate industry and professional bodies.

¹⁶ Johnson C H (2005) *Come with Daddy, Child Murder-suicide after family breakdown*, University of WA Press.

¹⁷ See for example Family Law Council (1998) *Parental Child Abduction*.

Conclusion

As stated in the introduction, family separation is often complex, difficult and rarely without trauma. It can be a very dangerous time in which violence or the threat of violence can occur for the first time or be exacerbated by conflict and dispute.

The Family Courts have a central and significant role to play but they do not operate in isolation. The capacity and performance of the broader service system has a significant impact on the outcomes for families and children who have contact with the court. This includes the range of services that collectively make up the 'Family Law System' – family relationship services, legal assistance services and government agencies that help families to address and resolve legal, financial and emotional difficulties and disputes.

Professionals working in the family law system continually make assessments relating to the safety, mental health and wellbeing of the parents and children involved; a significant and challenging responsibility that deserves to be fully supported and appropriately resourced.

FRSA believes that the introduction of the Family Law Reforms in 2006 and significant expansion of post separation and early intervention services has had a significant impact on the safety and wellbeing of separating families, particularly children. Many more families now participate in screening and assessment. There is much greater opportunity for early identification of families affected by violence and those at risk due to other factors including high conflict, threats of violence or impulsive behaviour by one or the other parent. Intervention at an early stage may help to resolve or reduce some of these risk factors and/or 'fast track' these families to a family court for legal intervention when appropriate.

There is, however, always more that can be done and it is the combined responsibility of each service provider whether private or public, community based, government or private practitioner to operate as part of the wider family law system and to work collaboratively to achieve better outcomes for children and families affected by violence.

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- Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children 2009–2021 - A Snapshot
- Background Paper to Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021
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