

Submission to the Family Law Council

Child Protection Unit, Princess Margaret Hospital For Children

This submission addresses Questions 3 & 4 of the reference, which are concerned with enhancing decision making and support for the growing number of client families with multiple and complex needs within the family law system.

How can services such as mental health, family violence, and drug and alcohol services make relevant information available, to the courts to support decision making in cases where families and children who use the family law system where child safety concerns are identified?

- The Child Protection Unit (CPU) at Princess Margaret Hospital for Children in Western Australia is one of the 3 main points of entry for children (along with the police and the Department for Child Protection and family support) where child abuse is identified or suspected. The CPU at present has no formal pathway to submit information that is relevant to the family court. As one of the key agencies involved with the child protection system in Western Australia we are often in a position of having considerable information that would be relevant to assist the family court in making decisions regarding safety and best interest of a child. We would recommend that a system be established that allows non statutory services that are part of the child protection system to be able to inform the court of their involvement.
- When either the CPU or the Family Court becomes aware of the other's involvement with a mutual family that the CPU can be invited to case assessment conferences (or the equivalent) early in the Court process.
- Alongside an acute medical and social work response team the CPU has a therapy service that works with families with complex child protection issues. This therapy team works with families for as long as is required, allowing for comprehensive assessments of issues of safety and risk. When single expert witnesses have been appointed, they often do one off assessments of family members and the child. We would recommend that they meet with the CPU therapy team/child's therapist as part of their comprehensive assessment of the risk and safety issues for a child.

What services are needed to support families and children who use the family law system where child safety concerns are identified?

- It is the experience of our staff that children are often confused and feel left out of the decision making process. In cases where there are no child protection issues, not being involved may be in the child's best interests, however in cases where there are child protection concerns, it leaves a child feeling disempowered and concerned about the decisions being made of their behalf. In Western Australia there are Family Court consultants appointed to case manage a family involved with the family law system. Currently this role is limited, due to resources. We would recommend that this role be expanded or another role created that supports children throughout the legal process, both acting as a case manager and a child advocate whose responsibility is to ensure that a comprehensive assessment and

liaison with all agencies involved in the child's/families is presented to the court early in the process.

How can there be enhanced interaction between the family courts and relevant services, including family violence and mental health services, drug and alcohol services and support services?

- As the sole tertiary children's hospital in Western Australia, our unit deals with the most complex cases involving children with multiple medical and psycho social needs. When families present to the Emergency department or directly to a Ward or the CPU for an assessment, there is often confusing and conflicting information regarding guardianship and specifics of current parenting orders. We would recommend as a means to enhance interaction between our unit and the family court that a process be established that we can independently and immediately establish what the current Family Court parenting orders stipulate.
- We would recommend the development of a MOU and an ongoing process for liaison between family court and outside agencies such as Health.

What opportunities exist for developing integrated responses to families with complex needs who use the family law system?

- We would recommend the development of a MOU and an ongoing process for liaison between family court and outside agencies such as Health.
- Whilst there is clearly an acceptance at a policy level that the Family Court is working primarily with cases that involve issues of risk and child protection, it is our experience that this is not always translated at a practice level. It at times feels that the use of Single Expert Witnesses that have been working within a different frame of assessing separating families and advising around contact arrangements are not always using the same theoretical frames and knowledge contained in the child abuse/developmental trauma/family violence area. Knowledge of agencies and individuals within the child abuse/family violence areas can be marginalised. This sets up a dynamic of conflict rather than collaboration and respect. Consideration needs to be given to prioritising expertise and knowledge from professionals working in the child abuse/family violence area.

Is there a need for a specialist case co-ordination approach to families with complex needs, and what opportunities exist for developing such an approach?

We would agree that there is a need for a specialist case co-ordination approach to families with complex needs, where the child is allocated a case manager/advocate who in the early stages of referral to the Court process, is responsible for calling together all relevant parties/agencies to gather a comprehensive history of all child protection, family violence, mental health, drug & alcohol issues and involve any child therapists that have or are working with the child/family. The case manager/advocate would remain involved with the child until the final court outcome. We would envisage that the case manager would have a specific child protection background. We believe that this model could reduce the need and cost of Independent Children's Lawyers and expert witnesses being appointed. It is our experience that there is quite often a lot of information from a child protective perspective that if considered early in the process, would highlight a clear path for the court and prevent a protracted legal process.