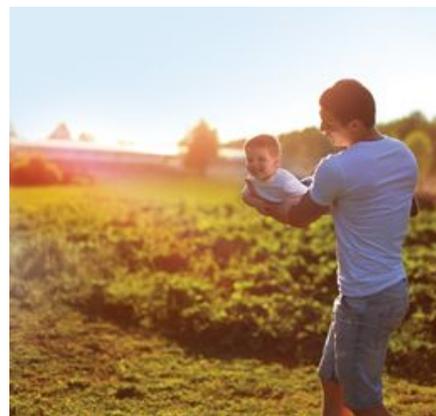
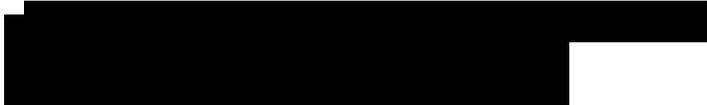




# Australian Law Reform Commission Submission May 2018

**Jo Cavanagh OAM**  
**Chief Executive Officer**



## ***Family Life Australian Law Reform Commission (ALRC) Submission***

### **1. Introduction**

Family Life welcomes the opportunity to share from our practice and research, our vision and recommendations for consideration by the Australian Law Reform Commission.

As an independent community service organisation, Family Life exists to create capable communities and strong families where children can thrive.

Our submission seeks to illustrate the potential to strengthen purpose, productivity and progress for best outcomes for families engaged with the family law system. These are the high level recommendations which inform our more detailed response to the Commission terms of reference and areas identified for consultation.

#### **1.1 Purpose - our paramount concern is the best interests of children, and their families.**

A systems view is essential to achieving the best interests of children requiring the protection and engagement of family law. The needs of children are best assessed in the context of their immediate and wider family and community relationships, and how these relationships assist their parents to meet their responsibilities to their children.

The filicide research by Family Life<sup>1</sup>, for understanding how we might prevent situations where children are at risk for lethal harm, demonstrates a need to be aware of the relationships around the child, and the parents, to better inform our assessments and interventions for serving the best interests of children.

#### **1.2 Productivity - one system, networked with multiple outlets for efficient and effective diverse access opportunities**

An integrated systems approach will reduce duplication of costs and effort. The current jurisdictions and programmatic responses can be integrated and streamlined into one system to assist families to get what they need to maintain safety and care for their children, including in the context of parental separation and family violence.

As noted in the Coronial Inquest report into the death of Luke Batty, his mother as the protective parent was required to negotiate multiple discrete systems which failed to cooperate and assess the cumulative risks to the child. This creates additional risks to safety of individuals as

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<sup>1</sup> Cavanagh (2017) Chapter 12 Why Parents Kill Children: Understanding Filicide, Brown, Tyson and Fernandez Arias.

information is not connected, and is inefficient and contrary to enabling providers to serve the best interest of the child.

To protect children, service providers need the system to provide joined up operations, data sharing and real time tracking of events and contacts to accurately assess cumulative harm and respond appropriately.

### **1.3 Progress - client centred services, coordinated providers, integrated practice.**

Family Life has been innovating practice and service models to expand client centred, quality services for families engaged with family law, family violence and child protection. Through our practice we demonstrate optimisation of expertise and programs across jurisdictions in service of meeting client needs.

In our Frankston Centre we are able to bring together Family Law and the Victorian Support and Safety Hub to pilot coordination and integration into one operating centre. Progress is underway building the collaboration between service providers and practitioners to streamline and improve service system engagement and responses across family violence, family law and child protection jurisdictions and related funded programs.

### **1.4 A Vision for support services within the Family Law system:**

**Support services are designed and delivered to enable respectful and protective adult relationships which ensure the safety and nurturing of children.**

### **1.5 The Frankston integrated services opportunity for evolution of practice -**

Family Relationship Centre's (FRCs) have been a successful outcome of the 2005 Family Law reforms for assisting separating parents to navigate and evolve their future relationships and responsibilities for the safety and wellbeing of their child/ren.

In the new Frankston Centre, (opening June 2018) where the FRC will be integrated with the Orange Door (Support and Safety Hub), Family Life teams will be working under each state and federal jurisdiction, mindful of the requirements and support available in both.

With our co-located partner organisations, the service teams will be able to provide earlier, timely intervention where family violence is identified, drawing on the expertise and functions provided under each jurisdiction. Colocated colleagues will promote a coordinated multi system response to the families needs. For children this will also mean identification of early adversity and developmental concerns for timely response and harm mitigation due to integration with trauma informed services.

Trauma informed principles inform practice at the Family Life FRC services to help to build a family's sense of safety, control and empowerment through strengths-based interventions.

These supports are delivered through the coordination of a range of trauma trained professionals as part of a Care Team approach. A Neuro-sequential Model Of Therapeutics (NMT) approach enables practitioners to ascertain the developmental impact a child may have experienced due to early child trauma. This may be as a result of exposure to family violence, neglect or other less pervasive traumas. With this information, parents and families gain a greater awareness of their child's needs and a developmentally tailored, trauma informed intervention can be designed to help children to reach their optimum potential, and inform how parents work to resolve conflict whilst encouraging a shared focus on meeting the needs of the child.

Hence the new Frankston integrated FRC and Orange Door Support and Safety Hub presents the opportunity to pilot and evaluate if this provides a model for a more comprehensive, cross service system and cross jurisdictional approach for needs based services to deliver....

