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|  | **Submission to the Australian Law Reform Commission Review of the Family Law System**  |

CatholicCare welcomes the review of the Family Law System and has previously provided a submission to the issues paper from CatholicCare Victoria and Tasmania (CCVT) and has made a contribution to the discussion paper as part of the Partnerships Victoria FRC Network submission. However, in recent discussions with senior staff and information provided by our current Family Law Services team, CatholicCare would like to briefly highlight the specific issues for prisoners for consideration as part of this important review process.

**About CatholicCare**

Established in 1935, CatholicCare has provided support and assistance to the vulnerable and marginalized, responding to the changing needs of the community with a commitment to addressing social disadvantage. Today CatholicCare provides family and relationship services, relationship courses, school and education support, refugee and asylum seeker support and a wealth of pastoral services.

With over 380 staff and volunteers in 12 offices, CatholicCare’s geographical reach covers all of Greater Melbourne and Geelong, extends west to Melton, north to Castlemaine and includes all of Gippsland. Some of our programs operate state-wide.

Our services are funded through a mix of State and Federal government contracts, philanthropic grants, income from fees and investments, and contributions from donors and supporters.

**Review of the Family Law System**

Over the last 12 months, CatholicCare has provided support to more than 12,000 individuals across Victoria. Our staff and volunteers provide us with data and information reflecting the impact of family breakdown across our community. These number include:

* 8,516 individuals supported across Family and Relationship Services
* 896 Family Relationship and Family Law Counselling clients
* 765 Parenting Orders Program clients
* 549 individuals supported in Gippsland
* 470 Family Dispute Resolution clients

Regardless of the specific nature of our programs, we are asked to respond to the needs of individuals and families requiring assistance with a broad range of issues including family relationship counselling and family legal services, many of whom have been unable to access other supports. However, for the purposes of this consultation, CatholicCare would like to draw close attention to the needs of prisoners and ex-prisoners and more generally, those who come into contact with the criminal justice system, and urges the review of the Family Law System to take into account the needs and likely program responses to this growing number of individuals.

**Prisoners in Victoria**

As at 11th January 2019, there were **8,116** prisoners in Victorian prisons, comprising 7,523 males and 593 females; 5,047 sentenced and 3,069 un-sentenced prisoners. 37.8 per cent of the total prison population was on remand (3,069 prisoners).

Current prison statistics indicate that 32.8 per cent of male prisoners are either married or in a defacto relationship and 26.8 per cent of female prisoners are either married or in a defacto relationship.

A report written by the Australian Institute of Health and Welfare (AIHW) in 2015, noted almost half (49%) of all prison entrants experienced low levels of psychological distress during the four weeks immediately preceding entry to prison, and almost 1 in 3 (31%) had high or very high levels of distress. Of those experiencing “a lot” of distress, 13 per cent of people identified family and community relationships as the key issue. The report also notes significantly higher number of females experiencing “a lot” of psychological stress when compared to their male counterparts.

Significant documentation notes the impact of imprisonment on family relationships. There are also multiple reports noting the high levels of family violence, abuse, substance abuse and mental health issues evident in the prison population. Finally, there is a strong correlation between homelessness and crime: the number of prisoners released into homelessness in Victoria more than doubling between 2011/12 -2016/17, to 43,751 prisoners in 2016/17.

**CatholicCare’s Prison Ministries**

CatholicCare is proud of its status as a major provider of prison chaplaincy services across Victoria. Employed CatholicCare chaplains work in each of the 15 prisons in Victoria and also in the two youth justice precincts at Parkville and Malmsbury. These positions are supported by our own fundraising in addition to government and private funding. Paid chaplains are supported by more than 80 volunteer chaplains, and all are supervised and coordinated through CatholicCare’s pastoral care ministries team. Over the last financial year (2017/18) CatholicCare’s prison ministries provided almost 14,000 hours of support to people in prison.

CatholicCare chaplains provide both qualitative and quantitative data reflecting their interactions with prisoners on a daily basis. Whilst the role of professional services and staff across the prison system is greatly valued, the CatholicCare chaplains see their role as founded in the development of a positive relationship with prisoners as needed, often described as delivering kindness and a listening ear at a time in people’s lives when they are in need of companionship and hope. This is very different to the required outcomes and planning required of many other support services.

The CatholicCare chaplains assert that the review of the Family Law System should consider the provision of services to people in prison as a specific issue. Chaplains regularly encounter prisoners who disclose to them, often for the first time, a range of issues regarding their relationships with family members and the community. Discussions regarding relationship breakdown, contact with children whilst incarcerated, cultural needs and the loss of family and community connections are regularly raised, as are issues related to experiences of sexual abuse, family violence, depression, mental illness, and self-harm.

From time to time, chaplains are able to refer prisoners to other CatholicCare programs. Not always, but often, these services are requested as prisoners prepare for release. Examples include assistance in identifying realistic contact or connection with children, reconciliation with family members, and counselling to support prisoners through a range of disclosures which may occur in the context of a prisoner chaplain relationship.

Support is provided either by phone or in prison. On the basis of previous experience, CatholicCare is strongly committed to assisting families and communities of people in prison and is establishing a specific program to meet their needs.

The critical relationship with families and the community in contributing to the successful integration of prisoners back into the community is well recognised by CatholicCare services. The provision of Family Law Services to people in prison may well contribute to the reduced likelihood of recidivism which is of significant benefit to individuals, families and the entire community.

**CatholicCare recommendations for The Australian Law Commissions’ Review of Family Law Systems**

CatholicCare recommends the following to the ALCR of Family Law Systems:

1. CatholicCare recommends the inclusion of people in prison as a specific group for consideration within the review
2. Strong consideration is given to the provision of Family Law Services to people in prison, by identifying programs of most relevance and providing the most effective outcomes to prisoners and their families, in particular children.

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