

30 September 2015

Professor Helen Rhoades
Chair
Family Law Council

Dear Chair

Family & Relationship Services Australia (FRSA) welcomes the opportunity to provide input to the Family Law Council's terms of reference, numbers three to five, concerning opportunities for enhancing collaboration and information sharing between the family courts, family relationship services and other relevant support services.

In this submission the term post-separation services refers to community-based, not-for-profit organisations funded by the Commonwealth under the Families and Communities Programme to deliver family law services, specifically Family Relationship Centres, family dispute resolution, family relationship counselling, children's contact services and post-separation parenting programs (such as the parenting orders program, post-separation cooperative parenting, and supporting children after separation).

By way of background, FRSA is the national representative body for 182 not-for-profit organisations that provide family and community services to approximately 400,000 clients from 1,300 outlets across Australia each year. Of relevance to this submission is the fact that member organisations receive a mix of federal, state and local government funds to deliver the following services that clients of the family courts utilise such as:

- Children's Services including Children's Contact Services
- Post-Separation Parenting Programs
- Family Relationship Counselling
- Family and Domestic Violence Services
- Family Dispute Resolution Services (FDR)
- Family Relationship Centres (FRC)
- Men's Services
- Youth Services
- Drug and Alcohol Services, and
- Mental Health Services.

The Council's terms of reference are of direct relevance to member organisations that deliver post-separation services. Of the 48 organisations that receive Commonwealth funding under the Families and Communities Programme to deliver FDR, 47 are FRSA members; and all but one of the 54 organisations that receive funding for FRC services are FRSA members. In 2013-14, Government-funded post separation services assisted 201,266 clients, namely

- 91,081 at FRCs, 28,292 at FDR and regional FDR services, 53,471 at children's contact services, 6,623 at Post Separation Parenting Programs, 10,973 at Family Law Counselling Services, and 11,026 at Supporting Children after Separation Services.
- In 2012-13, the top three presenting needs were post-separation parenting, dealing with relationship difficulties and conflict (DSS 2012-13 Data report).

- These figures do not include unregistered clients (ie those who did not consent to providing data); and those that attended family relationship counselling (106,577 clients); or clients assisted through the Family Relationship Advice Line (which responded to 61,514 calls for information and advice and 12,601 calls for legal advice, and held 4,262 telephone and online dispute resolution sessions).

In drafting this submission reference has been made to the Council's *Interim Report In response to the first two terms of reference on Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems (July 2015)*, and Professor Richard Chisholm's *The Sharing Of Experts' Reports Between The Child Protection System And The Family Law System, (March 2014)* and *Information-Sharing In Family Law & Child Protection Enhancing Collaboration (March 2013)*. FRSA supports the recommendations contained in these reports.

This submission also draws on responses collected through a survey, conducted by FRSA in September 2015, of post-separation services delivered by our members. FRSA received 44 responses, mostly from practitioners (55% FDRs, 25% counsellors, and 5% legal and 2% children's practitioners). Fourteen per cent of responses were received from CEOs of relatively large organisations (ranging from 50-250+ staff).

The main service types delivered by survey respondents were FDR (57%), relationship counselling (16%), post-separation services (9%), children's contact services (9%) and legal and other services (9%). Just over half of survey respondents were from metropolitan areas (55%), and over a third from regional areas (36%). The remaining respondents were from rural and remote areas (9%). Just under half indicated that the primary court they had worked with over the course of a year was the Federal Circuit Court (48%), followed by the Family Court (38%). The remaining respondents indicated working with the Family Court of WA (6%) and Magistrates' Courts (7%). Children's courts were not identified. The survey was reviewed by FRSA's Board and a copy is at **Attachment 1**.

Reference has also been made to *the Families and Communities Programme Guidelines (June 2014)*, the *Operational Framework for Family Relationship Centres (May 2014)*, the *Children's Contact Services, Guiding Principles Framework for Good Practice (May 2014)*, *A Guideline for Family Courts and Children's Contact Services (September 2015)* and the *Families and Children Activity Administrative Approval Requirements (June 2014)*. These operational documents define the aim, objectives, service parameters and requirements that must be met by organisations funded by the Commonwealth to deliver post-separation services. For instance, the aim and objectives of the Families and Communities Programme are to provide integrated services for families to achieve improved child, youth, adult and family wellbeing.

Family Law Services are required to have an early intervention and prevention focus and ensure that:

- all families are provided with the information they need about service options available
- vulnerable families are actively connected to services and supports, and
- children and families at risk of harm receive a timely and well-coordinated response from those who can keep them safeⁱ

This submission is underpinned by these operational guidelines and FRSA's following values namely:

- respect and safety, where everyone has a right to enjoy respect and safety in all of their relationships
- respect for the rights of children and young people, where children and young people have the right to safety and their voices being heard when adults make decisions that affect them, and
- quality and commitment to high professional standards and continuous improvement in service delivery.

The benefits of post separation services, and accessing them early, have been demonstrated in numerous evaluations, reviews and longitudinal studies over the years. Rather than reiterate these findings, a list of the relevant research and evaluations can be found at the [appendix](#) to this submission.