- **the appropriate, early and cost-effective resolution of family law disputes**
- **the protection of the best interests of children and their safety**
- **family violence and child abuse, including protection for vulnerable witnesses**

**Recommendation - That the relevant Federal and State Government authorities commission an independent process and outcomes evaluation study of the new integrated Frankston Family Relationship Centre (with integrated FaRS) and the Orange Door Support and Safety Hub.**

**This recommendation is built upon the following key sub recommendations to deliver better outcomes for children and families:**

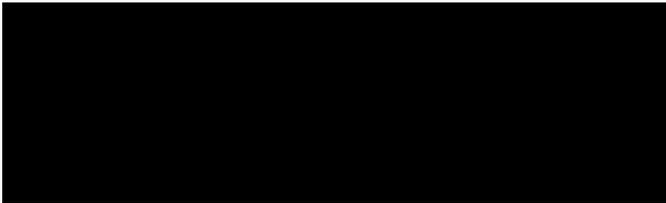
**We recommend:**

- the need to build practice and systems by innovating from the bottom up. In this way we can support reform by building evidence from practice
- the development of policies and practices across jurisdictions that align with evidence based therapeutic frameworks
- Improved collaboration between state and federal service providers and practitioners to streamline and improve engagement and response from separating families, particularly those that are experiencing family violence.
- Joined up operations (Family Violence, FRC, Child Protection) for shared data and real time tracking of events and contacts
- Care Team approach that works across State and Federally funded services, driven by integrated practice through the support and safety hubs.
- State and federal services work in partnership to ensure that vulnerable families have timely access to integrated, specialist wrap around services that work closely to prevent further harm to families.
- Families are supported to navigate the system early in their separation journey, particularly where there is high risk for children. The system should respond to needs not issues and this is best done when risk and needs assessments are done jointly and collaboratively.

- A strong early intervention approach where there has been early identification of trauma in children. This includes enhanced trauma informed practices in the FRC such as the Neurosequential model of therapeutics used in the Frankston Mornington Peninsula FRC to ensure that the adverse impact of separation and violence are addressed. This model is already used in our CCS and POP services, with referral pathways into in house longer term trauma responses.
- Working actively with men to hold them accountable for their violence and the impact of their violence on their children. This model needs to provide them with the opportunities to build repair through parenting restoration practice, where they take responsibility for supporting their child's recovery from the trauma they have caused.
- Through this holistic, integrated response supporting the reduction of developmental risk for socio - emotional and mental health difficulties in children, by the development of trauma informed parenting planning that remains flexible throughout the separation journey for the family.

We believe that we have a unique opportunity to pilot this work. Further information guiding these recommendations is captured in the submission below.

Our teams at Family Life are available to meet further with members of the ALRC, and look forward to further discussion to assist with progressing the recommendations and outcomes of this review.



**Jo Cavanagh OAM**  
**CEO**  
**7 May 2018**

## 2. About Family Life:

Family Life is an innovative community organisation delivering high-impact outcomes for disadvantaged families and communities across Victoria. Our vision is for children, young people and families to thrive in caring communities.

Family Life uses an evidence-informed, outcome-based approach and has a reputation for innovation and knowledge sharing. We provide an extensive range of evidence based and trauma-informed programs for vulnerable families. Prevention of, and response to, family violence is core to our practice. We have particular interests in children, parenting and supporting perpetrator accountability and behaviour change, and in promoting systems partnerships.

Family Life has contributed to major policy and practice change in the areas of child well-being, family violence prevention and response, and social enterprise innovation.

Family Life provides the Commonwealth funded Family Law services in the Southern, South East and Eastern metropolitan division of Victoria . We provide family violence programs for the Bayside Peninsula region of Melbourne offering individual counselling and group programs for men who have used violence and support services for former partners and their children. Family services are also provided statewide for the Victorian Office of Corrections for parents in prison who are preparing to return to families and communities.

Family Life was selected to participate on the Department of Social Services (DSS) Expert Panel, an industry panel available for Community Services Organisations to seek advice in relation to improving outcomes for children, youth and family services.

Family Life is engaged in the Frankston Support and Safety Hub as the auspice agency for Integrated Practice Leaders and as a registered child and family service provider. Family Life DCEO Chairs the Bayside/Peninsula Regional Family Violence Integrated Partnership where we are engaged with a wide range of partners including No to Violence (NTV) and TaskForce, the police (including through Taskforce Alexis), courts and women's family violence service providers.

We deliver a suite of state and federally funded services including family violence services, Family Relationship Services (including specialist family violence), Family Mental Health Support Services for children and their families, Integrated Family Support Services, adolescent family support services, high risk infant work and extensive group and community supports providing an integrated service response. These services are all provided within our wider Creating Capable Communities program of place based initiatives where teams of staff and volunteers are outreached into community to enable networks of supports for families in schools and local neighbourhoods.

### 3. The Frankston/Mornington Peninsula (FMP) Family Relationship Centre (FRC) as an early intervention service.

The 65 FRC's offer families universal, cost effective, early intervention and prevention services. The Family Life FRC Frankston/Mornington Peninsula (FMP) located in Victoria's southern Melbourne region differs from other FRC's in that it has an **expanded suite of integrated federal and state** funded family services at **one location**. The family law related services at the FRC are offered to families who reside in the Frankston Mornington Peninsula catchment, as well as other family members who may live interstate or overseas.

The FMP FRC opened in August 2006 as one of the first FRC's in Victoria and completed a three year evaluation of our community based service model. The evaluation was conducted by Emeritus Professor Thea Brown from Monash University.<sup>2</sup> From the outset we have continued to innovate, evaluate and expand our responses to families as enabled by translating evidence into practice, and the resources available.<sup>3</sup>

The suite of services offered, integrated with state government and independently funded programs, has been extended due to the high family violence statistics, prevalence of vulnerable families with complex issues, and low socio - economic conditions identified in the Frankston/Mornington Peninsula (FMP) area.

In 2016/17 the Frankston Mornington Peninsula FRC provided services to more than 3221 parents and children, including **55 clients who identified as Aboriginal**.

Parents and children that attend the FMP FRC are provided with wrap around supports that **aim to keep the families out of the courts**. These include Family Dispute Resolution (FDR), Specialist Family Violence Services (SFVS), Children's Contact Services (CCS) including the self - funded Bayside CCS, Parenting Orders Program (POP), Child Inclusive Practitioners (CIP), Strength to Strength (Evidence based trauma therapy) and Cradle to Kinder (Infant specific case management and support services) programs. Each of these programs accepts **warm internal referrals** from the FRC where complex needs are present. The Family Practitioners delivering these services work within a **community of practice** model. This allows them to tailor services to meet the needs of parents and children in a family friendly environment

Through Family Life initiatives and regional negotiations and planning, the FMP FRC will be co-located with the Bayside Peninsula Support and Safety Hub from June 2018. This is designed to assist the **FRC to engage with separating families earlier**, particularly those families who are experiencing complex vulnerability and family violence.

