

# Submission to the Family Law Council from Family Life

## Introduction

Family Life an entrepreneurial, independent community organisation providing services, support and connections in the eastern and southern suburbs of Melbourne. We work from a whole of community approach, strengthening the value of funded services through volunteer and community in kind and financial contributions, and have actively worked to achieve a diverse revenue base to ensure every federal government dollar is matched with a state and / or community contribution.

This diverse funding base informs the perspectives and ideas shared in this submission as we work across jurisdictions and sectors with families ....rather than issues ....in order to understand and respond to needs within the lived experience and context of our clients.

From our foundations in 1970, the organisation has been focussed on strengthening families an expression of the generosity, values and leadership of civil society. To this we add business acumen to be a leader in social innovation, social enterprise, research and outcomes measurement, impact assessment and impact investment. We contract only for government funding which enhances our Mission and resources our strategic objectives.

We are actively engaged with the international not for profit and academic community for learning and attracting expertise to support our local initiatives. For example we are the only charity in Australia supported by the [Founders Forum for Good](#) established by Sir Richard Branson and colleagues for the purpose of transferring digital intelligence and technology to for-purpose efforts. Through this relationship we receive donated software and pro bono mentoring from [Rank Above](#) in Israel to develop our expertise for using technology for business operations and service delivery and expansion. Further information about who we are can be found on our website [www.familylife.com.au](http://www.familylife.com.au).

We are concerned to establish our credentials as the context in which we provide the following feedback, as we are an organisation which pro-actively engages the wider community and business expertise to invest in responding to and solving the complex social problems which are the concern of government. We do this effectively as a community based company limited by guarantee, with value to add to the work of larger national welfare organisations.

As a significant contributor to the Family Law Reforms introduced under the Howard Government, Family Life has for many years advocated for the removal of barriers to collaboration across jurisdictions and funded sectors. Many families seeking to resolve their

parenting disputes have complex needs, which compound in the emotional process of separation. And for some families, these issues in fact arise in the context of separation. Recent research by Brown and Tyson 2014 on Filicide in Australia, and the comparisons with international research provided at the Prato Towards Preventing Filicide Conference June 2015, clearly alerts us to missed opportunities for saving and improving lives for children. As an overall positions statement, Family Life strongly agrees that ... “ (parenting ) disputes may be able to be better addressed with the assistance of relationship support services and/or court processes that can cut across the child care & protection and family law systems.”

We welcome this opportunity to contribute to the important work of the Family Law Council to inform government and community understanding of issues and opportunities to do better for children, young people and families.

## **Response to Terms of Reference**

- 1. The opportunities for enhancing collaboration and information sharing within the family law system, such as between the family courts and family relationship services.***

### ***What we do now which works well.***

- There has been significant ongoing collaboration and information sharing between Family Life, other family relationship services and the family law system. The strong relationships that exist between the Family Court (FC) and Federal Circuit Courts (FCC) include a commitment to the Collaborative Dispute Resolution Group (CDR) in Dandenong. CDR partners include Family Court, Federal Circuit Court, Victoria Legal Aid (VLA), Court Network, Family Law Pathways Network (FLPN), Family Relationship Centres (FRC), Family Life, EACH, FMC Counselling and Mediation, CentaCare, Peninsula Community Legal Centre (PCLC), Lifeworks, Relationships Australia and Family Law Assistance Program (FLAP) Monash University.
- The CDR group is held at the court on a quarterly basis and has high rates of attendance. It provides organisations with the opportunity to communicate directly, and to innovate by ‘pooling’ information and resources. For example, the group has been instrumental in the development of the **Court Information Kiosk at the Dandenong registry**, which has since evolved into the **iRefer App**. This app has been downloaded by hundreds of members of the public, community services and legal practitioners (including Judges). This app provides immediate access to current information regarding a wide range of community based services that are available to support families as they move through the family law process.
- The **Frankston Partnership Working Group** was formed approximately 10 years ago to support the introduction of the Family Relationship Centre to the Frankston/

Mornington Peninsula area. The members of this group are the Peninsula Community Legal Centre, Frankston Family Relationship Centre, Family Life Family and Relationship Services and Victoria Legal Aid. These organisations meet quarterly to share information that enables a smooth, effective and timely delivery of family law services to thousands of the most vulnerable families residing in Melbourne's South East region. Over time, this has seen the legal practitioners and FDR practitioners at the FRC gain a detailed understanding of the roles that they play in terms of supporting local families and each other. This close partnership has enhanced the 'warm referral' pathways between organisations, and resulted in a legal practitioner providing a weekly Family Law information session for parents at the FRC. This session has also benefited staff and students at the FRC and PCLC in terms of information sharing, and innovation in service delivery models.

