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Submission to the Review of the  
Family Law System – Discussion  
Paper

November 2018

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## About Anglicare Australia

Anglicare Australia is a network of independent local, state, national and international organisations that are linked to the Anglican Church and are joined by values of service, innovation, leadership and the Christian faith that every individual has intrinsic value. With a joint budget of \$1.48 billion, a workforce of over 18,000 staff and more than 11,000 volunteers, the Anglicare Network contributes to more than 50 service areas with major services areas being emergency relief and financial support services, housing and homelessness support, family and relationship support services and aged care. We reach out to more than one million Australians, in partnership with them, the communities in which they live, and other like-minded organisations in those areas.

Our network's counselling and separation services include children's contact services, family law counselling, family relationship centres, parenting order programs, parenting services, and a program supporting children after separation.

Anglicare Australia has as its Mission "to engage with all Australians to create communities of resilience, hope and justice". Our first strategic goal charges us with reaching this by "influencing social and economic policy across Australia...informed by research and the practical experience of the Anglicare Australia network".

We would like to acknowledge the work of Anglicare Western Australia for their significant contribution to this submission. Thank you also to Anglicare South Australia, Anglicare NSW South, NSW West & ACT and ac.care for their contributions. Please note that our network members are happy to elaborate further if you require any additional information.

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## Introductory remarks

We welcome the opportunity to respond to the Review of the Family Law System, and encourage the Commission to consider reforms to make the family law system to become more child focused and trauma informed. Reforms should focus on the best interests of children, and adequately address family violence and child abuse. There should be an acknowledgement of different family forms and a willingness to find solutions which fit those forms. It is important that people have access to justice and a reduction in the number of unrepresented clients within the court system. A commitment to providing more timely family law decisions will assist families managing the stresses of the family law process. Families need a family law system that integrates with the community sector to provide both relationship and legal support.

At the heart of any reforms must be an acknowledgement that family breakdown is a relationship issue (not a legal one) and families need access to a wraparound service system that focuses on the needs of the family with particular focus on the needs of the child; children’s voices must be heard and valued. Children should be at the centre of decisions in the family law system, and all children should have access to a Children’s Advocate.

Anglicare Australia believes that the use of language in the Family Law sector is important and informs our expectations. We would propose that The Family Law System be retitled to The Family Law and Relationships System, as this takes the focus away from it being purely a legal system.

While all aspects of reform are important, this submission focuses on three areas proposed:

1. Children and their right to have a voice (Chapter 7 Children in the Family Law System in the discussion paper)
2. That marriage break down is primarily a relationship issue as opposed to a matter of law (Chapter 4 Getting Advice and Support in discussion paper)
3. The need for relationship education to support any family law matter (Chapter 2 Education and Awareness)

## Children and their rights to have a voice

Anglicare Australia believes it is important that the Family law system embeds a child-centred approach and that children have the opportunity to participate, be heard, be informed and be consulted (where appropriate) about decisions that affect their future. This is particularly important where there are safety concerns for children and their families. The proposal that children are assisted by Child Advocates throughout their journey of the Family Court is positive and will allow children to be supported, receive information and be referred to services that can assist them. Children are often invisible in the current system and this will ensure they are the forefront of proceedings.

'Chapter 7 Children in the Family Law System' of the discussion paper makes the following proposals:

### Information for children about family law processes

*Proposal 7–1 Information about family law processes and legal and support services should be available to children in a range of age-appropriate and culturally appropriate forms.*

Children often don't know what is happening in their families at the time of separation or subsequently. Often, the only sources of information that children have are their parents. If their parents are in conflict the children are told two very different stories, and have difficulty working out who to believe. Often, the result will be that the child's trust in adults (and particularly their parents) is eroded.

Anglicare Australia would welcome the proposal to make sure that children have their own access to information about separation, family law processes, support services (and ideally children's rights and options), tailored to fit their level of understanding.

We would recommend that information sheets should be available to all professionals working with children and also be available in schools, at libraries, at doctors' surgeries and at sporting venues. Ideally, we would recommend that there should also be a central website with information for children of various ages, with links to the information available currently on other websites. The proposed Children and Young Persons Board may be able to assist in developing the information for such a central website. Alternatively, the Kids Helpline may well have the expertise to provide material. We would also support there being phone line and/or web chat services available via the central children's website.

At a minimum, we believe that all children of school age and above whose parents are involved with the Family Court should receive some information about how the process works, what the Family Court does, and ways that they can participate in the process if they wish to do so. This could be provided in a number of possible ways. There could be regular information sessions provided at the courts by Legal Aid or by social workers. Such information sessions should also be provided by children's advocates for their child clients.