A recent evaluation of post-separation service clients found that over half reported a positive impact on understanding children's needs, that services helped their children experience less conflict and that they helped parents reach outcomes that were in their child's best interests. More than half reported that parenting agreements were workable and that they were equipped with the skills for future resolution of issues.ⁱⁱ

The following points summarise the observations made in this submission, based on members' feedback and a review of the relevant literature, namely that:

- the family law and child protection sectors are under-resourced and require additional funding to operate in a collaborative way to ensure that decisions are made in the best interests of the child and that all parties are safe
- additional resourcing is required for family consultants and Independent Children's Lawyer (ICL) to engage directly with post-separation services
- court staff need to engage more directly with post-separation services ie through family law pathways networks
- standardised service agreements and client consent forms need to be developed and evaluated
- multi-disciplinary service models should be piloted and evaluated (co-ordinated FDR pilot, collaborative law etc)
- there is a willingness amongst post-separation services to improve information sharing to facilitate courts when making decisions that are in the child's best interests
- there is a need, as a minimum, to maintain funding of specialised family violence services, and funding for these services should be increased in recognition of the longer term benefits gained through therapeutic intervention
- there is a need to investigate current avenues of information sharing available to courts through s60I certificate, court-ordered FDR, counselling and post-separation parenting programs
- reference should be made to children's contact service guidelines and best practice frameworks for guidance on how information sharing between courts and post-separation services can be enhanced
- the DSS expert panel should be funded to review common screening and risk assessment tools used across family law and child protection systems to identify best-practice and develop a translation matrix of risk assessment across the sector
- intake, assessment and case file notes remain confidential and not admissible in courts unless the current statutory exemptions apply
- additional information sharing should only occur through the development of researched and evaluated templates; sufficient time and resources must be made available to support the sector when implementing such changes, and reference should be made to obligations under the Privacy Act
- the court system should explore the capacity of post-separation services to provide expert report to courts
- recommendations from the ICL evaluation should be implemented
- recommendations from the family law pathways network evaluation should be implemented
- recommendations from the Allen Consulting Group (now ACIL Allen Consulting) 2013 report on family law (post-separation) services should be implemented, and
- an independent, external evaluation of expert report writing should be conducted, with findings made publicly available (the evaluation should address consistency, process of selection, cultural competency and working with family and domestic violence).

It should be noted that any changes to a system of this size requires comprehensive consultation, costing, feasibility analyses and time (transitional arrangements) for implementation; and that such changes should be followed up with a comprehensive evaluation.

The following information is provided in response to the Council's Discussion Paper.

1. Family relationship services: confidentiality, information sharing, collaboration. How can the exchange of information between the family courts and family relationship services (such as family dispute resolution services, counselling services and parenting order programs) be improved and facilitated in a way that maintains the integrity of therapeutic service provision?

The Wicked Problem – Getting the Balance Right

Much has been written on confidentiality and admissibility in the family law system and getting the balance right between client confidentiality and the need for courts to have relevant information. ⁱⁱⁱ There is general agreement that confidentiality increases the likelihood of clients being open, frank and willing to negotiate or work therapeutically through their issues. Within this context, it should also be remembered that the majority of cases are resolved by the parties themselves, sometimes with the help of legal and post-separation services, without going to court.

Information sharing is complex due to the fact that separating families with complex needs often have matters before multiple jurisdictions (family court, state courts, children's courts) and are engaging with multi-disciplinary practitioners, each with their own professional and statutory obligations. Lawyers have a duty to represent their client's interests and these clients may have conflicting views on what constitutes the best for their children.^{iv}

In the case of *UnitingCare-Unifam Counselling & Mediation & Hawkins and Anor*[2011] FamCAFC 159, the Family Court set aside a subpoena seeking the production of counselling notes even though both parties had given their consent. Unifam successfully submitted that such documents were not compellable under sections 10D, 10E and 69ZX of the *Family Law Act 1975* (the Act). Unifam considered that this action was necessary to respect the integrity of family counselling providers in order to maintain their effectiveness, and that there was an ongoing need to protect confidentiality so that clients had a safe place to discuss and work through their personal issues and vulnerabilities without fear that this information would be shared with the court, unless the exceptions applied.^v

In addition to satisfying legislative requirements, post-separation service providers must also comply with Standard 12 of the DSS Approval Requirements concerning client confidentiality and privacy which requires that clients understand the type and purpose of client information maintained and used by services; and the circumstances under which the confidentiality of client data may not be maintained. The standard also covers storage of client records.^{vi}

Information Sharing Mechanisms Already in Place

There are currently some mechanisms in place between the courts and post-separation services that facilitate information sharing. Just over half of the FRSA survey respondents indicated that they have provided information to the courts on a 'sometimes-often-always' basis over the course of a year. Under the Act, counsellors and FDR practitioners may share relevant information with ICLs if this information helps them achieve what is in the best interests of the child (s10D(4)(f) & s10H4(f)). This requires practitioners to distinguish between what is useful information and what is inadmissible as two separate issues. There is potential for counsellors and FDR practitioners to assist the ICL in terms of where to look for evidence and identify what issues should be addressed in, for example, an expert report, without this shared information being directly used in evidence against the clients. ^{vii}

Interestingly, 77% of survey respondents indicated that, over a one year period, their involvement with ICLs fell into the 'never – rarely – sometimes' categories. The remaining 23% fell into the 'often- always' categories. These responses may be related to the type of service provider, namely that ICLs may be likely to work with children's contact services which comprised 18% of survey respondents.