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<https://familylife.com.au/wp-content/uploads/2018/05/What-about-the-Children-Parenting-post-separation-and-divorce.pdf>

3

<https://familylife.com.au/wp-content/uploads/2013/09/What-about-the-Childrens-Mental-Health-An-evaluation-of-the-Family-Life-SHINE.pdf>

Family Life currently responds to police reports (L17's) where family violence has occurred with children in the home. Through this work we know that separation and related family law matters present risk factors very early in contact with the police. Both victims and perpetrators are often highly concerned about access to children and this can often present significant risk to victims. For example, mothers who have experienced family violence are often very concerned that contact between children and the perpetrator is unsafe. Likewise fathers who use violence will often seek contact (at times inappropriate contact) with their children; particularly when contact has been reduced through intervention.

With an early intervention lens, we know that issues related to family law are front of mind for families during relationship breakdown. Given separation is often a protracted experience, a different lens to support is required at the early stages of relationship breakdown. Both or either parent may be in the precontemplation or contemplation phase for wanting a permanent separation. In some cases it is the uncertainty about family law processes and decision making which results in women remaining in unsafe violent relationships. Family Life believe there is scope for the FRC to not only support families who are actively separating, but also those who are contemplating separation, particularly vulnerable families where separation escalates risk for women and children.<sup>4</sup> Our understanding of the opportunity to intervene effectively and assist safe decision making for families was confirmed by the outcomes of the Relationship Review and Renew pilot Family Life completed for the federal government in 2016.<sup>5</sup>

At the Frankston Orange Door Support and Safety Hub, the FMP FRC will be developing an information and training package for all intake workers within the Hub. This package will be disseminated to police in the Bayside Peninsula region. This material is being developed in partnership with the Peninsula Community Legal Centre and will provide information relevant to each stage of separation, with a specific focus on families experiencing family violence.

For example, if the police go to a call out where it is clear that family law matters such as access to children are triggering violence or a breach of current court orders, information about the services of the FRC will be provided. Further, all intake workers will be provided with a clear process map of separation issues which may arise and how families can be referred for services. The aim is to support families to reduce interparental conflict, and resolve parenting arrangements as soon as possible.

In this context the expertise of the Family Law practitioners for supporting dispute resolution and development of Parenting Plans under the Family Law Act, will inform the work of all Family Practitioners to focus parents on the needs of children in relation to both parents. Within the Family Law service system it is understood that a parenting plan needs to be reviewed and adapted according to the developmental needs of the child and changes in parents circumstances. Making and maintaining a parenting plan is not a once off activity but rather needs to be seen as changing over time throughout the post parental separation relationship.

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<sup>4</sup> Brown, T. (2015). Relationship Review and Renew Study Report, Department of Social Work for Family Life and Department of Social Services, Canberra (Attachment One)

<sup>5</sup> <https://familylife.com.au/2016-relationship-review-renew-pilot-program-performance-story-report/>

Family Life has integrated this activity from the Family Law jurisdiction to consider what is needed when parents present immediately after a violent incident, which is expected to change and evolve when considering the needs of the family at a later point including when one or both may wish to formalise a separation.

### 3.1 Pilot Model for Frankston Integrated Services support for Parenting Planning

Early intervention and support can help families to understand options, choices and consequences to motivate action and prevent the need for the adversarial court system. Importantly early engagement with services can also prevent further distress and trauma for families, particularly children. The FRC is able to support the safety of families through integrated practice with the broader state funded family violence and family support services, including partnership with Child Protection. It is in the best interests of the family and children when there are earlier opportunities to motivate parents towards processes and services which promote respectful conflict reduction and more effective pathways for resolving parenting, financial and property disputes. This continuum of services enables targeted responses to the relationship needs and to family safety.

Phase	Method of engagement	Key messages
Family violence incident at the point of separation	Police and crisis services Legal services FRC	<ul style="list-style-type: none"> <li>● Safety</li> <li>● Interim planning for supervised contact where safe.</li> </ul>
Early separation phase where there is significant risk	Support and Safety hub Legal services Self referrals	<ul style="list-style-type: none"> <li>● Safety</li> <li>● Accountability for the use of violence and changing behaviour.</li> <li>● Parental responsibility for trauma recovery of children.</li> </ul>
Continued separation where moderate to high risk	Engagement with Legal services - referral to services - FDR, Counselling Services, POP, CCS  Self referrals	<ul style="list-style-type: none"> <li>● Safety</li> <li>● Reducing conflict</li> <li>● Parenting responsibility for trauma recovery.</li> <li>● The need for and ongoing commitment to child focused, co-parenting and joint decision making</li> </ul>
Stable healthy separation with low risk	Self referral Legal Referral	<ul style="list-style-type: none"> <li>● Relationship and/or co-parenting</li> </ul>

	Heartlinks	enhancing groups.
Precontemplative separation/ relationship breakdown	Self referral Heartlinks	<ul style="list-style-type: none"> <li>● Safety</li> <li>● Planning</li> <li>● Relationship and/or co-parenting</li> <li>● Relationship repair</li> </ul>

We also understand that separating families can experience transient housing and may live in different regions, states or countries. In order to support early and sustained engagement, the FRC uses digital technology to connect families across FRC services to ensure timely, cost effective and high quality service delivery. The new CSnet client information system at Family Life has created opportunities for further integration of state and federal funded services, whilst also providing a platform for outcomes measurement of these services.

The use of digital communications such as Skype, SMS, secure email, websites, YouTube and video for information and education, offer families easy and affordable access to Family Law and other Family Support Services at the FRC. The practice of Telephone Dispute Resolution Service (TDRS) has increased due to advances in telecommunications. TDRS provides access to family dispute resolution to families living in remote locations across Australia, or who are unable to attend the FRC due to health issues. Teleconferencing between professionals for meetings and consultations allows for information sharing both internally and externally to create **timely, coordinated responses** for families.