- Importantly as **Family Life is a state funded approved Community Service Organisation**, we also bring to the Frankston Partnership Working Group detailed knowledge of the state funded service system and Child Protection Practice. This allows us to negotiate service system boundaries depending on which of our "identities" is required. As a state funded Family Support and Family Violence provider we are included in information sharing across all jurisdictions and statutory services. We are also involved in the service system networks and planning forums where we constantly consulted, also seek to educate and share information with colleagues about the Federally funded system and needs of families at risk; and impacted by family law, family violence, mental health and child protection.
- The CEO's, Managers and staff of the fifteen Victorian Family Relationship Centres have been meeting quarterly as the Victorian Partnership of FRC's (VPFRC's) since 2010. Guest speakers from Family Law and related services regularly attend this meeting to exchange information and ideas. Most recently, Professor Helen Rhoades from Melbourne University School of Law attended to discuss the Family Law Council review. Past guests have included Family Court Judges, VLA, Child Support Agency (CSA) and the Department of Social Services (DSS). Information sharing across all 15 FRC's has enabled the development of new Family Dispute Resolution (FDR) practice efficiencies, targeted staff training, robust data collection protocols and enhanced cross centre FDR teleconferencing across Australia. An example of a successful collaboration between the VPFRC's and VLA has been the introduction FRC information sessions being provided to VLA clients prior to their attendance at the VLA FDR Service.
- Family Life chairs a Family Relationship Services Reference (FRS) Group Meeting on a quarterly basis. This meeting brings together a range of local, state and federal Service providers. Representation includes family support services, family law services, mental health services, maternal health, magistrates courts, family violence services, alcohol and other drug service providers, microfinance services and Centrelink. Meetings such as this allow information sharing to take place between a cross section of local services. This intergovernmental approach creates excellent opportunities for collaboration and

integration. It also keeps organisations abreast of what services are currently available at a local level.

### *What else we might do?*

- There is also an opportunity to enhance collaboration and information sharing between family relationship services, private legal practitioners and judges. The introduction of FDR has been welcomed by families as an inexpensive, collaborative alternative to the adversarial legal process. This service provides an informal, soft entry point for parents, grandparents and children who are experiencing separation, divorce and often family violence. It also has the capacity to 'triage' family members into relevant services, and to significantly reduce harmful conflict. **It is of concern that not all legal practitioners are familiar with the FRC's and FDR practice. There is a need to keep families in a non-adversarial mindset whilst they are engaged with an FRC service.** If family members are not prepared for mediation this has the potential to undermine the FDR process, as it could result in increased conflict between parents and hence the need for them to attend court. We recommend that private legal practitioners are provided with more information about the benefits of the FDR process. This might enhance collaboration with family relationship services and produce better outcomes for children.
- After Certificates are issued to each parent following an attempt at FDR, there is no communication between the FC, FCC, legal professionals and FRC's. The certificates only give a very broad indication of the reason the certificate has been issued. It is often raised by professionals working in this area as frustrating since detailed and potentially useful information is not being passed to the Court. A possible solution might be that a **'third certificate'** could be sent electronically to the Court by the Family Dispute Resolution Practitioner allocated to a case. This certificate could indicate what assessment the FRC made that led to the issuing of the certificate. It would need to be kept confidential by all legal professionals as it may elicit an angry response from a parent and this may in turn be directed at an FDRP.

