



Purple Orange

# **Review of the Family Law System**

**Submission to the Australian Law Reform  
Commission**

## About the Submitter

JFA Purple Orange is an independent, social-profit organisation that undertakes systemic policy analysis and advocacy across a range of issues affecting people living with disability and their families.

Our work is characterised by co-design and co-production, and includes hosting a number of user-led initiatives.

Much of our work involves connecting people living with disability to good information and to each other. We also work extensively in multi-stakeholder consultation and collaboration, especially around policy and practice that helps ensure people living with disability are welcomed as valued members of the mainstream community.

Our work is informed by a model called *Citizenhood*.

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## 1. Summary and recommendations

The Australian Law Reform Commission's (ALRC) review of the family law system provides a valuable opportunity to explore ways for adults and children living with disability to shape reform, to ensure that the family law system meets the contemporary needs of all families. A human rights-based and inclusive family law system has the potential to bring about social, health and economic benefits for individuals, their families and their wider communities.

In order to achieve such reform, this review must ensure that any legislative changes comply with the United Nations Convention on the Rights of the Child (UNCRC) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) as well as the National Disability Strategy.

Policy-makers cannot identify the barriers to fulfilling children's and parents' rights if they do not hear from adults and children living with disability about their experiences with the family law system and their ideas for change.

In response to the ALRC's discussion paper (October 2018) we make the following recommendations:

### **Recommendation 1**

Proposal 2-2 should be amended to include the statement that 'the national education and awareness campaign about the family law system should be co-designed or co-produced with Aboriginal and Torres Strait Islanders, people from culturally and linguistically diverse backgrounds, people from the LGBTIQ community and people living with disability and their families.'

### **Recommendation 2**

The family law information package should include versions in Easy English as well as video and audio versions and be co-designed by people living with disability and their families.

### Recommendation 3

Ensure the Families hubs are co-designed with children and parents living with disability and in particular parents living with an intellectual disability and staffed by well-trained, competent workers so that the hubs are inclusive and accessible to all.

### Recommendation 4

That proposal 8-2 be amended to include commissioned research into the needs and experiences of people living with disability, including children and young people, in relation to domestic and family violence and the family law system.

### Recommendation 5

Any supported decision making framework aligns with the United Nations Convention on the Rights of Persons with Disabilities and the National Disability Strategy, and people living with cognitive disability guide the design and practice of research as well as the implementation of supported decision-making.

### Recommendation 6

All levels of government need to take active steps through program design and implementation to ensure that mainstream services are inclusive of and adequately provide support to people living with disability. This is not the role of the National Disability Insurance Scheme.

### Recommendation 7

That an additional legislative safeguard be incorporated into the *Family Law Act 1975 (Cth)* that 'prohibits the involuntary or forced sterilisation of girls unless there is a serious threat to life.'

### Recommendation 8

The *Family Law Act 1975 (Cth)* should be amended to fully implement the provisions of the United Nations Convention on the Rights of Persons with Disabilities as it relates to parental rights.

### Recommendation 9

That the ALRC proposes additional investment in peer support for parents who live with disability as a mechanism for building parenting capacity when and if needed.

## 2. Introduction

JFA Purple Orange welcomes the opportunity to contribute to the Australian Law Reform Commission's (ALRC) review of the family law system. Our submission includes commentary on some of the questions and proposals highlighted in the Discussion Paper.

We are an independent, non-government organisation that fosters innovation, shares useful information, and promotes policy and practice that support and improve the life chances of people living with disability.

JFA Purple Orange is not a service provider – we deliver research, evaluation and information services anchored upon the stories and experiences shared by people living with disability and others in their lives. As such, we feel we are well-positioned to offer comment.

## 3. About our values

The work of JFA Purple Orange is anchored on the principles of *Personhood* and *Citizenhood*. As set out in our Model of Citizenhood Support<sup>1</sup>, a good life is characterised by such valued roles (termed Citizenhood) and by the decisions we make (termed *Personhood*). A good life largely depends on the availability of life chances – the assets and opportunities available to a person.

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<sup>1</sup> Williams, R. (2013), *Model of Citizenhood Support: 2nd edition*, Julia Farr Association Inc, Adelaide.

Unlike formal citizenship of a country, Citizenship is a dynamic experience: it can rise and fall depending on a person's circumstances. The extent to which any person can naturally take up Personhood and Citizenship is influenced by the presence of circumstances that can adversely impact on the person's capacity to build authorship of their own lives and to take up valued roles in community life and the economy.