**Case Study:**

An FDR referral was received for Crystal (paternal grandmother) and Daniella (daughter in law and mother of Jett 11yrs; Willow 9 yrs old). Following assessment the case was referred internally for pre mediation FaRS Counselling. Crystal and Daniella were experiencing conflict around Crystals access to the children. Daniella had received an IVO against the children’s father (Crystal’s son) after his release from prison and Crystal felt that this impacted on her relationship with the children.

The FaRS practitioner facilitated individual sessions before commencing mediation. During the first joined session Daniella and Crystal both agreed to remain future focussed, respectful and attempted to listen for understanding. Both parties discussed issues around trust and boundaries as well as how to move forward with a shared caring relationship for the children. An agreement was made as to what information can be communicated to the children about their father in the future and how to explain why they had not been able to see their grandmother.

Both agreed to leave the counselling session with this informal agreement, rather than pursuing a formal parenting plan (FDR). Both were made aware, that they could re-engage and attend future sessions if required. Due to the provision of effective and targeted counselling for the parties as well as efficient cross team work between the FDR and FaRS

Teams an intervention was provided which was commensurate with the family needs and stage of relationship breakdown. The children were able to resume a relationship with both carers and formal court intervention was avoided.

*\*All names have been changed to protect the privacy of the family.*

#### **4. Building understanding of the family law system across the state funded service system.**

Supporting separating families with complex needs, including family violence, drug or alcohol addiction or serious mental illness requires an integrated response across state and federally funded services. We understand that families come into the state service responses when they experience family violence, issues around risk for children, often before they engage with the FRC. Working in partnership with this system allows us to engage earlier and increase the possibilities for respectful, reduced conflict separation.

Victoria has undergone significant well considered state reform for family violence response, including the launch of five new **Support and Safety hubs commencing in 2018** for intake to services where there is family violence and child vulnerability. At the FMP FRC located with one of these first launch sites, we have identified a unique opportunity to lead integration of these two services through practice, understanding that we share clients who connect to services through the different jurisdictions.

The FMP FRC is part of the Bayside Peninsula Integrated Family Violence Partnership, formed by all partners providing family violence services in the region. This builds on family law system relationships with external stakeholders such as the Peninsula Community Legal Centre, Victoria Legal Aid, and the Family and Federal Circuit Courts and promotes timely appropriate referrals for families to legal support as required. This long term family law system collaboration includes FRC based information and education sessions for parents, and a wide range of legal supports including family law, family violence, immigration and tenancy support services. The skillful coordination of these and other family support services, allows families to address their immediate needs as co-parents. The family dispute resolution process promotes safe, supported co-parenting, as an alternative to escalating family conflict by entering an adversarial process.

The FMP FRC's '**no wrong door**' approach plays a key role in triaging families who present with a wide range of complex needs. Family Life FRC practitioners conduct thorough assessments to determine how each family member can be supported by family services offered by Family Life and local providers. This supports families who are at a vulnerable point in their lives to choose the best way forward, and at a pace that meets their needs. For example, families can be connected with TaskForce for access to specialised AOD services. If there is evidence of the presence or history of family violence, the Specialist Family Violence Service (SFVS) located at the FRC can provide **timely, safe support to each family member**. Child Protection and Victoria Police often perform an important role in the support of high conflict separating families.

When there are challenges with serious mental health issues, families can be supported by Peninsula Health or are connected with a GP or an appropriate mental health professional. Support persons and advocates can provide additional assistance when a separating family has complex needs. When parents/grandparents have accessed these services and have improved their circumstances, they often have the capacity to create sustainable parenting plans or agreements.

In response to the concerns raised in the Victorian Royal Commission into Family Violence in relation to Family Law services, the FMP FRC has evolved practice and partnerships with other federal and state funded stakeholders in the region. These partnerships can be further mobilised to create a joined up service response for families accessing both the Support and Safety Hub and the FRC. This aims to create greater service efficiency and stronger client outcomes.

#### 4.1 Key areas of service integration initiated in response to the Victorian Royal Commission into Family Violence.

Service	Integration opportunity
Support and Safety Hub	<ul style="list-style-type: none"> <li>● Flagging of separation issues as risk factors early.</li> <li>● Provision of information about separation and family law matters.</li> <li>● Support for interim parenting plans to promote safety for all.</li> <li>● Supervised contact as an engagement strategy for men as parents.</li> </ul>
Broader intake services	<ul style="list-style-type: none"> <li>● Partnership with Alcohol and Other Drug (AOD) and mental health services to refer families to the FRC to receive separation support.</li> <li>● Joint work with these services to support families.</li> </ul>
Women’s support services, including refuge	<ul style="list-style-type: none"> <li>● Provision of specialist separation support for women experiencing family violence.</li> <li>● Information and tailored trauma informed support for women and children who are in / entering the family law system.</li> </ul>
Men’s behavioural change services	<ul style="list-style-type: none"> <li>● Holding men to account for their use of violence, the impact of their violence on their parenting capacity and thus their access to their children.</li> <li>● The FRC works in partnership with Family Life’s men’s behavioural change and FARS/SFVS counselling team to address the use of violence, supporting men to enable their children to recover from trauma caused by their violence and build healthy attachment relationships with their children.</li> </ul>

<p>Child Protection</p>	<ul style="list-style-type: none"> <li>● Referrals from Child Protection for separation support, specifically supervised contact for high risk parents.</li> <li>● Family Life, Family Law services to work in collaboration with CP towards consistent direction and recommendations for families across dual Court systems.</li> <li>● Joint assessment; safety and parenting planning allowing for thorough and ongoing assessment of risk to ensure the wellbeing of children and their families. Supporting men to take accountability for their use of violence and understanding the impact of this violence on their partners and their children. CCS/POP supporting safe contact between fathers and children through enhanced trauma informed CCS supervised contact visits.</li> <li>● Tailored POP and attached therapeutic support programs to respond to attachment difficulties and build strengthened relationships between parents and children.</li> <li>● Therapeutic, trauma informed individual and family interventions to assist families in preparing for contact/access, working to re-establish or maintaining healthy, child focused contact arrangements that can be effectively and safely managed outside the Court or other service systems.</li> <li>● The FRC, POP, CCS and FSRS services to work collaboratively with the family to understand the experience of the child, including the impact of violence/trauma, system involvement (including removal from the family home) and the child experience of contact and their parents separation and conflict.</li> <li>● Further planning to promote positive outcomes and develop transition plans to enable families to move on to safe, self management of their parenting arrangements.</li> </ul>
<p>Integrated Family Services (IFS state funded family support)</p>	<ul style="list-style-type: none"> <li>● IFS offers short, medium and long term case management services. The FRC is able to offer tailored separation support services including CCS, POP, FARS/SFVS and FDR to families in IFS.</li> </ul>

