



AASW

**Australian Association
of Social Workers**

Review of the Family Law System

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Introduction

Who we are

The Australian Association of Social Workers (AASW) is the professional body representing more than 10,000 social workers throughout Australia.

We set the benchmarks for professional education and practice in social work. We have an important voice on matters of social inclusion, social justice, human rights and issues that impact upon the quality of life of all Australians. We seek a close and collaborative relationship with educational institutions, industry, government, client associations, and the community.

The social work profession

Social work is a tertiary-qualified profession recognised nationally and internationally that supports individuals, families, groups and communities to improve their wellbeing. Principles of social justice, human rights, collective responsibility and respect for diversity are central to the profession and are underpinned by theories of social work, social sciences, humanities and Indigenous knowledge.

Social workers practice in a diverse range of settings and fields, including but not limited to the justice system, mental health, family violence, health, family supports, disability and child protection. Social workers consider the relationship between biological, psychological, social and cultural factors and how they influence a person's health, wellbeing and development. Accordingly, social workers maintain a dual focus in both assisting with and improving human wellbeing; and identifying and addressing any external issues (known as systemic or structural issues) that may have a negative impact, such as inequality, injustice and discrimination.

Our submission

The AASW welcomes the opportunity to contribute to this Review. Having experience in the family law, family violence and child protection systems, social workers are well placed to consider and respond to the issues raised in this consultation. Many social workers participated in the initiatives that addressed the issues raised in the discussion paper. Some have been proposals for legislative and policy change and some have been pilot projects. Many were innovative, collaborative, informed by accumulated practice wisdom and represented best practice. While some were resource intensive in the immediate term, the evaluations and reviews of the pilot projects have shown that many were effective, that they had the potential to reduce long-term costs and that the only negative was that their funding ceased after a few months.¹ By contrast, improvements to the family law system requires a long-term commitment from government and dedicated funding. This will enable the changes required at program, organisation and system level to be embedded in operations and practice.

Recommendation

- That the redevelopment of the family law system in response to the questions in the discussion paper should draw on the expert knowledge and best practice principles that have been accumulated since the Family Law Act 1975 (Cth) (the Act) was first passed; and should be reinforced by a continuing commitment from all sections of government to fund services, professional development and evaluation.

Social workers are ideally positioned to support and facilitate the changes in the family law system that will flow from this review. We are happy to discuss any aspect of this submission and look forward to contributing to a family law system that resolves conflict early in its progression, protects the wellbeing of children and promotes human rights.

¹ Family Law Council of Australia, (2018) Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems, Canberra.

Responses

Question 1. What should be the role and objectives of the modern family law system?

The AASW believes that the role of the family law system should be to provide family law services to Australians nationally, consistently and in a manner that respects and promotes human rights.

The AASW believes that the objectives that will enable the family law system to fulfil this role should be:

- to ensure equality of access to a comprehensive, nationally consistent suite of family law processes.
- to provide a graduated process of addressing issues and disputes which facilitates early resolution and minimises conflict.
- to promote the best interests of children in any matters which concern them.

Question 2. What principles should guide any redevelopment of the family law system?

The AASW believes that principles that should guide the redevelopment of the system are:

- to ensure equity of access to services for vulnerable groups such as culturally and linguistically diverse (CALD) people, survivors of family violence, Aboriginal and Torres Strait Islander Australians, people with a disability, and LGBTIQ people. This requires the development of best practice principles for all levels of the system.
- to aim for early intervention in solving problems, resolving disputes and avoiding further costs.
- to resolve parenting and property disputes in a fair, cost effective way with consideration of the wellbeing of children at the centre of any decisions and outcomes.
- to ensure the wellbeing of children: including but not limited to their safety and health; their physical, psychological, emotional development; their social stability and economic security.
- to retain emphasis on capacity building of staff throughout the system focusing on professional development around the needs of particularly vulnerable groups.

Question 3. In what ways could access to information about family law and family-law-related services, including family violence services, be improved?

AASW members believe that there is a place for clear advertising across multiple media platforms targeted to the needs of particular communities. These would increase accessibility in the following ways:

- families in rural and regional areas to be reached through locally specific news media and local community services;
- culturally diverse populations to be reached through media specialising in community languages;
- elderly people could be reached through age-related recreation and community services.