### ***2. The opportunities for enhancing collaboration and information sharing between the family law system and other relevant support services such as child protection, mental health, family violence, drug and alcohol, Aboriginal and Torres Strait Islander and migrant settlement services.***

- An opportunity exists to enhance cross - jurisdictional collaboration and information sharing across the Federal, State and Territory Courts and Services. This is needed in order to protect families with complex needs. There are still many 'gaps' in the system that expose vulnerable families to risk both pre and post separation and divorce. **Family Violence is reduced where relevant services can communicate quickly and effectively to keep children, parents and communities safe.** There is a need for more opportunities

for 'practitioner to practitioner' consultations to take place where families are experiencing family violence. **Confidential case examples can be provided.**

- **Children need their voices to be heard.** Child Inclusive Practice (CIP) provides an opportunity for children's voices to be heard by their parents with the support of a CIP practitioner. When parents hear how their children are travelling during the course of a separation or divorce it can reduce conflict and encourage cooperation. More child inclusive practice directly in FRC's would be recommended to assess and educate parents about impact of their conflict on the child - rather than just information sessions. An increase in these resources is required so that more children can participate in the FDR process
- National Children's Commissioner Megan Mitchell supports CIP, but would like the requirement that consent of both parents be removed as it prevents many children from having this opportunity. Currently if only one parent agrees with the child/ren attending CIP, it does not go ahead.
- **Communication technology** can provide solutions if the appropriate resources are made available to communities and professionals who work with families. Of particular importance is the capacity for professionals to communicate information effectively and in a timely manner. For example, **Child Protective Services (CPS) could have a dedicated central phone number for professionals to make reports across Australia.** It is not uncommon for the CCS to attempt to make contact with CPS on a weekend when a parent may not return a child following a visit with them. If the CCS is kept 'on hold' the situation may escalate unnecessarily. Families and staff members may find themselves in an unsafe situation and will have to call police. If CCS workers could make immediate contact with CPS then a situation such as this could be avoided, and resources could be utilised more efficiently.
- Increased information sharing by professionals through attendance at local services forums, meetings and community events allows greater communication between Children's Contact Services (CCS), Parenting Orders Programs (POP), FRC's, Family and Relationship Services (FaRS), Specialised Family Violence services (state and federal), Child First, Integrated Family Services (IFS), Police, Medical practitioners, Early Learning Centres, Schools, drug and alcohol services, Legal Services, Courts, Aboriginal, CaLD, Child Protective Services and the wider community. Opportunities for professionals and citizens to obtain information and training about Family Violence have increased, however there is still a need for the community as a whole to be aware of the factors that underpin the violence. **Research has shown that there are still many myths about Family Violence that pervade society, and thus put lives at risk.**
- There is clear evidence of gaps in communication across services when Family Violence is reported by both professionals and citizens. Family Life is currently managing a situation where an ex partner has deteriorating mental health which correspondingly

elevates risks to the mother and children. On a daily basis we are monitoring safety with police and a circle of safety created through family, neighbours, and work colleagues. However cooperation from Mental Health providers eludes us and adds to the pressure for our staff as we feel helpless in engaging the escalating partner with the services her needs. The Luke Batty tragedy in our community compounds the pressure on staff. We need confidence that CAT Teams and mental health services will work with us as one inclusive care team.

- Police: gaps in communication - It can take 48 hours or more for statements re breaches of Family Violence Intervention Orders to be available for access by police on their database. Hence another breach can be already occurring when the previous breach is not recorded and hence no action taken - action which might prevent a fatality.
- Giving of statements by witnesses to FV is (for a range of reasons) not always timely. Therefore, the chronology of FV incidents or breaches of FVIO's on the police database is not accurate. The police cannot respond to recurring breaches unless it is on the database. This means that a situation can escalate before they are fully aware of the extent of the breaches.
- **Financial services** are required to support families when they are experiencing family violence. This enables them to feel secure enough to make complex decisions. They can then focus on their parenting, prioritise their well being and maintain employment.
- Court expenses are deterring parents from accessing justice as they go through a high conflict separation or divorce. This is often seen where only one parent has been in employment whilst the other has been at home caring for the children. This creates an inequitable situation and heightens safety risks for families where court orders are not in place.

There are many opportunities for greater collaboration between family Law system and family relationship services. Greater use of the available technology will enhance communication between family relationship services, child protective services, schools, mental health providers, police and the family law system. These services need to communicate information quickly and effectively to meet the complex needs of children, parents and communities.

**Thank you for consulting with Family Life directly.**

**Family Life staff are available to consult with on any of the issues that are raised as part of the Family Law Council review process.**