**Additional FRC service activities to support integration.**

- Development of sector wide resources that will outline services provided by the FRC and partners in the family law system, referral processes etc.
- Development of a training package with the CLC on family law support services that will be offered to the Support and Safety Hub staff, Child Protection, police, case managers and other partners.
- A dedicated FRC staff member available for secondary consult that will be made available to the Integrated practice leaders and team leaders in the Support and Safety Hub.

## 5. Trauma Informed Family Law services, family violence and a family systems approach to practice

Family Life provides **trauma informed** Family Law Support services.

From evidence and practice we know that:

- Family violence has long term effects on the health and wellbeing of all family members and specifically on children.
- Families who experience family violence are over represented in the family law system.
- The use of family violence has a negative impact on parenting capacity.
- Assessment and service delivery in the family law system must take into account the historical and current use of violence when determining the parenting capacity of parents, particularly fathers as the major perpetrators.
- Trauma informed family law support services can support trauma recovery for children of separating families.
- Family Law support services need to partner with broader family violence support services to ensure that safety planning, parenting planning and longer term parental relationships are integrated to achieve the best outcomes, particularly for the child.
- Appropriate trauma informed Family Law services can encourage and maintain behaviour change from fathers using violence, by helping them to understand the impact of their violence on children and the other parent.

## 6. Putting children and their best interests at the centre of all that we do

**The FRC is a critical advocate for the child in separating families. We strive to provide trauma informed family law support services that work towards the best ways to inform decision-makers about the best interests of children, and the views held by children in family disputes.**

The right for a child's active voice to be heard is embedded in Article 12 of the UN Convention of the Rights of the Child (Respect for the views of the child): *When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account.*<sup>6</sup>

Varied child inclusive practices are a primary focus across our Family Law services, in particular Child Inclusive Practice (CIP) as part of the FDR process, usually occurring at the beginning of a families family law journey. Subsequently child focused intakes and family work within the CCS and POP programs continue bringing the child's voice into the picture for families who, due to ongoing conflict, are involved in further litigation.

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<sup>6</sup> <https://www.unicef.org/crc/files/Participation.pdf>

**Working from a child centred, trauma informed and developmentally sensitive position provides families with greater insight** about the impacts parental conflict and trauma have on the child and promotes case planning, therapeutic interventions and co-parenting decision making to occur from the lens of determining what is in the best interests of the child.

Family Life promotes CIP as a strategy for optimising outcomes of the FDR process. CIP **provides children with a voice** and their views can be fed back to their parents during the FDR process as appropriate. The FMP FRC has five trained Child Inclusive Practitioners and encourages parents to consent to their children engaging in CIP. More than 25% of families served agree to this important service. When the child/ren's voice is brought into the process it can have a powerful effect on parents decision making. Adults are often unaware how their child/ren's have experienced the separation/divorce. CIP can achieve a shift in the parents perspective, enabling work towards a better outcome for the family as the content of the parenting plan becomes informed by the voice of the child.

As a part of the POP and CCS intake process, each child attends a one to one session with a Counsellor where they are able to share their experience of their parent's separation and conflict, have an opportunity to say what they want to see happen, and to provide messages to their parents via their Counsellor. The specialist Counsellor is able to hear the child's voice (both verbal and non verbal) and through feedback and therapeutic discussions with the parents, assist them in gaining greater insight into the lived experience and needs of their child.

The child's voice then guides further case direction, support and intervention as the family engages with services and tailored needs based intervention packages integrated from the suite of Family Life services, and external referrals, relevant to their circumstances.

#### **Case Study:**

The family was court ordered to commence supervised time with children's contact services. The order aimed to promote safe contact between Darren, the father and Anna, the child following a parental relationship and separation which was characterised by family violence. The family elected to access the Bayside CCS due to no wait times. Anna was transported to CCS by her mother, Mary.

Both parents signed off on a Service Agreement prior to commencing, confirming their agreement to work within service recommendations and focus on safe boundaries and the child's best interests. The family was supervised for a period of 2 years on a fortnightly basis, focussing on safe handover, child focussed visit preparation and parental coaching.

When the family experienced unexpected financial hardship the case was referred to the Frankston Government Funded CCS. However once the situation changed the family 'stepped up' to Bayside CCS, and the case was ultimately transitioned into unsupervised time by the Family Court.

During the CCS intervention both parents were referred into integrated state and federally funded services to ensure they developed approaches to parenting which continued to

prioritise the needs of the child and family safety. Both parents accessed the Parenting Orders Program (POP) and the father engaged with the Men's Behaviour Change Program. Anna was able to verbalise her needs and hopes as part of the POP program and this informed how CCS was facilitated and ongoing feedback to the parents. The families intervention was informed by the Parenting Under Pressure program and Mary and Anna accessed this as longer term case support.

The intervention ensured case conferencing with legal aid and responded to the considerations outlined by the Magistrates Court and Family Court orders while facilitating safe communication between family members. This integrated intervention was built up from the needs of the child, it focussed on parenting skills while ensuring that Darren developed accountability for his behaviours. Anna was able to have safe contact with her father, while the parents were able to transition into a sustainable parenting plan.

### **6.1 Putting women's safety at the centre of all that we do**

Family Life recognise that family violence reflects the intent to hold subversive power and control over others. Through our vast experience in providing family violence and trauma repair programs, as well as our close involvement in statewide reform, it is clear that men and fathers will often seek means to maintain control during and post separation. This has been reflected in protracted dispute resolution processes and for many families this has contributed to systemic disadvantage for women.