Advertising can be supplemented by active outreach and community engagement strategies that

contain elements of community legal education. Community Development principles dictate that solutions and interventions should be brought as close as possible to the organisations and services with which people are already connected.² This requires:

- resources for a range of technology formats that link people to a regulated website promoting services inclusive of the above, broken down into sections;
- embedded links from current services to steer people to the regulated website;
- outreach staff to make contact with people through personal visits to existing health, welfare and education services;
- bilingual staff to conduct similar outreach to culturally specific services.

The increased use of information and communication technology (ICT) to provide information and services can be beneficial for many communities. It has the advantage of allowing translation into languages other than English and therefore reaching a significant proportion of CALD communities.

Recommendation

- That a range of communication and marketing strategies be deployed to assist vulnerable groups.

Nevertheless, caution must be used to prevent this from becoming the only mechanism to communicate as there are many parts of Australia that do not have reliable – or any – access to telecommunications connections. This is particularly so for remote Indigenous communities for whom the lack of access to, and familiarity with technology functions as a further barrier to accessing information and systems.

Recommendation

- That secure funding be dedicated to community legal outreach activities targeting people in rural and remote locations.

Social isolation is a shared experience for women experiencing family violence. The control used by their partner to prevent access to information and support severely limits their access to information and opportunities to engage with the system. The AASW suggests that there are two avenues to ensure information is available. The first is that there is a need for targeted efforts to educate women about the safe and untraceable use of ICT to overcome this barrier. The second draws on the fact that women experiencing family violence often bear the larger responsibility for the care of children (both pre- and post-separation), meaning that legal outreach services should target the universal child health and welfare services.

Recommendation

- That secure funding be dedicated to community outreach services through universal child health system aimed at women living with family violence.

Question 4. How might people with family-law-related needs be assisted to navigate the family law system?

Navigation within the family law system itself can be facilitated by a commitment from staff in all sections of the system to ensuring that families are informed about the pathways and options at every

² Family Law Council of Australia, (2018) Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems, Canberra.

stage of the process and can include:

- simple and targeted marketing of the options within and pathways through the system to be disseminated through technology and current services;
- community legal education about the range of pathways, the decision points and policies.

The Access to Justice project found that people with complex needs who also experience social exclusion prefer direct personal contact rather than impersonal delivery of information via written materials or technology. For these people, the ability to build a trusting relationship is a vital step in engaging with the system, and an important element in ensuring an outcome that is fair to all parties and is understood to be fair by all parties.³ In these instances there is a place for a role that provides personal support from a single person through all stages of the family law process.

With respect to the intersection of multiple systems, the situation is more complex. Given the review's opening premise that an increasing proportion of families who require the assistance of lawyers have complex needs, there will already be many services and personnel in contact with these families. These professionals will already have a relationship with members of the family. Social workers understand that assisting people negotiate a pathway through and between multiple systems is most successful when it occurs in the context of the overall interpersonal work they undertake with people. Achieving the best outcome with someone is achieved through developing a relationship that fosters collaborative decision making, advocates for appropriate services and develops plans that are targeted and person centred. Because people's capacity and willingness to make their own decisions and undertake a course of action vary over time, social workers are constantly assessing the level of support in this that the person needs.

In other words, ensuring the best outcome with vulnerable people requires more than creating another category of worker with whom a person needs to build a relationship. Referred to 'case management' or 'care coordination', it is a skilled role undertaken by professionals and addresses many of the difficulties which underlie questions 31–33.⁴

Recommendations:

- The proposal for the navigator role should be considered in the context of adequately addressing the issues of integration and collaboration for families with complex needs.
- New positions be created in the family law system that conform with the definition of 'case management' or 'care coordination' should be established and maintained as skilled care co-ordination roles.

Question 5. How can the accessibility of the family law system be improved for Aboriginal and Torres Strait Islander people?

Aboriginal and Torres Strait Islander people living in remote communities face significant barriers to accessing all support systems, including legal information and services. The barriers include but are not limited to:

- Languages – people can speak a variety of different languages and may not be fluent in written English. Indigenous languages are oral languages and not written, so there are the limited translation options for Indigenous languages.

³ Family Law Council of Australia, (2018) Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems, Canberra.

⁴ Australian Association of Social Workers. (2015). *The Scope of Social Work Practice*. Retrieved from Australian Association of Social Workers: <https://www.aasw.asn.au/practitioner-resources/the-scope-of-social-work-practice>

- Connectivity – in many remote communities there is no mobile telephone or internet coverage.
- Culture – people may be more influenced by traditional law rather than mainstream culture and systems.
- Trust – there are varying levels of trust in Western systems and, in particular, the law due to the history of colonisation and the current high rate of incarceration.
- Knowledge – the level of understanding and knowledge of family law and other mainstream systems is very low in remote Indigenous communities. They have little opportunity to be exposed to these processes and systems.