### Integrated support services for children

*Proposal 7–2 The proposed Families Hubs (Proposals 4–1 to 4–4) should include out-posted workers from specialised services for children and young people, such as counselling services and peer support programs.*

Anglicare supports this proposal. We consider that there is not sufficient support available for children and young people now, and that parents/caregivers often act as gatekeepers preventing children from

accessing the support they need. Currently, most post-separation counselling and support for children usually depends on both (or all) parents/caregivers consenting and at least one parent being willing to get the children to their appointments. Our experience is that it is often the children who seem most likely to need support who are unable to get it because their parents/caregivers refuse to allow them access, or do not provide them with access.

Conversely, many Family Relationship Centres (FRCs) are unable to provide help to parents who bring their children to the centre. This is because there is no one available to care for the children and we believe it is inappropriate to conduct a thorough risk assessment with children present. However, it is not particularly helpful for parents with young children, who may not have any other options for childcare. A Families Hub with facilities for children and young people as well as for adults can – and we believe should – expect as a matter of course that all members of the family presenting will receive support and information.

Furthermore, we believe that peer support programs have an important role to play in improving outcomes for children in particular, and this would need to ensure the right supports are in place for ‘peer’ type roles.

Families Hubs should be developed in addition to existing Family Law Services and should be developed to meet the needs of the local community/region where placed. We believe that the FRCs are in an excellent position to expand services to families including providing case management, as they already deliver a range of relevant programs and services and have staff with expertise in a range of areas. They are also already well known within their communities.

### **A right to be heard**

*Proposal 7–3 The Family Law Act 1975 (Cth) should provide that, in proceedings concerning a child, an affected child must be given an opportunity (so far as practicable) to express their views.*

Anglicare Australia welcomes this proposal to advance the best interest of children.

*Proposal 7–4 The Family Law Act 1975 (Cth) should provide that, in any family dispute resolution process concerning arrangements for a child, the affected child must be given an opportunity (so far as practicable) to express any views about those arrangements.*

We support this proposal, and provide the following case study to illustrate why. The following case study is a combination of several cases, de-identified.

John and Jane had been married for 11 years and have two children, Mary aged 10 and Sam aged 5. They separated a year ago when John told Jane to leave the house because he believed she was having an affair. Jane came to the Family Relationship Centre some 8 months later to try to get regular time – ideally, half the time or more – with Sam and Mary, who had been living with their father and seeing their mother irregularly. She described a pattern of family violence in the relationship, and expressed a fear of John. John attended intake and did not mention any family violence. Both parents had re-partnered since separation, so the children had also had to get used to step-parents and step-siblings. Both parents attended an information session on children’s needs and the effects of conflict on children. They also

attended a further individual session, at which the family dispute resolution practitioner (FDRP) attempted to focus both of them on their children's needs (as well as preparing them for negotiation) and asked them to consider the possibility of the children having a voice in the process. The father acknowledged that the children had experienced difficulties when their mother had left, and had not seen her regularly. His view was that this was entirely because of her choice not to make regular times to see them. He didn't think the children should have a voice in the process, and believed the children were doing well. The mother also acknowledged that the children had experienced difficulties. She said the father hadn't allowed her to see them, and that it had been difficult to arrange anything regular. She would have been willing to have the children speak to a child inclusive practitioner. Both parents claimed there was no current conflict between them, despite the fact they did not communicate and there was no regular and understood arrangement for the children to spend time with their mother. The FDRP believed the children ought to be involved, to assess their needs for support if nothing else, but was unable to arrange it due to the father's opposition.

If child-inclusive practice was the norm rather than an 'opt-in' process, Mary and Sam would have seen a child-inclusive practitioner as a matter of course. They would have been able to talk about the difficulties in their lives and the stress that they were experiencing. We would expect (given the children's ages) that they might talk about trying to please both parents, and telling each parent what they thought the parent wanted to hear. The children would also have been able to have some support, and an adult outside their family system who was prepared to listen to what life was like for them. The outcome of family dispute resolution might not have been any different – given the father's refusal to consider that the children might not be coping – but there is also the possibility that it might have been. And perhaps the father would have been willing to access ongoing support for the children.