Family Life promote thorough risk assessment and individual contact with women to ensure their voice is heard as part of the separation journey. Practitioners work from an empowerment focussed lens to ensure that women have all necessary information to safely navigate separation while managing risk. Integration of Family Law, Family Relationship (federally funded) and Family Violence support (state funded) teams at Family Life promotes the visibility of women and children in Family Law services and ensures that strong support services are put in place. This means that women and children are directly linked to child protection and risk assessment and management panels as well as broader wrap around services aimed at promoting safety, empowerment and wellbeing.

#### **Case Study:**

Sue was experiencing her partner Chris, becoming increasingly moody and critical of her. Sue sensed the relationship was on the brink of breaking down and discussed with Chris the need to seek joint relationship counselling before it was too late to keep their relationship together. The relationship counsellor was experienced in family violence and relationship counselling and became aware of controlling behaviours exhibited by Chris and a level of fear experienced by Sue. A decision was made to see Chris and Sue separately for individual counselling, to ensure it would be safe to proceed with joint relationship counselling.

During these individual sessions Chris and Sue explored their own issues and the effect of Chris' behaviour on Sue and the children. It was decided that joint counselling was not appropriate due to the level of fear that Sue was experiencing.

The relationship counsellor offered Sue additional individual sessions. Chris was referred into the MBCP (Men's behaviour change program) for men who have used violence towards family members. Both Chris and Sue agreed to the services offered to them.

In the initial interview for the MBCP program Chris identified he has anger and frustration issues. He stated he is disappointed that his behaviours have created so much harm to his family. During MBCP the Partner Contact Worker continued to engage with Sue to ensure the safety of her and her children. Sue also attended the Making Choices Program to further enhance her understanding of the types and impact of Family Violence.

After the MBCP group concluded another incident occurred at home whereby Chris became physically and verbally threatening. Sue was able to implement her safety plan. The Police attended and an IVO was issued. Chris has since re-engaged with individual counselling to address his behaviour and was offered a place in the next MBCP.

Through a service offering that was responsive to the safety of Sue, as a priority, the family were linked in and kept visible by a suite of services. Consent to share information amongst these services allowed for thorough safety planning. The family are now connected with the Family Relationship Centre to safely navigate separation or, should it become safe, relationship renewal and Sue is at the centre of all family decision making.

## 7. Working with men as fathers in the FRC

Central to working towards the best outcomes for children is supporting strong attachment relationships with both parents, where it is safe to do so. Many of the children who receive support at the FRC have experienced or witnessed violence, generally perpetrated by their fathers. To support healthy relationships, which underpins successful parenting plans, the FRC actively engages fathers. This work occurs across all program areas of the FRC and is led by a common philosophy of practice and program innovation, **Dads in Focus**.

The FRC **Dads in Focus** practice is guided by the following ten expectations, when working with separating men where violence has occurred:

1. **Accountability** by men for their behaviours is enabled and enhanced by non-collusive support, where men are supported to seek the support required to address their use of violence.
2. Understanding of and capacity to address and **self-manage** behavioural and contextual risk factors for (family) violence enables men to make better choices in respect to parenting and relationship behaviours.

3. For most or many children who have fathers who have perpetrated family violence those fathers will remain in their lives and have ongoing **contact**.
4. Fathers who have perpetrated family violence and accepted accountability for the impact of that violence on their children can help their **children recover from trauma**.
5. **Strengthening parenting skills** can be critical for men in taking accountability and connecting to the experiences of their children.
6. Assisting men to build/re-build **social support networks** where respectful relationships are valued contributes to sustained behaviour changes.
7. Engagement of men is enhanced when service responses are **flexible** (person-centred), **holistic** and provide broad support including AOD, Mental Health and housing responses.
8. **Trauma informed** support targeting men enables recovery from intergenerational and systemic trauma, which contributes to the context in which violence is used. Trauma informed support aims to prevent trauma inheritance in future generations.
9. Well-constructed, **evidence-informed** and fully evaluated pilot initiatives for effective response to perpetrators of family violence is critical to informing practice, responding to and preventing family violence.
10. Responses to perpetrators who are fathers requires a persistent and thorough focus on **risk assessment**, ensuring the best interests of the family, particularly children are central and co-parents/carers and other victim survivors are appropriately engaged and informed.
11. Responses that **support systemic change** by integrating State and Commonwealth funded services, different program types, professional skills and services offered by different agencies are likely to add most value.

### **7.1 Dads in Focus service model**

The FMP FRC offers a tailored parenting support program for separated fathers using family violence. This program offers intensive assessment and care planning with fathers who are using violence and seeking contact or access to their children. It works actively towards stopping violence and supporting safe father-child relationships, while holding men accountable for the trauma they have caused and engaging them in supporting trauma repair and recovery for their children.

*Dads In Focus* is designed to offer holistic wrap-around responses directly through the program team and in combination with referral to other providers or within Family Life.

### *Dads In Focus:*

- Ensures each client is supported by a Navigator with responsibility for
  - working with the client to develop, monitor and review a personal goal-directed support and development plan and access brokerage funding
  - providing active coaching and psychoeducation as part of engagement
  - managing referral of clients to and support engagement with other programs and services; coordinate care and support as necessary
  - assisting clients to activate personal support networks and identify mentoring options
  
- Actively supports clients to engage, over time, in a range of support options matched to their goals including
  - building skills including parenting
  - strengthening natural support and connections
  - accessing professional services
  
- Explore options for brokerage funding to be made available to resource clients to access the service mix that best meets their needs and will leverage (reinforce) behaviour change and personal development or to address barriers to participation
  
- Ensure cultural respect and responsiveness by
  - partnering with cultural specialist organisations
  - providing staff with cultural supervisors
  - ensuring all staff are trained to work in a cross-cultural context and with cultural respect, as well as on the impacts of family violence and intersectionality
  - making available same culture mentors
  - utilising interpreters
  - employing, whenever possible, bilingual staff

*Dads In Focus* takes a goal-oriented, episodic approach to engaging with clients. Clients are encouraged to engage with the program for a specified period of time from one to three months; and during that time with the support of their Coach/Navigator set and follow-up on goals directed toward a combination of behaviour change, skills development (including parenting), support network activation, personal development and conflict resolution/problem solving outcomes. A range of supports are put in place to assist the client to achieve his goals. As the agreed time period comes to a close the client and coach review goals, outcomes and determine the need for continued engagement or planned exit. Some clients exit the program after one episode, while others engage for a series of episodes sequentially or intermittently.