The model can be used to consider how best to shape an investment in a person's life chances, and what types of return on that investment one might then look for.

#### **4. Background**

JFA Purple Orange supports the ALRC's commitment to comprehensive change in the family law system so that it focuses on the rights and support of all children. The human rights of children are enshrined in the United Nations Convention on the Rights of the Child (UNCRC)<sup>2</sup> which, in particular, gives children the right to participate in any process that affects their own life.

Article 12 of the UNCRC states that a child has the right to form his or her own views and the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

We endorse measures which improve the understanding of the family law system, particularly for families where a member lives with a disability, and provide an accessible and coordinated framework.

We note that the Australian Government references the ALRC Family Law Review in its Combined Second and Third Periodic Report under the United Nations Convention on the Rights of Persons with Disabilities (UNRPD), detailing how it is implementing the UN Convention. The report notes that a key issue for consideration in the review of the family law system is how decision-makers can be most effectively informed of the best interests of

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<sup>2</sup> UN General Assembly, Convention on the Rights of the Child, 20 November 1989, Treaty Series, vol 1577, p.3 <http://www.un.org/documents/ga/res/44/a44r025.htm>

children and the views of children in family disputes, including how to improve court accessibility and engagement for children living with disability.<sup>3</sup>

We take the opportunity to draw your attention to the key messages of the *South Australian Commissioner for Children and Young People: Report on Children and Young People in the Family Law System August 2018*.<sup>4</sup> These key messages provide good practical guidance for supporting children and young people in the family law system. This reports states that children and young people want:

1. More information and much sooner.
2. The opportunity to choose the extent to which they are involved in the process and the opportunity to attend court.
3. Access to clear and easily understandable information on the Family Law process and the adults involved in the process
4. People in the system to be kind, listen and believe what they say.
5. Someone who is there just for them, from the start.
6. Adults to recognise that siblings are not the same and might need different arrangements.
7. The opportunity to have decisions reviewed, to monitor outcomes when circumstances changed.

## **5. Our approach to this submission**

We have based our submission on the main themes of the discussion paper, with an emphasis on co-design being a key component of any review of the family law system. We note that the ALRC proposes “consultation with Aboriginal and Torres Strait Islander, culturally and linguistically diverse, LGBTIQ and disability organisations” in a number of different sections of the discussion paper.

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<sup>3</sup> Australia’s Combined Second and Third Periodic Report under the Convention on the Rights of Persons with Disabilities September 2018

<sup>4</sup> <https://www.ccp.com.au/wp-content/uploads/2018/08/Family-Law-Report-Final-27-08-18.pdf>

We believe that the ALRC should engage with individuals that belong to these groups, including people living with disability and their families, as well as the organisations that represent them. Further, we advocate for a process of co-design or co-production, rather than consultation. The distinction is important. When we refer to co-design we mean a process where the perspective of the intended beneficiaries is included in the design process. Consultation is a process where beneficiary stakeholder views are sought but where the decisions are made elsewhere. Co-design is a process where beneficiary stakeholders not only contribute to the thinking but participate in the decisions. In order for the family law system to work it must be designed with input from those it seeks to serve and protect.

## **6. Proposals in the ALRC's Review of the Family Law System Discussion Paper and adults and children living with disability**

### **6.1. Proposal 2: Education, Awareness and Information**

JFA Purple Orange supports the proposal for a national education and awareness campaign to enhance community understanding of the family law system.

Proposal 2–2 recommends that the national education and awareness campaign 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.

JFA Purple Orange refers to our general point above that this consultation must involve not only disability organisations, but also co-design or co-production with people living with disability and their families. The knowledge and experience of people living with disability and their families are among the most important sources of information and should help guide any change that needs to take place.

In its position paper, *Violence against women with disabilities*, Women with Disabilities Victoria emphasised the particular importance of giving women a voice in decision-making and planning. It states that “the Government, human services and community organisations must provide avenues for women with disabilities to participate actively in decision-making and planning: individually and systemically. It is important to recognise the strength and resilience of women. Living with violence and disclosing personal experiences of violence takes enormous strength and trust, and in turn requires a trust-worthy response.”<sup>5</sup> JFA Purple Oranges acknowledges the importance of including women in the reform process and the development of an education and awareness campaign, as well as men and children.