As defined by the courts, family consultants may be used by the family and federal circuit courts to help parties resolve disputes, advise the courts and give evidence, write and provide reports to the courts, and advise the courts about services provided by government, community and other agencies.^{viii} 93% of survey FRSA respondents indicated that, over a one year period, their involvement with family consultants fell into the 'never – rarely – sometimes' categories. However, 84% of respondents indicated that referrals from courts (ie through court orders) fell into the 'sometimes-often-always' categories, suggesting that contact between the courts and post-separation services is primarily through court orders, rather than personal interaction with family consultants.

Under certain conditions, the courts may order a party to attend post-separation parenting programs (s.70NEB). Providers of these services must report to the court if the person is unsuitable to attend or continue with the program; or has failed to attend or continue with the program (s.70NED). Evidence of anything said is not admissible, unless the exceptions apply (s.70NEF).

Registered FDR practitioners currently issue S60I certificates indicating the outcome of attempted family dispute resolution. While the information contained on the certificate is limited to that prescribed under the Act, half of FRSA survey respondents felt that more information should be included (such as why mediation was not suitable), while the other half felt that no changes should be made.

Finally, children's contact services often deal with clients presenting with court orders and/or with requests for information from the parent, the parent's lawyer, an ICL or court-appointed expert. Two guidelines have been developed, over time and in consultation with services, courts and government, to inform good practice and information sharing with the family courts.

The *Children's Contact Service Guiding Principles Framework for Good Practice (May 2014)* sets out the role and objectives of the services noting that "...there are inherent tensions in the sector that place competing demands on children's contact services. Expectations of the courts, legal representatives, the clients and the children's contact service may often be conflicting and the service may not be able to offer exactly what each party requires or expects".^{ix}

A *Guideline for Family Law Courts and Children's Contact Services (August 2015)* sets out direction for managing court orders to children's contact services, report writing and subpoenas. For instance, the chapter on court orders recommends that judges be consistent with the model orders available in the judicial bench-book and consider whether it is appropriate for relevant information to be made available to the children's contact service (ie family report or experts' report) when making such orders.^x Guidelines also cover when contact services are requested by a parent, the parent's lawyer, or an ICL to provide written reports which are limited to information on: dates and times of the child and the parents' attendances at the service including the intake and assessment process; a factual note of any observations including critical incidents whilst the child and parents were using the service; and whether the parents have complied with the Service Agreement.^{xi} The guidelines note that judicial officers should, if requested to authorise issuing a subpoena, carefully consider the necessity of the subpoena particularly if the subpoena orders a witness to give evidence. This is because complying with a subpoena can impact adversely on the ability of the contact service to provide its core service. And, where possible, judicial officers should consider any application to permit a contact service worker subpoenaed to give evidence by telephone, at a date and time arranged in consultation with the contact service.^{xii}

In general, a subpoena should add to the evidence of a case and therefore have a legitimate forensic purpose. If evidence sought cannot be admitted, there is no purpose in sending the subpoena. FDRs and counsellors could consider negotiating with the issuer to reach agreement on what would be considered forensic material so that legitimate forensic material may then be communicated.^{xiii} Subpoena templates have been developed to assist with this process.^{xiv}

Where to from here?

All of the above circumstances are potential opportunities to improve information sharing and flag potential ways for doing these between the courts and post-separation services.

In general, there is support for the view that what happens in counselling and FDR is inadmissible, with important exceptions;^{xv} and that where safety is at stake, disclosure should override confidentiality.^{xvi} It is also clear that a level of confidentiality and admissibility must remain so as not to jeopardise a system that works well for the majority of clients who are able to resolve their disputes without going to court. It is also important that post-separation services do not end up becoming a pool for collecting legal evidence.^{xvii} While just over three-quarters of FRSA survey respondents indicated that the confidentiality and admissibility provisions should not be repealed (77%), almost 70% felt that the provisions could be amended to improve information sharing. However, all respondents were of the view that particular aspects of counselling and FDR should remain confidential (ie intake, assessment, case file notes).