In these communities, prevention and early intervention in complex situations is necessary to avoid families encountering the child protection and family violence systems. In this context, early resolution of disputes within families takes on added importance. The lived experience of Aboriginal and Torres Strait Islander people requires that any work in these communities conform to established best practice in culturally appropriate mediation. The AASW acknowledges that there have already been recommendations for adjustments to the family law system that meet these requirements.⁵ The participation of Aboriginal and Torres Strait Islander people in the design, implementation, governance and evaluation of these initiatives is necessary for their success.

Recommendation

- That Aboriginal and Torres Strait Islander people will be co-designers and controllers of the prevention and early intervention services to resolve complex family issues that emerge from the review of the family law system.

Question 6. How can the accessibility of the family law system be improved for people from culturally and linguistically diverse communities?

The increased use of ICT to provide information and services has the advantage of allowing translation into languages other than English and therefore reaching many more CALD people than previously. Nevertheless, the issues of access to the family law system are deeper than linguistic ones. Although access to qualified interpreting services and translated written materials are important, there is also a need for community legal education in organisations that already have links with CALD communities. The AASW also endorses previous recommendations for professional development in cultural competence for all staff in the system.

Recommendation

- There be dedicated secure funding for specific community outreach into CALD communities, to improve access to family law services, with an emphasis on client-driven mediation processes and early resolution of disputes.

Question 12. What other changes are needed to support people who do not have legal representation to resolve their family law problems?

The collected experience of social workers who work in the family law system demonstrates that an absence of legal representation for one party in the dispute can be caused by different factors and result in a variety of distortions of the process.

On the one hand, the inability of Legal Aid funding to assist more than one party in a dispute can

⁵ Family Law Council of Australia, (2018) Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems, Canberra.

result in women representing themselves against perpetrators of family violence who have greater economic resources. On the other hand, perpetrators of family violence know that non-represented litigants conduct their questioning of former partners directly, and can use the process of questioning the other parent to perpetuate the psychological control that underpins all family violence. Therefore, reforms need to ensure that a fair hearing is available to all parties regardless of the causes of a litigant being unrepresented. The AASW endorses the proposal that the role of 'counsel assisting' be introduced to ensure that court processes are conducted in a manner that is fair to all parties, regardless of the reason for the lack of representation.

Recommendation

- The role of 'counsel assisting' be introduced to ensure that court processes lead to an outcome that is fair to all parties in a family law dispute.

Question 14. What changes to the provisions in Part VII of the *Family Law Act* could be made to produce the best outcomes for children?

The AASW recognises that the practice under this aspect of the Act has evolved significantly since the Act was first passed and that the family law system devotes significant time and effort to ensuring the best outcomes for the children in family disputes.⁶ Nevertheless, the current review presents an important opportunity to strengthen the capacity of the Act to promote the rights and best interests of children, either in the context of a dispute between their parents or in its broader welfare jurisdiction.

Recommendations

- That there be inserted into the Act a clear statement that the rights and best interests of children must be the primary consideration in all matters that concern children, unless the legislation expressly states otherwise.
- The statement should commit the family law system to promoting the rights of children as described in the Declaration of the Rights of the Child.

The AASW also has concerns with the current definition of the child's best interests in the Act. That definition contains two elements: first, the benefit of a meaningful relationship with both parents; and second, 'need to protect children from the harm of being subjected to or exposed to abuse, neglect or family violence'. This definition is at variance with the definitions and understanding of the best interests of the child that underpin many community services that support families and children's services.⁷

It is clear to social workers that spending time with a parent who has been perpetrating (and often continues to perpetrate) family violence against a non-offending parent, is not in the best interests of a child. Inquiries into deaths of children have established that in around over 70% of cases in which a child dies, it is in the hands of the parent who has been perpetrating family violence in that family.

Even with the adjustments that aim to protect the child from the harm of abuse, neglect or family violence, the first element of the definition falls short of the vision of the AASW for children and their place in families.

The effectiveness of the second provision concerning the child's best interests also depends on key definitions: what constitutes 'harm', 'neglect' and 'family violence'. The AASW believes that two amendments to these are needed urgently.