### **Recommendation 1**

Proposal 2-2 should be amended to include the statement that ‘the national education and awareness campaign about the family law system should be co-designed or co-produced with Aboriginal and Torres Strait Islanders, people from culturally and linguistically diverse backgrounds, people from the LGBTIQ community and people living with disability and their families.’

Proposal 2–7 recommends that 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; and
- through interactive means, including a national telephone helpline and a national web-chat service.

JFA Purple Orange submits that, while this is a good starting point, these formats should also include versions in Easy English and video and audio versions and be co-developed with people living with disability and their families.

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<sup>5</sup> [http://www.wdv.org.au/documents/WDV%20Violence%20Position%20Paper%20\(web%20version\).pdf](http://www.wdv.org.au/documents/WDV%20Violence%20Position%20Paper%20(web%20version).pdf)

There are good multi-access legal assistance video resources being developed at a state level that can also be drawn upon. One example is ‘Rights on Show’, a new legal education resource about rights with police developed by the Legal Services Commission of South Australia.<sup>6</sup> This resource has been specifically made for people living with intellectual disability and cognitive impairment. Rights on Show is available to anyone who wishes to learn more about their key rights when they are first in contact with the criminal justice system. Similar accessible resources could be developed about the family law system.

### **Recommendation 2**

The family law information package should include versions in Easy English as well as video and audio versions and be co-designed by people living with disability and their families.

## **6.2. Proposal 4: Getting Advice and Support**

Proposal 4–1 recommends that 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.

Proposal 4–4 recommends 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, responds to local needs, and builds on existing networks and relationships between local services.

While we agree with the establishment of community-based Family Hubs, it is important that the Australian Government work closely, not only with the service providers listed above, but also the end users of the hub, being families and young people. In particular, co-

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<sup>6</sup> [https://lsc.sa.gov.au/cb\\_pages/rights\\_on\\_show.php](https://lsc.sa.gov.au/cb_pages/rights_on_show.php)

design with people living with disability and parents living with an intellectual disability, who may find it more difficult to get information, will be essential to ensure the hubs are accessible to all.

As detailed above, the *SA Commissioner for Children and Young People: Report on Children and Young People in the Family Law System August 2018* outlined the key messages expressed by children and young people involved in the family law system.<sup>7</sup> These include the message that children want ‘people in the system to be kind, listen and believe what we say.’

JFA Purple Orange recommends robust training and accreditation for family law system professionals and hub workers to enhance their competency in working with parents and children living with disability and that this work and training be led by people living with disability.

### **Recommendation 3**

Ensure the Families hubs are co-designed with children and parents living with disability and in particular parents living with an intellectual disability and staffed by well-trained, competent workers so that the hubs are inclusive and accessible to all.

### **6.3. Proposal 6: Access**

JFA Purple Orange supports Proposal 6–12 that the Australian Government should ensure that all family court premises, including circuit locations and state and territory court buildings that are used for family law matters, are accessible for people living with disability.

### **6.4. Proposal 8: Reducing harm**

JFA Purple Orange supports Proposal 8–1 that the definition of family violence in the Family Law Act 1975 (Cth) should be amended to:

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<sup>7</sup> <https://www.ccp.com.au/wp-content/uploads/2018/08/Family-Law-Report-Final-27-08-18.pdf>

- clarify some terms used in the list of examples of family violence and to include other behaviours (in addition to misuse of systems and processes (Proposal 8–3)) including emotional and psychological abuse and technology facilitated abuse; and
- include an explicit cross-reference between the definitions of family violence and abuse to ensure it is clear that the definition of abuse encompasses direct or indirect exposure to family violence.

JFA Purple Orange submits that people living with disability and family members are more vulnerable to abuse and family violence as they are often placed in passive recipient roles due to being dependent on others to provide the supports they need. This vulnerability can be further heightened by the fact that people living with disability may not speak up about abusive situations due to the fear of being punished in some way.<sup>8</sup>

The importance of highlighting situations that can result in people living with disability experiencing family violence is further supported by the ALRC’s paper *Family Violence: Improving legal frameworks* which suggests that family violence legislation could refer to “the particular problems faced by victims with disabilities because of their dependence on others for support, the compounding effect of their disability on their lack of power and control in a relationship, and the fact that their disability is exploited by their abusers.”<sup>9</sup>

JFA Purple Orange agrees that family violence legislation should expressly acknowledge that economic abuse is a form of family violence.