Given the complexity with getting the balance right, we recommend that the Attorney-General's Department commission a review of what information sharing is required to improve outcomes for children and families; and work with the sector and the courts to ensure that appropriate processes are put in place to support this work eg legislative amendment (if required), guidelines for service delivery, templates. A review is essential to ensuring that changes do not create unintended consequences that impact negatively on clients, the quality of service provision or the capacity and capability of the sector to respond to change. Further, it is important to ensure that the desire to increase information sharing does not in fact compromise the integrity of the mediation and FDRP services. Additional resources should also be made available to increase the capacity of family consultants and ICLs to have more direct contact with post-separation services. For instance, areas for improvement include greater clarity on what information is being sought when subpoenaed (ie subpoena should add to the evidence of a case and therefore demonstrate a legitimate forensic purpose); a clearer indication of when FDR and counselling begins (ie ss10H and 10J apply to an FDR conducting FDR and the Act does not explicitly state whether information gathered at intake from clients is admissible or not); the exercise of discretion on the part of post-separation services when both parties consent to the disclosure of their files; and exploring whether FDRs and counsellors could provide independent reports, as opposed to their files being subpoenaed.^{xviii}

2. Risk assessment in the family law system. What opportunities exist for ensuring the early assessment of risk to children in family law matters?

What we know about the client group

An evaluation of post-separation services found that the prevalence of family violence and child safety issues amongst the target population is very high, based on the incidence of stress, conflict and communication issues when presenting to services.^{xix} Longitudinal studies have also found that while a majority of separated parents made use of post-separation services and were generally satisfied with these services, most who reached agreement about their children believed that this came about mainly as a result of their own efforts. Successful post-separation negotiations over children were linked to good post-separation relationships between former couples; and the more problematic the post-separation relationship — especially if dysfunctional behaviours such as family violence/abuse had been experienced—the more parents relied

mainly on relationship-focused services, lawyers or the courts, to assist them to resolve matters.^{xx} Although the minority, these parents are more likely to have distant, highly conflicted or fearful relationships. In addition, these relationships generally reflect a history of dysfunctional behaviours before, during or after the separation, many of which involve family violence/ abuse. Reports of family violence/abuse are, in turn, frequently associated with mental health problems or addiction issues. ^{xxi} As observed, dealing with family violence is 'core business' for family dispute resolution practitioners and there is a sub-group of families with multiple issues. ^{xxii}

Family Violence - A National Legal Response, ALRC Report 114

In examining a national legal response to family violence in 2010, the Australian Law Reform Commission made 187 recommendations for reform. Recommendations 21 (Family Dispute Resolution), 22 (Confidentiality and Admissibility), and 23 (Intersections and Inconsistencies) are relevant to the Council's current terms of reference. FRSA notes that many of the Government's responses to these recommendations referred to the requirements for the Vocational Graduate Diploma of Family Dispute Resolution and the two screening tools funded by the Attorney-General's Department namely the Detection of Overall Risk Screen (DOORS); and a multidisciplinary training package titled *Addressing Violence: Education, Resources, Training; Family Law System Collaborative Responses to Family Violence* (AVERT).^{xxiii}

Operational Requirements of Post-Separation Services

In addition to satisfying legislative requirements, post-separation service providers must comply with *The Families and Children Activity Administrative Approval Requirements* which contain 15 quality service standards covering the key risk areas of governance, financial management, viability, performance and issues management. Two standards (9 and 13) cover staff and client safety respectively. Services are also required to immediately report to an appropriate agency or person if they have a reasonable suspicion of a current threat or actual harm in the form of:

- serious harm to the life or body of a person (noting the person's sense of danger and fear)
- the commission of a serious crime against a person, and
- child abuse and neglect. ^{xxiv}

Services must also recognise, immediately assess and take appropriate preventative action regarding situations of danger and physical harm involving clients, such as suicide threats, threats of serious self-harm and actual self-mutilation.

Additionally, Family Relationship Centres are required to comply with guidelines on safety policies, procedures and critical incidents. ^{xxv}The *Operational Framework for Family Relationship Centres* specifies that Centres must have safety and security plans in place; and that they adopt the common screening and risk assessment framework and tool known as the Detection of Overall Risk Screen (DOORS).

While these efforts go some way towards addressing the ALRC's recommendations in chapters 21-23, ^{xxvi} differences in approach will remain unless all professionals within the family law system adopt the same tool. Currently, different family dispute resolution models (and screening tools) are used by the legal aid commissions from state to state, and similar variations exist amongst community legal centres. These approaches are different again to those employed by the state and territory child protection agencies. As observed by Council, there is a risk of families being 'over-assessed' and 'emotionally worn down re-telling their stories' as they move between the child protection and family law systems; ^{xxvii} and the challenge remains for legal professionals, the majority of whom are specialists in a particular area of practice, to assist clients to navigate their way from one system to the next.^{xxviii} Two-thirds of survey FRSA respondents (66%) indicated that a common screening and risk assessment tool should be implemented across both the

family law and wider community and court sectors. However, this approach is only truly effective if a 'one-in, all-in' approach is implemented.

Rather than trying to impose one common screening and assessment tool (ie DOORS and AVERT) in a multi-disciplinary sector across the family law system, FRSA recommends that the Department of Social Services-funded Expert Panel be used to identify and assess the tools that are currently used across the system to identify best-practice. The Panel could also produce a translation matrix that enables all those within the family law system to understand and compare the respective ratings of each tools. Once best-practice tools are identified, resources should be committed to ensuring that regular training in the implantation of these tools occurs.