Although child-inclusive practice is the ideal, it requires a high degree of training, skill and experience to do well. And given that Family Relationship Centres are not specifically resourced to provide child-inclusive practice, it is currently difficult for practitioners to involve children as a matter of course. Most Family Relationship Centres experience a very high demand and a waitlist for services. It would be necessary to provide additional resources in order for child-inclusive practice to be the norm rather than the outlier. Anglicare Australia strongly supports allowing children to express their views in family dispute resolution as a matter of course, providing this is properly resourced. There should be a trained and skilled child inclusive practitioner and a backup in each Family Relationship Centre, as a minimum. We recommend making child-inclusive mediation the practice model for all Family Dispute Resolution services with appropriate resourcing.

*Proposal 7–5 The Attorney-General's Department (Cth) should work with the family relationship services sector to develop best practice guidance on child-inclusive family dispute resolution, including in relation to participation support where child-inclusive family dispute resolution is not appropriate.*

Anglicare Australia supports this proposal. The proposal for a Family Law Commission (proposal 12-1), a new independent body which would handle accreditation, oversee training requirements, monitor the services provided, and be informed by the work of the Children and Young People's Board (among other functions) would, we believe, be a good way to develop best practice guidance for child-inclusive family

dispute resolution. It would also be helpful to work on guidelines for when children should not participate directly, and how to ensure that the child's perspectives are still considered even in this situation.

### **Safe participation**

*Proposal 7–6 There should be an initial and ongoing assessment of risk to the child of participating in family law proceedings or family dispute resolution, and processes put in place to manage any identified risk.*

Anglicare Australia supports this, but would also note that there are resourcing implications. We believe that – if resources are made available to do so – involving children in family dispute resolution and family law proceedings should be an opt-out rather than an opt-in situation. At the very least, children should be given information about the process and offered the opportunity to participate if they wish to do so.

*Proposal 7–7 Children should not be required to express any views in family law proceedings or family dispute resolution.*

Anglicare Australia supports this proposal. Our model of child-inclusive participation in family dispute resolution does not require children to express any views or wishes, but rather inquiries about their experiences of their lives. They can express views, but don't have to. And the child-inclusive practitioner is always careful to check with the children what information they are, or are not, happy to share with their parents.

### **A new model for supporting children's participation**

*Proposal 7–8 Children involved in family law proceedings should be supported by a 'children's advocate': a social science professional with training and expertise in child development and working with children. The role of the children's advocate should be to:*

- explain to the child their options for making their views heard;*
- support the child to understand their options and express their views;*
- ensure that the child's views are communicated to the decision maker; and*
- keep the child informed of the progress of a matter, and to explain any outcomes and decisions made in a developmentally appropriate way.*

We very much support such a proposal, and in fact recommended it in the submission made by Anglicare WA and Anglicare SA to the Review of the Family Law System – Issues Paper (IP 48). Investing in a children's advocate is essential to supporting children, and communicating with them and the courts on their behalf.

We recommend that children *must* be contacted by the advocacy service, similar to, for instance, Western Australia's Mental Health, but do not need to engage with the service unless they wish. We also recommend that children's advocates should have experience and/or training in working with children from Culturally and Linguistically Diverse (CALD) communities, Aboriginal and Torres Strait Islander communities, and children with disabilities if the advocate is working with children with these specific backgrounds.

*Proposal 7–9 Where a child is not able to be supported to express a view, the children's advocate should:*

- support the child's participation to the greatest extent possible; and*

- *advocate for the child's interests based on an assessment of what would best promote the child's safety and developmental needs.*

*Proposal 7–10 The Family Law Act 1975 (Cth) should make provision for the appointment of a legal representative for children involved in family law proceedings (a 'separate legal representative') in appropriate circumstances, whose role is to:*

- *gather evidence that is relevant to an assessment of a child's safety and best interests; and*
- *assist in managing litigation, including acting as an 'honest broker' in litigation.*

Anglicare Australia supports both these proposals.

*Question 7–1 In what circumstances should a separate legal representative for a child be appointed in addition to a children's advocate?*

Anglicare Australia considers that it is not usually a part of the role of a children's advocate to gather evidence, and that a separate legal representative should be appointed in a situation where evidence needs to be gathered, such as where there are issues in relation to risk for children.

### **How the child's views are expressed**

*Proposal 7–11 Children should be able to express their views in court proceedings and family dispute resolution processes in a range of ways, including through:*

- *a report prepared by the children's advocate;*
- *meeting with a decision maker, supported by a children's advocate; or*
- *directly appearing, supported by a children's advocate.*

Anglicare Australia certainly supports children and young people being able to express their views in court proceedings and in family dispute resolution in a range of ways.