People living with disability can be particularly at risk of having their economic resources abused due to being dependent on others, having impaired decision-making capacity and not being afforded sufficient control of their finances by family members, proxies, or service systems.

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<sup>8</sup> The Julia Farr Association submission to the Australian Law Reform Commission’s Family Violence Inquiry 2010

<sup>9</sup> Australian Law Reform Commission 2010, *Family violence: Improving legal frameworks*, ALRC, Sydney NSW, p. 214, <http://www.alrc.gov.au/inquiries/current/family-violence/CPS1/CollatedSummaryPaper.pdf>

Proposal 8–2 recommends that the Australian Government should commission research projects to examine the strengths and limitations of the definition of family violence in the Family Law Act 1975 (Cth) in relation to the experiences of:

- Aboriginal and Torres Strait Islander people;
- people from culturally and linguistically diverse backgrounds; and
- LGBTIQ people.

Further research is also needed into the needs and experiences of people living with disability, including children and young people, in relation to domestic and family violence and the family law system. In particular, consideration should be given to women living with disability and to the prevention of abuse and harm. An enquiry into the use of restrictive practices is also needed.

In its report *An advice on the intersection of family violence and family law issues*, the Family Law Council - Family Violence Committee reiterated the need for a common knowledge base:

“There needs to be an evidence base for understanding family violence and its impacts, and for interventions with people affected by family violence.

There is often a gap between expert knowledge about adult and child well-being, and what is known and readily accessible in the community. It is also clear that community understanding is assisted by case study “stories” as much as by statistics and concepts.

All sectors must be aware of research findings in the area of family violence, and the impacts of family violence on children and their carers. The research needs to be translated into practical applications for all professionals working with families. Council is of the view that there needs to be a common knowledge base that can be accessed by those assisting people affected by family violence. Council recommends that the common knowledge base be continually assessed, developed and updated

to reflect ongoing research and experiences of those involved in the family law system.”<sup>10</sup>

The World Health Organisation (WHO) states that:

“Both children and adults with disabilities are at much higher risk of violence than their non-disabled peers, according to two systematic reviews recently published in the Lancet. The reviews were carried out by Liverpool John Moores University’s Centre for Public Health, a WHO Collaborating Centre for Violence Prevention, and WHO’s Department of Violence and Injury Prevention and Disability. These are the first studies to confirm the magnitude of the problem and they provide the strongest available evidence on violence against children and adults with disabilities. They also highlight the lack of data on this topic from low- and middle-income countries.”<sup>11</sup>

#### **Recommendation 4**

That proposal 8-2 be amended to include commissioned research into the needs and experiences of people living with disability, including children and young people, in relation to domestic and family violence and the family law system.

### **6.5. Proposal 9: Supported decision making**

JFA Purple Orange supports Proposal 9-1 that the Family Law Act 1975 (Cth) should include a supported decision making framework for people living with disability to recognise they have the right to make choices for themselves. The provisions should be in a form consistent with the following recommendations of the ALRC Report 124, Equality, Capacity and Disability in Commonwealth Laws:

- Recommendations 3–1 to 3–4 on National Decision Making Principles and Guidelines; and

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<sup>10</sup> *Family Law Council - Family Violence Committee: An advice on the intersection of family violence and family law issues Dec 2009*

<sup>11</sup> <https://www.who.int/disabilities/violence/en/>

- Recommendations 4–3 to 4–5 on the appointment, recognition, functions and duties of a ‘supporter’.

This is required under the UNCRPD which sets out:

- rights for people with disability to recognition before the law, to legal capacity and to access to justice on an equal basis with others, and
- a general principle of respect for inherent dignity, individual autonomy, including freedom to make one’s own choices, and independence of persons.

It also aligns with the Australian Governments’ commitment to the National Disability Strategy, which includes ‘rights protection, justice and legislation’ as a priority area for action. It addresses the fact that there is currently no provision in the Family Law Act for decision making supports to be provided to people living with disability.

Any change in the Family Law Act must ensure that people living with cognitive disability are provided with the freedom and the tools to participate as equal citizens and for every individual to be free to direct their own life. It is important that there is a way of supporting a person to make decisions without that person losing ownership of those decisions.