3. Services outside the family law system: information sharing. How can services such as child protection departments, mental health, family violence, and drug and alcohol services make relevant information available to the courts to support decision-making in cases where families have complex needs?

Under the *Families and Children Activity Administrative Approval Requirements (June 2014)*, all post-separation services are required to meet standard 14 on service design. This standard requires that the needs of each client be individually assessed so that appropriate assistance can be provided by the service itself, in collaboration with other services or through referral.

The organisation works to achieve continuous improvement in service delivery and professional practice. Referral pathways and protocols are core business for post-separation services. Just under half of FRSA survey respondents indicated that, over the course of a year, they have to provide information to the courts on a 'sometimes-often-always' basis. When respondents were asked to rank the most common sources of request, court orders and information from legal practitioners ranked were most common (48%), followed by court-appointed experts.

Referral pathways

Under the *Operational Framework for Family Relationship Centres (May 2014)*, referral guidelines have been developed for the centres and for referral to legal advice. The Operational Framework and DSS Approval Requirements balance the need to maintain client confidentiality and privacy while at the same time ensuring that the client's needs are met with the best possible outcomes. Member organisations have long-standing referral protocols, practices or MOUs with other related service providers in their catchment areas that outline the nature of the their referral partnerships.

2012-13 Family Support Program data identified that post-separation services most commonly referred to legal services (ie community legal centres, legal aid) and other funded family relationship services. An evaluation of post-separation services found that pathways were complex and varied, with access points through the family law system (ie courts and private lawyers), family/friends, FRCs or other community based services including doctors and counsellors.

FRSA survey respondents provided the following responses when asked to rank referral sources to post-separation services over the course of a year:

- 98% of referrals from 'self' fell into the 'sometimes-often-always' categories
- 84% of referrals from courts (court order etc) fell into the 'sometimes-often-always' categories
- 80% of referrals from private lawyers fell into the 'sometimes-often-always' categories
- 77% of referrals from Commonwealth-funded legal services (legal aid, CLCs) fell into the 'sometimes-often-always' categories
- 77% of referrals from other community-based services (drug & alcohol, mental health) fell into the 'sometimes-often-always' categories

- 73% of referrals from family & domestic violence services fell into the 'sometimes-often' categories
- 59% of referrals from child protection fell into the 'sometimes-often-always' categories

The high proportion of 'self' referrals aligns with the AIFS findings^{xxix} that those who have reached agreement about their children believed that this came about mainly as a result of their own efforts (with the help of services). Interestingly, child protection was the lowest recorded referral source, and referrals from legal services (both publicly funded and private) were high.

Survey respondents provided the following responses when asked to rank referral sources from post-separation services over the course of a year:

- 95% of referrals to other community based services (drug, alcohol and mental health) fell into the 'sometimes-often-always' categories
- 93% of referrals to health professionals fell into the 'sometimes-often-always' categories
- 91% of referrals to community legal centres fell into the 'sometimes-often-always' categories
- 91% of referrals to family & domestic violence services fell into the 'sometimes-often-always' categories
- 89% of referrals to legal aid fell into the 'sometimes-often-always' categories
- 89% of referrals to other in-house services fell into the 'sometimes-often-always' categories
- 84% of referrals to other family relationship services fell into the 'sometimes-often-always' categories
- 80% of referrals to child protection fell into the 'sometimes-often' categories
- 50% of referrals to courts fell into the 'sometimes-often' categories; and 50% fell into the 'rarely-never' categories
- 48% of referrals to private lawyers fell into the 'sometimes-often-always' categories

These responses suggest an active referral pathway system, with referrals to drug, alcohol, mental health and general health services occurring frequently, followed by referrals to Commonwealth-funded legal services and family & domestic violence services. Referral to courts and private lawyers were relatively low. Independent evaluation found that the co-location or proximity of some specialty post-separation services to FRCs could be improved to facilitate referrals ^{xxx}

Information held and/or needed to assist clients

When FRSA respondents were asked to indicate whether they provided expert reports to the courts, 97% said no.

While there is a level of information exchange between the courts and post-separation services, this is within the confines of the Family Law Act as prescribed through confidentiality, admissibility and other provisions (ie for post-separation parenting programs and ICLs). Survey respondents' primary concern is with regard to maintaining the safety of children, parents and staff throughout the service intervention; and in providing information to courts in a way that does not compromise the safety of all concerned. Suggestions to improve information sharing include clarifying what constitutes a communication made to the practitioner (specifically whether this includes screening and assessment); and some way of flagging high risk cases (ie perhaps providing screening and assessment information to family consultants). FRSA notes the observations previously made by Council that when making referrals to other professionals, sub-section 10J(4) of the Act requires FDR practitioners to inform these professionals of the inadmissible status of communications made to them to ensure that they are aware of this fact when receiving a referral; and that Council queried whether the inadmissibility provisions would apply to a second professional, if there is a subsequent referral.^{xxxi}

When survey respondents were asked to identify what information they needed from courts and child protection in order to do a good job, the most common source identified was court orders (82%), followed by information from child protection (73%), and then outcomes of referrals to other community agencies (such as mental health, drug & alcohol) (59%). Information from family consultants, ICLS and expert reports were further down the list (40-30%). Interestingly, although information from child protection ranked relatively high, referrals to and from child protection were relatively low. Survey respondents also indicated that the application form submitted as part of the AVO/DVO process was particularly useful in determining the level of risk and also avoided clients having to re-tell their stories. Family consultant and children's contact service reports were also useful but disclosure required consent from the parties. A comment was also made about court-ordered counselling and how the lack of clarity of orders (as to whether the sessions were joint or individual) created issues when managing client expectations and resistance, thereby potentially increasing risk.