*Proposal 7–12 Guidance should be developed to assist judicial officers where children seek to meet with them or otherwise participate in proceedings. This guidance should cover matters including how views expressed by children in any such meeting should be communicated to other parties to the proceeding.*

Anglicare Australia supports this.

*Proposal 7–13 There should be a Children and Young People's Advisory Board for the family law system. The Advisory Board should provide advice about children's experiences of the family law system to inform policy and practice development in the system.*

Anglicare Australia strongly supports this proposal. Such groups are essential to providing a conduit to the judiciary and professionals within the Family Court System, and ensuring there is an ongoing feedback loop from children and young people who have been through and experienced the system. These projects would ideally be coordinated by specialist professionals who sit outside the legal system, with legal professionals invited as 'observers'.



## **Treatment of marriage breakdown is a relationship issue, and not a legal matter**

We believe that the use of language in the Family Law sector is important and informs our expectations. We propose that The Family Law System be retitled to The Family Law and Relationships System, as this takes the focus away from it being purely a legal system. This will support a long needed cultural reform within the family law system from an adversarial to a relational approach emphasising capacity building in 'relational issues'. Furthermore, the proposed Families Hubs with an array of relevant support services to families going through separation, supports such a name change.

'Chapter 4 Getting Advice and Support' of the discussion paper makes the following proposals:

### **Families Hubs**

*Proposal 4–1 The Australian Government should work with state and territory governments to establish community-based Families Hubs that will provide separating families and their children with a visible entry point for accessing a range of legal and support services. These Hubs should be designed to:*

- identify the person's safety, support and advice needs and those of their children;*
- assist clients to develop plans to address their safety, support and advice needs and those of their children;*
- connect clients with relevant services; and*
- coordinate the client's engagement with multiple services.*

Anglicare Australia would welcome community-based Families Hubs as a way of providing a wraparound service system that focuses on the needs of the family with particular focus on the needs of the child. This is in line with what our network members have previously advocated, namely that any reforms must be an acknowledgement that family breakdown is a relationship issue and not a legal one, and that as part of the process children's voices must be heard and valued.

As previously detailed, the FRC's are in an excellent position to expand services to families. The Hubs should function as a one-stop location for information and advice including better information about the steps to gain resolution. The proposed coordinator role is particularly important considering that our network members providing family dispute resolution (FDR) through Family Relationship Centres have been overwhelmed with the level of complexity of the families seeking assistance. The levels of therapeutic family dispute resolution and associated supports that are needed to shift the parents from a position of entrenched high conflict to a position of focusing on and understanding the child's/young person's needs are, generally, far more than can be encompassed in the initially expected three hours of service provision.

*Proposal 4–2 The Australian Government should work with state and territory governments to explore the use of digital technologies to support the assessment of client needs, including their safety, support and advice needs, within the Families Hubs.*

Anglicare Australia supports the use of digital technologies to for the assessment of clients. We need to increase the capacity for and the use of secure technology – i.e. Skype, video conferencing – particularly for remote/regional/rural areas for court hearings and Family Dispute Resolution sessions. It is important that any digital support system agencies are required or encouraged to adopt is beneficial to clients and service providers and be followed by adequate funding, and are not seen as wholesale replacements for face to face meetings. No client should be worse off with the introduction of new technologies.

*Proposal 4–3 Families Hubs should advance the safety and wellbeing of separating families and their children while supporting them through separation. They should include on-site out-posted workers from a range of relevant services, including:*

- specialist family violence services;*
- legal assistance services (such as community legal centres);*
- family dispute resolution services;*
- therapeutic services (such as family counselling and specialised services for children);*
- financial counselling services;*
- housing assistance services;*
- health services (such as mental health services and alcohol and other drug services);*
- gambling help services;*
- children’s contact services; and*
- parenting support programs or parenting education services (including a program for fathers)*

Anglicare Australia agrees that all the listed services are important in a wraparound model. The Families Hubs should also include peer support programs, particularly for children and young people as a way of increasing their participation and giving them a voice.

Members of the Young Persons Family Law Advisory Group (YPFLAG) AnglicareSA were asked about what it meant for them to be part of the group: • “I feel different now – feel like others actually understands what it (being a child of separation) feels like” • “Felt more comfortable as time went on – grew in confidence. Felt like doing something and making a difference.” • “Always felt heard in YPFLAG – able to give honest feedback” • “Felt good to know people able to share – comforting, less isolating, less lonely” Peer groups such as YPFLG provide a forum for two way communication where young people can receive and contribute information. They provide excellent insights into the most effective ways to reach young people, such as using easy and quick mobile applications such as facebook and snapchat, and ensuring they have professional networks to connect with and be supported through.