<p><b>Navigator Role:</b> Goal setting and review, coaching and psychoeducation, referral and care coordination, risk assessment and management</p>	
<p><b>Brokerage funds:</b> Individual, group and family inclusive brokerage options referenced to risk and safety considerations</p>	<p><b>Skills build</b> Supporting men to recognise the impact of their violence, develop parenting skills to support their children’s recovery, healthy conflict management, communication, stress management and co-parenting skills</p>
<p><b>Connections</b></p> <ul style="list-style-type: none"> <li>● Building social connections through suitable groups, mentoring programs and father focused playgroups.</li> <li>● Connections with children supported through supervised access and contact.</li> <li>● Parenting plan development.</li> </ul>	<p><b>Professional supports:</b> Linking men to therapeutic services including trauma assessments, counselling and referral for ongoing psychological support</p>
<p><b>Wrap around support to whole of family:</b> All services offered to men will be offered in a whole of family approach. This will ensure that the victims of violence are kept visible at all times and receive required support, including referrals for legal support, children’s counselling, women’s counselling, parenting and coparenting support for women.</p>	

Through this service package *Dads In Focus* aims to:

- hold fathers accountable for their violence,
- develop and strengthen **parenting skills**
- appropriately negotiate **safe and responsible parenting roles** with the mother/other parent /carers of their children
- assist them to understand the **impact of violence and trauma** on their children
- identify, understand and recover from their **own experiences of trauma**
- identify and build on their strengths and positive attributes while **taking responsibility** for their behaviours and actions
- **build a system of support** around them – both formal and informal – which will facilitate behaviour change.

## 7.2 Focus on fathering

In developing the *Dads In Focus* Program, Family Life has considered the impact of fathers on the lives of their children and the design of the program takes into account findings from the 2011 report: '*Fathering in Australia Among Couple Families with Young Children*'<sup>7</sup> which highlights the association found between 'paternal warmth' and positive learning and socio-emotional outcomes for children. A significant correlation was found between fathers' mental health and fathering, particularly for parenting practices and children's socio-economic outcomes.

Positive family relationships between a father and co-parent, and between father and child/ren, are associated with enhanced health and wellbeing outcomes for children. Also, the inverse appears true for a negative influence (e.g. exposure to family violence between parents). Father's poor physical and/or mental health has been associated with poorer health and mental health (respectively) for children.

Family Life prioritises this by ensuring the voice of the child is central to all intervention and family planning. Where risk to safety is an identified, support services such as Children's Contact Services are recommended to ensure safe contact between parents and their child. This can be supervised and, through integration with the Parenting Orders Program, trauma informed counselling and parent coaching build skills and approaches to parenting that sustain safe contact, positive fathering and ultimately greater family health.

## 7.3 Education about and addressing trauma

*Dads In Focus* will embed Family Life's trauma-informed practice model which is informed by the Neurosequential Model of Therapeutics (NMT), an evidence-based practice tool, the clinical application of which has been widely described and studied particularly in the context of childhood trauma by The Child Trauma Academy. Research to date indicates that the model's application of neuroscientific principles to inform a targeted intervention approach, can contribute to positive outcomes in the context of family violence, preschool settings, with adolescents, and maltreated and traumatised children. *Dads In Focus* assists fathers to understand the impact of trauma on their children as well as to identify and address the impacts of trauma in their own lives. Psychoeducation approaches incorporated into the program are trauma-informed and educative around trauma.

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<sup>7</sup> Baxter & Smart. *Fathering in Australia among Couple Families with Young Children*, Baxter & Smart (2011). *Family Matters*, 88,18-26

## 8. Multi disciplinary teams as critical to success in the family law support services:

All professions/organisations that intersect with the Family Law system would ideally be trauma informed, and skilled in assessing for, and working with children and families where family violence is identified. The specific needs of the LGBTIQ+, ATSI and CALD communities are an area of training that requires immediate attention in some sections of the family law system i.e. interpreters. Higher skill levels for supporting those living with disabilities and mental illnesses are also needed. Without these skills, families are at risk of harm. The provision of training in these areas is critical.

Multidisciplinary teams that can share specialist information across organisations and jurisdictions can ameliorate against the high conflict that families endure. It is important that Courts and Family Lawyers have a detailed understanding of the services available to support families. This enables families to gain access to the services that meet their specific needs and be empowered to **exit the Family Law system**.

## 9. Family law services, including (but not limited to) dispute resolution services

Children's Contact Services document the experiences of children when they spend time with a parent or other family member. The services provide detailed information in the form of an observational Court Report that can be used to inform decision makers regarding the best interests of the children. The Parenting Orders Program is also a valuable program that **safely communicates the needs of children** across high conflict, separated families. The POP is a specialist therapeutic intervention that provides support for families in conflict due to separation/divorce. The CCS and POP **work to ensure compliance** with any Court Orders that are in place. Both CCS and POP work closely with legal professionals including ICL's to support the Court process.

At Family Life we have found that engagement by families in POP often leads to a smoother and sustainable transition to self management by families who are court ordered to attend the CCS. Families that access the specialist POP psychoeducational groups and counselling, are able to manage their needs by identifying and working on the issues that have previously prevented them from gaining independence from the family law system.

Many families access other 'generic' counselling services that do not meet the complex needs of families in the family law system. When families do not have access to POP, their entrenched emotional issues such as grief, loss and anger can remain unresolved. This leaves parents and children 'stuck' in the midst of their conflict. POP can be difficult for parents to access in a timely manner due to the high demand for the service. When they cannot access POP they struggle to move on from the CCS, and often return to court multiple times. **It is also our experience that the wider socio-legal service system does not understand the significant impact the POP practitioners are able to make in changing the behaviours of highly conflicted parents.**

At the FMP FRC parents who are experiencing relationship challenges can also access holistic Family and Relationship Services (FaRS) such as relationship counselling and family therapy for parents and children, and psychoeducational groups to repair and strengthen their relationships. If parents are leaning towards a separation or divorce and they exhibit some ambivalence around this decision, they can access **Relationship Renew and Review (RRR)**.