Ideally, to assist client's needs and avoid traumatising them through the re-telling of information, information exchange should be through multiple channels, across the different agencies and not limited to information exchange from post-separation services and child protection to courts.

FRSA survey respondents were then asked to identify what information they needed from other agencies to do a good job. The most common information source identified was family and domestic violence (84%), followed by mental health services (68%), drug & alcohol services (52%); and schools (27%) and community health services (23%). This aligns with the common referral pathways identified to other services. A minority of respondents indicated that they did their own assessment and, consequently, did not need other information to assist clients. The majority indicated that information from other agencies was useful for identifying and assessing the level of risk and preparing for the mediation process.

Assisting the courts to make decisions in the child's best interests

FRSA survey respondents were also asked to consider what information they held that might, in their view, assist the courts' decision-making processes. The minority (16%) considered that no information currently held by practitioners would further assist the courts, largely because the information had been obtained directly from clients (and is the client's interpretation), for the purposes of assessing suitability of FDR and not as evidence. In summary, the courts have processes available to them, such as subpoenas, to obtain additional information. Legal practitioners commented on client professional privilege and of acting on behalf of a client's instruction. This meant that information would only be provided to court on a client's instruction (and subject to the lawyer's overall duty to the court). The majority of respondents indicated that the following additional information could be provided:

- with regard to S60I certificate – further information on why mediation was not suitable (although noting earlier statistics that only half of respondents felt that additional information should be provided through certificates); such information could include communication style, behaviour (positional, resistant) and client's capacity for change
- risk assessment material
- outcomes from post-separation parenting and behavioural programs. Information does not need to be limited to attendance but could include an exit report identifying outcomes in terms of change and skills learnt, and
- with regard to children's contact services - independent, observational reports on supervised visits, as well as reports drafted after each visit.

In general it was noted that community services usually have a longer-term therapeutic relationship with clients and this could potentially provide another dimension to the courts' expert/family consultant reports.

FRSA survey respondents identified that the following was needed to improve the information exchange with courts when assisting families with complex needs:

- a direct point of contact, between courts and providers, such as a case manager; the case manager could enter into a service agreement which would cover information sharing, confidentiality definitions etc.
- court-ordered reports by FDRs
- a template to enable courts to identify high risk cases early
- a consistent and high level of awareness of the processes and programs available to ensure that appropriate and effective referrals were made by courts
- more collaborative practice, particularly with lawyers and police (wording of AVOs etc)
- greater communication between post-separation services and ICLs
- greater communication/ warm referrals between post-separation services and family consultants
- a full list of services that the family has engaged with
- where notification was made to child protection, a copy of that report to the court, and
- courts to be able to access child protection files early in proceedings (thereby enabling the judicial officer to direct further subpoenas in the case where more extensive discovery was needed and/or to allocate resources to the children such as an ICL or Family Report).

Barriers to sharing information

FRSA survey respondents were asked to identify the barriers that currently existed to sharing information across the family law system. Many referred to:

- confidentiality provisions (and that each profession had its own definition/professional obligations in this regard)
- jurisdictional issues between federal and state laws
- federal law – privacy law, family law
- state law - children’s matters/child protection, criminal law/family violence
- organisational policies
- client mistrust
- not knowing or being aware of all of the organisations/entities involved with a particular case, and
- the lack of child protection intervention in family law proceedings

Some suggested that ways forward included further research on the impact of lessening the confidentiality provisions on therapeutic intervention, developing standardised consent forms and court portals (across jurisdictions), enabling users to identify the status of cases.

What should remain confidential?

Nearly all of the respondents to FRSA’s survey indicated that all notes associated with the FDR process, including intake / assessment and case file notes should remain confidential (including what may be discussed with a supervisor). Many felt that this was essential to the therapeutic process. Many felt that to disclose this information would put clients at risk; and that clients were less likely to provide their full history (and therefore gain the benefits of the more therapeutic intervention such as counselling), if they thought that this information was admissible. FDR practitioners indicated that their role was to assess suitability for FDR; and that this did not go to testing the veracity of claims made by the client. For this reason, information should not be admissible. Some respondents indicated that some information could be shared, such as a summary of the key themes, current risks, level of engagement, attendance, behaviour and outcomes. Respondents also noted the likelihood of increased subpoenas and the resulting preparation, supervision, consultation with lawyers and costs on the organisation. Currently, the

majority of survey respondents (65%) indicated that subpoenas occurred in the 'never (20%)-rarely (29%)-sometimes (37%)' categories. Very few (15%) indicated that they were subpoenaed often or always, which is not surprising given the admissibility provisions. Those who were more likely to be regularly subpoenaed were often involved with ICLS (at children's contact services).