In relation to improving accessibility to the Family Court, and supporting people who do not have legal representation to resolve their family law problems, we would recommend that all unrepresented parties from complex needs families be provided with assistance to help them negotiate the Family Law system. Such assistance would not need to be provided by lawyers, and in fact social work and science professionals (preferably co-located in the Family Courts) would probably be more effective in the role. The service might possibly even be provided by sufficiently trained and supported volunteers.

*Proposal 4–4 Local service providers, including Aboriginal and Torres Strait Islander, culturally and linguistically diverse, LGBTIQ and disability organisations, specialist family violence services and legal assistance services, including community legal services, should play a central role in the design of Families Hubs, to ensure that each hub is culturally safe and accessible, responsive to local needs, and builds on existing networks and relationships between local services.*

Anglicare Australia welcomes this proposal to ensure that the Families Hubs meet local needs. In addition to the listed service providers, members of Children and Young People’s Advisory Board and/or child and youth organisations should be consulted when designing the Hubs.

### **Expansion of the Family Advocacy and Support Services**

*Proposal 4–5 The Australian Government should, subject to positive evaluation, expand the Family Advocacy and Support Service (FASS) in each state and territory to include:*

- an information and referral officer to conduct intake, risk and needs screening and triage, as well as providing information and resources;*
- a family violence specialist legal service and a family violence specialist support service to assist clients who have experienced or are experiencing family violence; and*
- an additional legal service and support service, to assist clients who are alleged to have used family violence and clients who are not affected by family violence but have other complex needs.*

Anglicare Australia would very much welcome the proposed expansion of the FASS. We would like to emphasise that the family violence specialist legal service and the family violence support service needs to assist clients as well as *their children* who have experienced or are experiencing family violence.

*Proposal 4–6 The FASS support services should be expanded to provide case management where a client has complex needs and cannot be linked with an appropriate support service providing ongoing case management.*

*Proposal 4–7 The level and duration of support provided by the FASS should be flexible depending on client need and vulnerability, as well as legal aid eligibility for ongoing legal services.*

Anglicare Australia supports both of these proposals.

*Proposal 4–8 The Australian Government should, subject to positive evaluation, roll out the expanded FASS to a greater number of family court locations, including in rural, regional and remote locations.*

We would recommend the expansion of FASS services to all registries of the Family Court. When exercising Family Law jurisdiction, the Federal Magistrates’ Courts could benefit from having Legal Aid duty lawyers and FASS workers available as well.

## Relationship education to support any family law matter

'Chapter 2 Education and Awareness' of the discussion paper makes the following proposals:

### National education and awareness campaign

*Proposal 2–1 The Australian Government should develop a national education and awareness campaign to enhance community understanding of the family law system. This should include information about:*

- the benefits of seeking information, advice and support when contemplating or experiencing separation;*
- the duties and responsibilities of parents and the importance of taking a child-centred approach to post-separation parenting that prioritises children's safety and best interests;*
- the existence and location of the proposed Families Hubs (Proposals 4–1 to 4–4) as a place where people experiencing separation can access advice and support services;*
- the availability of the proposed family law system information package (Proposals 2–5 to 2–8) that provides practical information to assist people, including children and young people, to understand and navigate the family law system, including how to access the package; and*
- the availability of alternative dispute resolution processes to assist and empower people experiencing separation to reach agreement about arrangements for their children and property outside of court proceedings.*

We would support the further development of relationship education aligning with a public health approach that would deliver earlier interventions to prevent relationship breakdown.

We would welcome a comprehensive information pack to improve the public's understanding and knowledge of the Family Court process and dispute resolution processes with a particular emphasis on co-operative parenting relationships in the best interest of children.

A national education and awareness campaign needs to ensure that the information provided is accessible for children, who should be directly involved in the design of on site content and availability via mediums such as apps and social media. It needs to reflect an acknowledgement of different family forms and a willingness to find solutions that fit those forms. Information packs should also be made available for self-represented litigants with clear information regarding time lines, how to fill out forms, requirements of affidavits etc.

Special considerations should be given to how support and information is to be provided to families with complex needs. For example they may not understand what forms to complete and when to lodge them. We would suggest that multimedia channels be developed that can provide this information. This could include such things as apps, information presented in groups, online resources in flowchart format, and so on.