Since the Act was introduced, the local and international children's services sector has incorporated new understandings of the nature and impact of harm. The recognition that harm is not to be

⁶ Family Law Council of Australia, (2018) Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems, Canberra

⁷ State of Victoria. (2012). Cumulative Harm: Best Interests Case Practice Model specialist Practice Resource.

considered as consisting of independent episodes, but that it accumulates through a series of acts and omissions has become a powerful tool in ensuring the wellbeing of children: it changes the focus of attention from the immediate effect of a current episode, and directs attention to a holistic assessment of the harm caused to the child. Recognition of the cumulative nature of harm will enable the court to respond to the harm caused to children by repeated exposure to violence between family members and to the abuse of court processes that are used by perpetrators of family violence.

Recommendation

- That in identifying 'harm', the Act should include acknowledgement that the negative effects of abuse and neglect can accumulate over time: accordingly, the Act should recognise cumulative harm.

The second concern is that the current definition of family violence that applies under the Act does not contain a recognition that perpetrators of family violence can abuse the family law system process as a way of continuing their psychological coercion and abuse. This is discussed in more detail below.

Question 15. What changes could be made to the definition of family violence or other provisions regarding family violence, in the Family Law Act to better support decision making about the safety of children and their families?

An expanded definition of family violence that includes misuse of court processes will enable the court to make better decisions about the safety and wellbeing of children. Where family violence has been present before separation, perpetrators deploy multiple strategies to continue the psychological control of partners and children after separation.⁸ Many become skilled at abusing the processes of the court, and these have been documented extensively in the discussion paper. The harm that this does to children should be included in the decisions of the court, because it is clearly not in the best interests of the child, despite the inference in the current definition that assumes that a relationship with such a perpetrator is beneficial.

Recommendation

- The abuse of the family law system process and psychological abuse should both be included as elements of family violence in the definition in the Act.

The AASW is also concerned that current practices in assessing the risk of family violence are not always effective. Although staff in the Family Dispute Resolution and Mediation service are required to assess whether parties are able to participate freely, staff are not always using a validated tool to identify all forms of family violence, or whether it is likely in future.⁹ It is important that the tool that staff use to assess the risk of violence can identify indicators of psychological and financial abuse, social isolation and cyber harassment as forms of family violence. It is equally important that staff receive professional development in identifying the indicators of these forms of violence. Many of these indicators have previously been mistaken for mere personality characteristics. This professional development should also feature awareness of the lived experience of abuse for women from CALD, backgrounds, women with a disability and Aboriginal and Torres Strait Islander women.

Recommendation

- All staff working at every stage of the dispute resolution process should receive professional

⁸ *Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems*. Canberra: Family Law Council.

⁹ *Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems*. Canberra: Family Law Council.

development to recognise indicators of non-physical violence and the abuse of process and to incorporate these forms of violence into their risk assessment.

As well as the ability of staff to identify family violence, the safety of children depends on the capacity of staff to effectively identify the extent of the risk that the violence poses for children. For example, it is important that family consultants undergo professional development and accreditation before they are allowed to write family reports for the court. Again, the AASW endorses the work that has already been undertaken by the Family Law Council, which recommends changes to the way that the risk to children is assessed; and has identified a number of key features of risk assessment that will better protect children from family violence.

Recommendation

The risk assessment tools for the risk of harm to children from family violence should:

- use a validated tool that is consistent across jurisdictions and other services;
- recognise that risk is dynamic and changes through time;
- incorporate an assessment of the whole family – the risks on them and that they pose
- take a trauma-informed approach, recognising that people will be reluctant to disclose abuse and violence before a relationship of safety and security has been established.

Question 16. What changes could be made to Part VII of the Family Law Act to enable it to apply consistently to all children irrespective of their family structure

The AASW pursues and promotes the rights of children equally without regard to the family structure in which children find themselves. Its advocacy for the rights of children is clearly based on the Declaration of the Rights of the Child, and its emphasis on 'love and understanding' 'in an atmosphere of affection and of moral and material security', 'without distinction or discrimination on account of their status or the status of their family'.¹⁰ Having advocated in reply to question 14 for a statement that derives from the Declaration of the Rights of the Child, the AASW advocates that the Act will automatically apply consistently to all children. Nevertheless, the AASW recognises that this cannot be assumed and therefore, would not oppose steps to specify this.

Question 23. How can parties who have experienced family violence or abuse be better supported at court?