There remains some concern about the lack of clarity with regard to the definitions of counselling and FDR and the reference to a 'process', with no specification of the steps involved (eg intake, assessment). Another suggestion was to amend provisions so that parties could agree to have evidence admitted if agreed, in relation to the conversations held at FDR, in later court proceedings.

FRSA supports the recommendations made by Professor Richard Chisholm on collaborative practice and the exchange of information between the family law system and children protection system^{xxxii}.

4. Supporting children where safety concerns are identified. What services are needed to support families and children who use the family law system where child safety concerns are identified?

As outlined earlier, dealing with family violence is 'core business' for family dispute resolution practitioners and there is a sub-group of families with multiple issues. ^{xxxiii} Members consider that families with complex needs – such as family violence, child safety, mental illness and substance abuse - need holistic, multi-disciplinary responses with solutions that address both legal and psychosocial issues in parenting disputes.

Specialised Family Violence Services

In April 2015, the Government decided to continue annual funding of \$2.4M to 23 organisations to deliver specialised family violence services from 27 locations to July 2017. Many of these services were developed in consultation with local magistrates' courts and provide crisis and longer-term therapeutic interventions – the type of assistance that courts are no longer resourced to provide. In 2012-13, 4576 clients were assisted, of which 11% were Aboriginal and Torres Strait Islander and 52% were on income support. Services were often delivered alongside other family support and dispute resolution services thereby providing an holistic, wrap-around service to clients presenting with complex needs at family relationship services. These services are much needed and assist at-risk families at difficult and challenging times in their lives. Funding should be brought into line with 5-year funding cycles for the other post-separation services.

Co-ordinated family dispute resolution

Feedback from stakeholders suggests that there may be a greater role for FSP family law services in supporting people with family violence issues including collaboration with legal assistance services in delivering FDR, effective use of technology and adapted mediation methods. ^{xxxiv}

Complex families present significant challenges for the family law system and require significant and informed dispute management, including legal and other advocates. ^{xxxv} Examples of these services include AccessResolve, a lawyer-assisted mediation service delivered by Relationships Australia Vic and the Family Mediation Centre.

Members consider that a coordinated approach to legally assisted and supported family dispute resolution in family violence cases is required. FRSA calls for the funding of a 2012 pilot for co-ordinated family dispute resolution, which had been withdrawn, to be reinstated.

The Attorney-General's Department piloted a legally assisted approach in five locations and evaluated it in 2012. The process applied a multiagency, multidisciplinary setting to provide parents with a safe, non-adversarial and child sensitive approach to resolving post separation parenting disputes. An evaluation of a coordinated family dispute resolution pilot (by AIFS) highlights the complexities in delivering services in multi-agency, multidisciplinary settings. The 2012 evaluation found that while coordinated family dispute resolution practice is complex, most of the professionals and clients of the service were positive about the process ^{xxxvi}(Kaspiew, R., 2012, p.xi). Where mediation is handled carefully, the process can be safe and empower parents to make appropriate arrangements for their children (Kaspiew, R., 2012, p.xii). The evaluation recommended the development of practice guidelines and use of a uniform risk assessment framework (which has since been developed); as well as a further evaluation, within an appropriate time. Funding for the pilot has since ceased.

FRSA strongly recommends the development of practice guidelines as recommended in the evaluation. Further to the matter of a uniform risk assessment framework, FRSA has already made more detailed recommendations about this issue highlighted in this submission under "Operational Requirements of Post Separation Services" on pages 8 & 9.

Child inclusive and child focussed practice

Members believe that all services working with families should be resourced and trained to adopt a child aware approach. In light of the awareness that parental problems such as substance misuse, mental illness and family or domestic violence are often related to negative outcomes for children, it is essential that services put the needs, views and aspirations of children and young people at the core of their work to improve child and family wellbeing and safety. AIFS has published the Good Practice Guide to Child Aware Approaches that explains the five core philosophies and 10 key principles underpinning Child Aware Approaches. It provides practical guidance for those working with vulnerable children and families and to inform policies, procedures and practices within organisations.

Where services are resourced and clients assessed as appropriate, child-inclusive approaches to service delivery (such as that delivered by Family Transitions), are supported so long as the intervention is conducted by trained practitioners.

Importance of research and data collection

Practice in this area should be continuously informed by feedback from children on their experiences. Ideally, this information should be collected directly from the child and, due to its sensitive nature, only by experts. Council is referred to the Important research on working with children being undertaken by the [Institute of Child Protection Studies](#) (Professor Morag McArthur) and the [Australian Centre for Child Protection](#) (Professor Fiona Arney).

Additionally, given the lack of data and difficulty that arises from different data definitions across the jurisdictions, Council is referred to the work of the Civil Justice Evidence Base Data working group (funded by AGD, although its current status is unclear).

It is also essential that the DSS minimum data set, collected through the Data Exchange, include data items for domestic and family violence.