The education component of the FDR process and for namely Anglicare WA's Child First sessions are overwhelmingly received as positive by participants and impacts on the outcomes of the FDR for many families who are able to focus more readily on the children.

However, when considering children's 'best interests', we believe it needs to be more clearly defined. Currently, the principle of the need to protect children from harm by being subjected or exposed to

violence and abuse outweighs the principle that children benefit from having a meaningful relationship with both their parents. However, both of these principles outweigh others which we believe should be highly important in decision making, notably the views of the child, the parents' present and past attitudes towards the responsibilities of parenthood, and cultural factors. These are only specifically in relation to Aboriginal and Torres Strait Islander children, at present, and should be widened to at least include children from CALD backgrounds.

*Proposal 2–2 The national education and awareness campaign should be developed in consultation with Aboriginal and Torres Strait Islander, culturally and linguistically diverse, LGBTIQ and disability organisations and be available in a range of languages and formats.*

Anglicare Australia supports this proposal and we recommend that in addition to the listed groups, representatives for children and young people (e.g. Children and Young People's Advisory Board) and families experiencing domestic violence must be consulted.

*Proposal 2–3 The Australian Government should work with state and territory governments to facilitate the promotion of the national education and awareness campaign through the health and education systems and any other relevant agencies or bodies.*

Anglicare Australia supports this proposal.

### **Referral relationships with services outside of the family law system**

*Proposal 2–4 The Australian Government should work with state and territory governments to support the development of referral relationships to family law services, including the proposed Families Hubs (Proposals 4–1 to 4–4), from:*

- universal services that work with children and families, such as schools, childcare facilities and health services; and*
- first point of contact services for people who have experienced family violence, including state and territory specialist family violence services and state and territory police and child protection agencies.*

Anglicare Australia supports this proposal.

### **Family law system information package**

*Proposal 2–5 The Australian Government should convene a standing working group with representatives from government and non-government organisations from each state and territory to:*

- advise on the development of a family law system information package to facilitate easy access for people to clear, consistent, legally sound and nationally endorsed information about the family law system; and*
- review the information package on a regular basis to ensure that it remains up-to-date.*

Anglicare Australia supports this proposal, and we emphasise that representatives for children and young people need to be included on the working group to make sure their voices are heard.

*Proposal 2–6 The family law system information package should be tailored to take into account jurisdictional differences and should include information about:*

- the legal framework for resolving parenting and property matters;*
- the range of legal and support services available to help separating families and their children and how to access these services; and*
- the different forums and processes for resolving disputes.*

Anglicare Australia supports this proposal.

*Proposal 2–7 The family law system information package should be accessible in a range of languages and formats, including:*

- electronically via a central website;*
- as printed material available at key entry points to the family law system and universal services;*
- through interactive means, including a national telephone helpline and a national web-chat service.*

Anglicare Australia supports this proposal and we emphasise the importance of reaching out to families and children/young people using multiple channels and methods. Special consideration should be given to families with complex needs and high risk.

## **Information sharing**

*Proposal 11–3 The information sharing framework should include the legal framework for sharing information and information sharing principles, as well as guidance about:*

- why information needs to be shared;*
- what information should be shared;*
- circumstances when information should be shared;*
- mechanisms for information sharing, including technological solutions;*
- how information that is shared can be used;*
- who is able to share information;*
- roles and responsibilities of professionals in the system in relation to information sharing;*
- interagency education and training;*
- interagency collaboration; and*
- monitoring and evaluation of information sharing initiatives.*

*Question 11–3 Should records be shared with family relationships services such as family dispute resolution services, Children’s Contact Services, and parenting order program services?*

Anglicare Australia supports court records being shared with relevant family law services. Currently, there are situations where, for instance, Family Consultants conduct and report on an extensive risk assessment for the Family Court, but their reports are not available to Family Relationship Centres (and family separation services) unless there is a specific request that they should be *and* the court so orders. In practice, this may mean that clients have to repeat their stories, with accompanying possible re-traumatisation. It could also mean that family dispute resolution practitioners, parenting order program

services, and Children's Contact Services may be unaware of significant risk factors for children because parents/caregivers do not share the information.

It is also sometimes difficult to obtain copies of clients' court orders from the Family Court despite a Memorandum of Understanding with the court. In practice, this means that practitioners may be unaware of the court's intentions in relation to the family. While it is true that clients themselves should take responsibility to provide court orders to appropriate programs, they often do not, or have not received copies of court orders because they have complex needs and chaotic lives. Practitioners and administrative staff can spend significant amounts of time chasing clients to ask them to provide court orders.