JFA Purple Orange notes that while proposal 9-1 provides for a broader framework it is important to also build in capacity for individual support in different situations. Research has found that support that worked for one person around one type of decision did not necessarily work in a different situation. A certain type of support can be enabling in one situation but restrictive in another.<sup>12</sup>

### **Recommendation 5**

Any supported decision making framework aligns with the United Nations Convention on the Rights of Persons with Disabilities and the National Disability Strategy, and people living with cognitive disability guide the design and practice of research as well as the implementation of supported decision-making.

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<sup>12</sup> La Trobe University Living with Disability Research Centre: The process of supported decision making: learning from the experiences of people with intellectual disabilities and their supporters in Canada.

## 6.6. Proposal 9: The NDIS

Through the National Disability Strategy (NDS), all levels of government in Australia have committed to a vision of “an inclusive Australian Society that enables people with disability to fulfil their potential as equal citizens”.<sup>13</sup> Importantly, the NDS aims to improve the accessibility of mainstream services for people living with disability. Access and inclusion are key to people living with disability and their families taking up valued membership of community life as contributing citizens.

Like all Australians, people living with disability face challenges with relationships and parenting and need to be appropriately supported through the mainstream programs funded by government. As stated in the NDS, governments must ensure that “universal personal and community support services are available to meet the needs of people with disability, their families and carers.”<sup>14</sup>

Proposal 9.6 recommends that:

“The Australian Government should work with the National Disability Insurance Agency (NDIA) to consider how referrals can be made to the NDIA by family law professionals, and how the National Disability Insurance Scheme (NDIS) could be used to fund appropriate supports for eligible people with disability to:

- build parenting abilities;
- access early intervention parenting supports;
- carry out their parenting responsibilities;
- access family support services and alternative dispute resolution processes; and
- navigate the family law system.”

While we agree that more should be done to support families living with disability in all the areas noted in Proposal 9.6, we do not agree that this should be funded through the NDIS.

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<sup>13</sup> COAG (Council of Australian Governments) (2009), *National Disability Agreement*, p 22, Canberra.

<sup>14</sup> COAG (Council of Australian Governments) (2009), *National Disability Agreement*, p 49, Canberra.

Under the NDIS, the community services system continues to have responsibility for population-wide programs and statutory services including family support and counselling, parenting skills programs and family relationships services.<sup>15</sup> It is the responsibility of the community services and family law system to ensure that the supports they provide are appropriate to people living with disability, it is not the responsibility of the NDIS to ensure this.

There is a risk with the focus on the NDIS that mainstream service providers and the community more broadly may feel that people living with disability are already “looked after” and adequately funded through the NDIS, and therefore don’t require support through mainstream services. This view is not consistent with the NDS and all levels of government need to take active steps through program design and implementation to ensure that mainstream services are inclusive of and adequately provide support to people living with disability.

#### **Recommendation 6**

All levels of government need to take active steps through program design and implementation to ensure that mainstream services are inclusive of and adequately provide support to people living with disability. This is not the role of the NDIS.

### **6.7. Proposal 9: Forced sterilisation**

Involuntary or forced sterilisation is a serious violation of human rights. We agree with the recommendation of the United Nations Committee on the Rights of Persons with Disabilities to adopt uniform national legislation prohibiting the sterilisation of people living with disabilities in the absence of their prior, fully informed and free consent.

JFA Purple Orange submits that it is unacceptable that non-therapeutic sterilisation can occur in the absence of consent by the woman on whom it is being performed. This area of human rights requires further protection. JFA Purple Orange joins the Committee on the

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<sup>15</sup> See ss7.12(b) of the *NDIS (Supports for Participants) Rules 2013* and <https://www.ndis.gov.au/families-carers/family-supports.html>.

Rights of Persons with Disabilities (CRPD) and the Committee on the Elimination of Discrimination against Women (CEDAW) in stating that a human rights-based approach is required that safeguards the reproductive choice and autonomy of all women, including women living with disability.

In relation to the welfare jurisdiction of the Family Law Act 1975 (Cth), JFA Purple Orange joins Domestic Violence Victoria and other disability and human rights organisations in recognising forced sterilisation as a violation of human rights and a form of violence against women, and calls for ‘a prohibition on involuntary or forced sterilisation of girls unless there is a serious threat to life’ to be reflected in a new version of the legislation.<sup>16</sup>

#### **Recommendation 7**

That an additional legislative safeguard be incorporated in the Family Law Act 1975 (Cth) that ‘prohibits the involuntary or forced sterilisation of girls unless there is a serious threat to life.’

