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Question 15

I am a Regulation 7 Family Report writer as well as an expert report writer. I am very aware that family violence is a very sensitive topic for the court to deal with. Most of the reports that I write involve allegations of family violence. I think that the court often has to deal with very difficult issues related to allegations of family violence and there is already a great deal of thought given to this area. I do not think there is a definition that captures all aspects of humans behaviour. The issues faced by the court are not in my opinion often related to precise definitions but to conflicting accounts./ perceptions and narratives of different parties. Family separation is nearly always associated with conflict of some sort and the definitions and assessment need to balance a wide range of factors in deterring risk to children. In real danger that the very high standards of work done by many report writers can easily be undermined by vociferous complaining by some dissatisfied litigants, whereas those who feel that their matters have been fairy resolved often go unheard. I would suggest that it would be helpful to have better links between local courts, which grant AVOs and the Family courts. This may requires some changes in legislation. There are 2 very important factors which I have seen lead to considerable problems after the granting of an AVO. Firstly, when a person simply agrees to an AVO, often because they have no access to legal advise, and then later attempts are made in the family law arena to use this AVO as proof of past family violence. Secondly, when children are added onto an AVO, sometimes on the basis of a one off report to police by one or other parent who are often involved in heated conflict. Although in some cases this is absolutely necessary to protect the wellbeing of children, I have also seen it used in high conflict cases to prevent one parent seeing a child for long periods of time whist the AVO is heard etc.

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I also provide specialist family therapy and have successfully worked with parents who have been disqualified form mediation on the basis of family violence but who are actually capable and often want to pursue a mediated solution ( usually once the heat of the conflict has died down a little0 as long as this can be done safely. Although this is a difficult area. I do think there should be an option available to these parents to access other service to facilitate resolution of their parenting conflicts

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Question 23

I actually think that the court goes out of its way to try and support people who have experience family violence and abuse. Going to court is intrinsically stressful and often distressing and people's accounts of what they report occurred may need to be challenged to ensure fairness. Probably one area that does need changing is where the alleged abuser is a self represented litigant and this gives them the right to cross examine their ex partner in the court. Some litigants, particularly those who may have personality disorders or mental health difficulties, can then use this process to re-traumatise their ex partner. Whilst there is a need to balance the right to a fair/due process for everyone whether self represented or not in the Court, there is also a need to put in place boundaries around this. I think in some cases the Judge may be very concerned to prevent an appeal against any ruling that they make by the self represented litigant ( a proportion of whom are quick fixated/litigious) and may thus err too much on the side of caution in allowing certain lines of questioning. This would require some sort of legislative change or change in guidelines to address.

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I routinely interview children as part of the process of writing family reports. I would like to say that the vast majority of the children that I see leave my office feeling that their voices have been heard and their opinions considered. I think this is true of most family report writers and child inclusive mediation processes. The interviews are child focussed and the environment in my office child friendly. I would very much like not to see a system in place where children are expected to attend court or talk to Judicial officers.

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Question 36 I think every effort is now used to ensure children's voices are heard.

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As a Regulation 7 Family Consultant I am aware that both I my peers, who do this type of work are nearly all extremely experienced clinical psychologists, psychologists, psychologists and social workers. many with very long carers during which they have worked with children and families. As part of the process of being appointed to do Regulation 7 work we have had our credentials checked, our reports proof read and had to undertaken mandatory training, most recently for example in the implementation of a routine family violence screening questionnaires. As a clinical psychologist I am duty bound to only practice within my area of competence. Although it may be useful to have some more structured process of accreditation for report writers, I think it is important not to over structure this and to assume that completing a specific prescribed course necessarily ensures some sort of expertise in an area without consideration of a range of other factors. Again I am concerned that vocal complainants can undermine public confidence in a system and that many of the report writers who I have seen criticised have had their reports questioned, not become they have erred or been biased, but because the complainant has not got what they want from the Court. As in any field, there will be some variation in the quality of reports produced and experts can make mistakes when tyring to evaluate very complex information. The same is true of the vast majority of expert report writers. My only concern is that there are a number of experts who seem to almost exclusively write reports for the family law jurisdiction and this may lead them to loosing sight of some of the wider issues.

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Other comments?

I know that there are aspects of the family law that needs fine tuning and reviewing but there is a lot of good things in the system. This includes models for excellent interagency cooperation and liaison, for example through organisation such as GSFLP. An emphasis of skill development and inter professional working through organisations such as AFCC. As a Clinical Psychologist, Regulation 7 Family Report writer and expert I also know that the colleagues who I interact with who do this type of work, ensure that they attend regular PD, give great thought to the reports that they write and take their responsibility for ensuring the wellbeing of children very seriously.

File

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