**Family Life's RRR program addresses a current gap in the family law system** in that it assists parents to gain clarity and confidence about what steps to take next with their relationship regardless of whether they remain in the relationship, or not. When parents do choose to separate they often do so with a marked **reduction in acrimony** as a result of the RRR process. With the support of Federal funding to undergo a pilot, Family Life's practitioners undertook specialist RRR training with US Prof. William Doherty in 2014, Family Life then adapted this practice to meet the needs of Australian families.

In the context of this review there is a **significant opportunity to realise the findings from this evaluated pilot to scale** across the wider family support services system and support parents to resolve relationship problems and reduce human and financial costs associated with engagement with legal and court systems.

#### **Case Study:**

Jane and Tim self-referred to the Relationship Review and Renew (RRR) program at Family Life. Their relationship was strained, and they had two primary school aged children. Jane had a history of depression. Tim was carrying the majority of the household responsibilities, as well as managing full time employment. Jane contacted Family Life for support as she felt unhappy in the marriage and was contemplating separation.

Through the RRR process both Jane and Tim were able to identify the relationship issues within their marriage. During individual sessions Jane and Tim were challenged to take responsibility for what they could change; self-awareness increased. The couple discussed vulnerabilities openly, often resulting in less blaming.

Jane and Tim agreed to separate amicably. They were better prepared to commence Family Dispute Resolution (FDR) having acquired extra communication skills and self-regulation. A warm referral was initiated to commence the FDR process.

The RRR program increased their knowledge on the impact of separation on the family. They agreed to remain focussed on their children, having increased awareness on the impact of separation on children and importance of both parents in their lives.

\*All names have been changed to protect the privacy of the family.

## 10. Additional comments in relation to Terms of Reference.

- **the protection of the best interests of children and their safety;**

In addition to the content provided above, Family Life has initiated a new team response for the protection of the best interests of children, families and their safety, with a specialist team of practitioners drawn from federal and state funded programs. This **integrated Family Safety and Relationship Services (FSRS)** team of practitioners delivers an enhanced community of practice model with trauma informed, experienced Family Violence practitioners.

- **collaboration, coordination, and integration between the family law system and other Commonwealth, state and territory systems, including family support services and the family violence and child protection systems;**

In addition to practice detailed above, Family Life practitioners **share the CSnet Client Information System (CIS)** and are able to coordinate the data collection from federal and state funded services at the practice **intersection of Family Law, Family Violence and Child Protection**. Family Life practitioners are using technology and data collection to support safely guiding separating families as they enter the cross - jurisdictional 'zone'.

- **family violence and child abuse, including protection for vulnerable witnesses;**

The Support and Safety Hub (SSH) and FRC in Frankston will deliver newly designed **trauma informed**, family violence practice models. Information Sharing protocols between state and federal services such as the Frankston FRC will be implemented in the near future. This **Coordinated Service Connection** will ameliorate the cross jurisdictional gaps that currently exist. Family Life FRC services will be jointly **Managing for Safety** rather than risk management. The Family Life services model does not screen out family violence. Instead, visibility plans, planning procedures and integrated legislation underpin the safe management of our services with the expectation of the likelihood of violence having or potentially occurring.

Victorian FRC's will play a pivotal role in connecting to the Support and Safety Hubs. This will result in an increased value of enhanced integrated practice working together towards the best interests of families. Family Life is currently creating '**Connector/Coordinator**' **roles to link SSH staff into the FRC**. These new roles will facilitate respectful communication with families and provide linkages to wrap around supports. The SSH/FRC staff will **focus on planning for safety** to ensure services are not exclusionary. These specialist Family Support and Family Law services will be offered to all family members. This will provide families with the opportunity to learn how to 'navigate the system' as well as providing professional advocacy for service to meet their specific needs.

**Conclusion:**

Family separation can pose significant risk to children, particularly where family violence is present. As illustrated in this submission we believe the future of services to supporting high risk families, at any stage of separation, requires a bridging of state and federal practice to support healthy joint parenting, where safe. This submission outlines our vision for integrated practice and the opportunities available to achieve this through integration of the FRC with other services. Furthermore, it highlights the opportunity to integrate with intake services for family violence and child vulnerability - the Support and Safety hub.

Bringing these services together into an integrated model will allow for early intervention around separation, efficiencies around resources and better practice leading to better outcomes.

Our recommendations at the commencement of this submission outline our proposal that this practice is supported and enabled through resourcing and partnership, state and federally. Through this we believe that the reform agenda for family violence can support the outcomes we seek for separating families - safe collaborative parenting that builds strong attachment relationships and resilient children.

## List of Abbreviations

AGD	Federal Attorney - General's Department	ALRC	Australian Law Reform Commission
ATSI	Aboriginal and Torres Straits Islanders	BCCS	Bayside Children's Contact Service
CALD	Culturally and Linguistically Diverse	CCS	Children's Contact Service
CIP	Child Inclusive Practice	CIS	Client Information System
CLC	Community Legal Centre	DSS	Department Social Services
FDR	Family Dispute Resolution	FMP	Frankston/Mornington Peninsula
FRC	Family Relationship Centre	FSRS	Family Safety and Family Relationships Service
FV	Family Violence	IFS	Integrated Family Services
ICL	Independent Children's Lawyer	LGBTIQA+	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Asexual
PCLC	Peninsula Community Legal Centre	POP	Parenting Orders Program
RRR	Relationship Renew and Review	SFVS	Specialist Family Violence Service
SSH	Support and Safety Hub	TDRS	Telephone Dispute Resolution Services
VLA	Victoria Legal Aid		

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4 Brown, T. (2015). Relationship Review and Renew Study Report, Department of Social Work for Family Life and Department of Social Services, Canberra (Attachment One)

5 <https://familylife.com.au/2016-relationship-review-renew-pilot-program-performance-story-report/>

6 <https://www.unicef.org/crc/files/Participation.pdf>

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