Although the current system recognises physical violence, it does not cater well for the identification and safeguarding of women and children experiencing emotional and psychological violence. It is important that the family law system understands and response to the dynamics and the nuances of coercive control in its many forms.

Although the current family law system is built on a premise that both parties are equal, families in which there has been violence enter the family law system with an entrenched imbalance of power between the parties. The AASW submits that the reforms from this review should specifically address the power imbalance between parties in which there has been family violence. This means that court support, advocacy services and resolution systems need to identify early where psychological and financial abuse is present and recognise these as forms of family violence.

The AASW welcomes the growing recognition of the need for a trauma-informed approach to the delivery of services within the family law system. Social workers report that there are differing levels of

¹⁰ United Nations General Assembly, Declaration of the Rights of the Child, 1959

understanding by staff within the system of the consequences of prolonged psychological abuse and social isolation; and how this is manifest. The AASW acknowledges the instances of courtroom practices that promote a climate of emotional and psychological safety. Nevertheless, the experience of our members is that successful implementation of trauma-informed approaches requires changes at three levels: individual practice, within organisations and across systems. This means that the principles of trauma-informed practice need to extend beyond the practices of individuals. They also need to be embedded throughout the entire family law system.

Recommendations

- That the family law system adopt previous recommendations for embedding specialist family violence services and a dedicated family safety service within the family law system, including staff who work for the courts such as private consultants, as part of a system-wide adoption of the 5 principles of trauma-informed practice.
- That there be an expert family violence Care Co-ordinator in all the courts with the responsibility to ensure that family violence specialists are part of every step the dispute resolution process at every step of the way.

Workers who specialise in family violence need to develop an understanding of the lived experience of women from diverse backgrounds. Violence and abuse take different forms in different cultures, across different levels of ability and for all age groups. It is important that the family law system enables the survivors of family violence to tell the story of how they experienced violence and abuse. This means that professional development in family violence needs to draw on the lived experience of abuse for women from culturally diverse backgrounds, women with a disability, Aboriginal and Torres Strait Islander women and LGBTIQ people.

Recommendation

- That attention be paid to ensuring that services within the family law system respond to the experience of family violence by people with a disability, people from CALD communities and for people who identify as LGBTIQ.

Question 25. How should the family law system address misuse of process as a form of abuse in family law matters?

The abuse and coercion in family violence does not end at separation: the psychological control at the very centre of family violence continues for many people. Perpetrators of family violence can use multiple methods to manipulate court processes and continue their control of their former partners and children. The AASW welcomed last year's proposals that enabled the court to dismiss trivial and vexatious applications and welcomes the increased awareness of this as a form of abuse in the discussion paper.

Recommendation

- That professional development of judges continues so that they are assisted to recognise instances of abuse of process as a form of family violence, and to make determinations accordingly.

Financial abuse is a significant feature of domestic violence. This often means that parties separate in extremely unequal financial circumstances, which increases the vulnerability of family violence survivors in a system that generates new costs at every stage of the process. This creates risks that survivors of family violence do not obtain fair outcomes because of financial constraints.

Recommendation

- The AASW endorses the proposal that there be increased and broadened penalties for abuse of process and that these include financial penalties as well the ability to make costs orders.

The current principles guiding the system presume equality of each party. In reality the adversarial nature of the court process undermines that presumed equality for survivors of family violence. Having lived under coercion and fear survivors of family violence enter the system with reduced ability to withstand attacks under questioning. The AASW welcomes the report's recognition that self-representation by perpetrators is a powerful tool for continuing this abuse.

Recommendations

- That a 'counsel assisting' model be adopted as recommended in the discussion paper.
- That staff who undertake this role be trained in recognising and responding to the forms that violence and abuse take in all cultures, across different levels of ability and for all age groups.

The ability of perpetrators of family violence to manipulate family law process includes the deliberate breaking of parenting orders. Even with non-contact orders, it is possible to continue to disrupt and harass partners and children. The recommendation in the answer to questions 14 and 15, that the definition of family violence be extended to include the abuse of family law system process is an important step in addressing this.

Question 31. How can integrated services approaches be better used to assist client families with complex needs?

How can these approaches be better supported?

The experience of our members confirms the impression in the discussion paper that many families who end up in court also have complex non-legal needs, which require them to engage with a range of services: housing, family violence, mental health, drug and alcohol, family support and child protection.

In many of those services, these families will encounter social workers; and in many of these instances, they will be undertaking the case management and care coordination role.