### **6.8.Proposal 10: Parents living with disability**

Proposal 10–13 states that the Family Law Act 1975 (Cth) should provide that, where concerns are raised about the parenting ability of a person with disability in proceedings for parenting orders, a report writer with requisite skills should: · prepare a report for the court about the person’s parenting ability, including what supports could be provided to improve their parenting; and · make recommendations about how that person’s disability may, or may not, affect their parenting.

JFA Purple Orange strongly supports the fundamental rights of parents with a disability to live with and raise their children and to be able to access assistance from the community to parent successfully. This should include support for parents through the NDIS.

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<sup>16</sup> [http://dvic.org.au/wordpress/wp-content/uploads/2018/05/Review-of-the-Family-Law-System\\_Issues-Paper\\_Domestic-Violence-Victoria\\_14.5.18.pdf](http://dvic.org.au/wordpress/wp-content/uploads/2018/05/Review-of-the-Family-Law-System_Issues-Paper_Domestic-Violence-Victoria_14.5.18.pdf)

In its report *Whatever happened to the village, the removal of children from parents with a disability*, the Victorian Office of the Public Advocate laments the fact that the provisions of the UNCRPD have not been translated into Australian law:

“The CRPD provides for parental rights, including the rights of parents and children not to be separated against their will on the basis of a parent’s disability. However, the provisions of the CRPD in relation to parenting have not yet been translated into Australian law and policy on family law or child protection. It is commendable that, under the National Disability Insurance Scheme (NDIS), parents with disability will be eligible for support to fulfil their parenting roles.”<sup>17</sup>

The Family Law Act should be amended to fully implement the provisions of the UNCRPD as it relates to parental rights. In addition, the Australian Government must ensure that parents living with disability have an equal opportunity to participate in mainstream parenting support programs, services, and activities.

#### **Recommendation 8**

The *Family Law Act 1975 (Cth)* should be amended to fully implement the provisions of the United Nations Convention on the Rights of Persons with Disabilities as it relates to parental rights.

As the Intellectual Disability Rights Service (IDRS) in NSW states on its website:

“Parents with intellectual disability, like all parents, need the right support to parent effectively. Parents with intellectual disability may need more support than other parents, and it is important parents are linked with appropriate support services. Tailoring services to address the learning needs of people with intellectual disability greatly increases the likelihood that they will benefit from interventions.

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<sup>17</sup> *Whatever happened to the village, the removal of children from parents with a disability*, the Victorian Office of the Public Advocate 2013

This is very important when considering intervention for parents before the Children’s Court in care matters. There are very few specialised services for parents with intellectual disability. However, if practitioners understand how to tailor services, mainstream agencies can provide families with the assistance they need. Service providers need to take into account the particular learning needs of parents when designing and implementing services and programs.”<sup>18</sup>

JFA Purple Orange recommends investment in peer-to-peer parenting support. Research in Sweden has shown that peer support is a valuable and appropriate source of support and help for parents who live with disability. “Peer support groups were thought to be beneficial for performance evaluation, exchange of information and coping with a problem.”<sup>19</sup>

### **Recommendation 9**

That the ALRC proposes additional investment in peer supports for parents who live with disability as a mechanism for building parenting capacity when and if needed.

## **7. Conclusion**

JFA Purple Orange appreciates the opportunity to provide comment on the Australian Law Reform Commission’s Discussion Paper on the Review of the Family Law System.

We believe that successful families come in all shapes and sizes, and of course include families where there is a family member living with disability. It is not helpful to assume that a family must struggle simply because a family member lives with disability.

All families learn together and grow together. Families that include a person living with disability may at times need assistance on that journey, such as through information, capacity building, leadership, planning and peer support.

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<sup>18</sup> <https://ids.org.au/what-we-do/parents-with-disability/lawyers>

<sup>19</sup> Mc Hugh, E. (2015). Implementing a program for parents with intellectual disability: Peer support as an interactive support system

People living with disability and family members are the best experts in understanding their own needs and aspirations, and therefore should be central to the continuing co-design of a new family law system.

We would welcome the opportunity to meet with the Australian Law Reform Commission to discuss the submission contents in more detail.