The AASW endorses the support for models of integrated services and social workers are experienced in many of the models for integrated, holistic case management that involve collaboration across service systems. Rather than nominate particular models the AASW draws the committee's attention to two key considerations in the implementation of any collaborative programs.

The first is that collaboration and integration of services requires changes in the mindset of the individual practitioner, in the procedures and expectations of the organisations and the policy context. Central to the changes required in the practice of an individual is a revised understanding of their role. Research indicates that many practitioners maintain a distinction between what they regard as the 'core' aspects of their role, and aspects they identify as 'marginal'. The way that a practitioner identifies what is 'core' and what is 'marginal' is the result of many connected factors, including organisational mandate, government policy and legislation, social expectations and the differing power of other professional groups.¹¹ It is clear that these influences operate at the levels of the

11 Scott, D. (2012). Working within and between organisations. In D. S. Fiona Arney, *Working with vulnerable families: A*

program and the organisation, as well as the individual.

In this context, the wording of the aims and objectives of the family law system have an important role in setting the expectations and assumptions that will influence the individual. Collaboration with another organisation requires leadership from management and commitment to a shared vision. This also points to the importance of the AASW's previous argument for a clear statement that the objectives of the Act should be framed in terms of the rights and best interests of children. This will enable all staff in the system to appreciate that a core element of their role includes collaboration in holistic case coordination.

The second point is the one that is contained in the overall introduction to this submission. The collaboration between systems is one area where the efforts of professionals from many sectors have been most intense and yet have been hampered by the lack of a long-term commitment from government. In this context, the choice of model by the service sector is less important than a commitment by government to allocate resources, undertake evaluation and continually increase the capacity of the workforce.

Question 33. How can collaboration and information sharing between the family courts and state and territory child protection and family violence systems be improved?

Although collaboration and information sharing between the family court and child protection practitioners are necessary conditions for improved outcomes for children, they alone are not sufficient to achieve this goal. Many social workers who have extensive experience in child protection systems, including court appearances, report that the adversarial nature of court processes works against collaboration. Many of our members report that their experience of court appearances has been characterised by adversarial questioning by advocates for one or the other party. Although social workers recognise the duty of lawyers to question and test their evidence, reports on the effectiveness of child protection have drawn attention to the almost universal experience of child protection practitioners that they were not treated with respect by members of the legal profession.¹²

Question 38. Are there risks to children from involving them in decision-making or dispute resolution processes?

How should these risks be managed?

The importance of incorporating the voices of children is well established because of the developmental and therapeutic benefits it creates for children.¹³ Nevertheless, along with flexibility and discretion comes the responsibility to ensure that the highest level of skill and expertise in working with children is exercised by all professionals within the family law system. Considerable expertise is required in the following steps:

- interviewing children appropriately for the purposes of identifying their wishes;
- ascertaining the maturity of the child with respect to the ability to express their wishes;
- ensuring the child is sufficiently informed in a manner appropriate to their age to make the decision as to whether they participate in proceedings.

The workers who undertake this work will need considerable expertise in the effects on children of family violence. Social workers have been alarmed at the frequency and ease with which professionals have

partnership approach (pp. 24–41). Melbourne: Lighthouse Books.

¹² Cummins P & Scott. D. (2012). *Report of the Protecting Victoria's Vulnerable Children Inquiry*. Melbourne: State of Victoria.

¹³ Centre for Excellence in Child and Family Welfare. (2011). *Their Voice: Involving children and young people in decisions, services and systems*. Melbourne: Centre for Excellence in Child and Family Welfare.

concluded that an apparent poor or distant relationship with a mother is an indicator of shortcomings in the mother's capacity or emotional connection; rather than identifying it as an indicator of family violence.

Question 41. What core competencies should be expected of professionals who exercise family law jurisdiction?

Question 42. What core competencies should be expected of judicial officers who exercise family law jurisdiction

What measures are needed to ensure that judicial officers have and maintain these competencies?

Professional development concerning family violence for all court staff is of the utmost importance. Identifying family violence and knowing how to intervene is a complex issue that requires significant understanding and awareness of its intricacies by all judicial and court staff.

This training needs to be:

- continuous,
- developed and implemented by qualified, experienced professionals,
- credentialed and accredited,
- informed by an understanding of the dynamics and consequences of trauma,
- grounded in the lived experience of abuse for CALD women, women with a disability, Aboriginal and Torres Strait Islander women and LGBTIQ people.



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