Council is also referred to the 21 research projects that have been funded by Government under the [ANROWS Research Program 2014-16](#). Of particular relevance to these terms of reference is research project 4.1 *Improving legal and justice responses to violence against women* (Queensland Centre for Domestic and Family Violence Research) and project 4.5 *Integrated child protection and domestic and family violence approaches and practice* (The PATRICIA Project: Pathways And Research In Collaborative Inter-Agency working). Although

these works are relevant to the broader family law system it is unclear if advisory groups include representation from the court systems.

FRSA survey respondents were asked to identify the services needed to support families and children who use the family law system where child safety issues are identified. The majority of respondents referred to the need to increase the capacity of child protection agencies and for:

- access to therapeutic intervention (counselling)
- case-conferencing
- multi-disciplinary services
- parenting programs/ post-separation parenting programs
- support groups for parents whose children are taken into care
- child safety casework/child specialists
- children's counselling services
- early intervention services eg programs for early intervention to work on re-building relationships or preparing for separation (many women in relationships where domestic violence occurs are not aware that what they are experiencing is domestic violence)
- behavioural change programs, and
- maternal and/or early childhood health services.

Survey respondents were asked to identify what screening and assessment tools were currently used. The majority indicated that 'in-house' tools were used, followed by DOORS. The third group used state-government developed tools (used for DV, child protection). For those that had indicated that a common risk assessment tool should be used across the family law system, the benefits included:

- all players being on the same page''
- having a common understanding and consistency, and
- reducing the likelihood of clients having to re-tell their story

However, some survey respondents cautioned that the tool itself was only as useful as the skills of the person using it. Some also commented that screening and assessment was not just the domain of community services and that lawyers and the courts should have better intake and assessment frameworks to help facilitate service delivery and referrals. Another limitation of a common tool was the possibility of losing the nuances of each service, potentially leading to erroneous assumptions or missing relevant and vital information

5. Services outside the family law system: collaboration. How can interaction between the family courts and relevant services, including child protection departments, family violence, mental health services, drug and alcohol services and support services for Aboriginal and Torres Strait Islander families, be enhanced?

The majority of FRSA survey respondents indicated that there was a need for greater collaboration and coordination across the family law system (84%).

Family Law Pathways Networks

In 2012-13, the Attorney-General's Department funded 36 networks an annual amount of \$2.8M to support, at a local level, the development of a co-ordinated family law system that assists separated and separating families to promptly and seamlessly access legal services and human services. The pathways networks are diverse in geographic size, population density and number of separate population centres. Their six core objectives are to develop and maintain: strong links with locally based providers, appropriate referral mechanisms, shared understanding of the roles of network members, awareness of services and training available, cross-sector training, ways to share information, and inter-network coordination and support.^{xxxvii}

The Attorney-General's Department has recently approved multi-year funding agreements to the Family Law Pathways Networks (FLPN) which will improve their capacity to plan for future services. An independent review of the networks found that they are achieving their broad objectives, with very strong feedback about the positive impacts within the family law system. However, it was noted that the main barriers to participation in network activities are the pressure of workloads and distance. Some networks have also found it difficult to recruit or retain members from

- child protection
- mental health services
- drug and alcohol, and
- domestic and family violence.^{xxxviii}

The pathways have facilitated cross-professional development and training. However, most of these events have focussed on screening and assessment.^{xxxix} A wider range of topics could be covered if other agencies, such as child protection, were more actively involved. The pathways also facilitate a 'kiosk' or similar information-provision point at courts unless this role is being undertaken by other means (such as by the FRC or by suitably-informed registry staff). The review found that staffing kiosks required a considerable outlay of time and effort and that to be effective, the role and objectives of the kiosk must be clearly defined and agreed at the outset. Council is referred to a review of the ACT and Region FLPN Community Referral and Information Service (CRIS) by Winkworth in 2012^{xl} which highlighted the importance of all parties being clear about the purpose of the service and ensuring that all parties had a shared commitment and understanding of activities prior to commencement.

In summary, FRSA supports the following recommendations outlined in the Independent Review of Family Law Pathways Networks and calls on Government to resource and implement them:

- increase cross-sectoral training
- develop and maintain local directories
- provide Information kiosks at courts
- develop action plans to ensure Aboriginal and Islander and CALD representation on networks
- where funding is available for state-wide 'inter-network communication', all networks within the state should collaboratively develop a single work-plan detailing the agreed state-wide activities
- hold a regular national meeting of project officers, and
- create a national network facilitator role^{xli}

Integrated responses for families with complex needs. Case co-ordination for families with complex needs. How might a more co-ordinated legal system for families with complex needs be created?

Case Co-ordination

Research indicates that living within a high conflict environment has severe negative effects on children and families. This means that it is critical that early assessment and identification occurs across the family law system, regardless of a client's entry point. Individuals and families must also be able to access early assistance (such as counselling and dispute resolution) to reduce the likelihood of high conflict escalating to violence. Ideally, a case-managed approach should be adopted. Although FRCs were not funded specifically to apply a case-management model, the Operational Framework contains guidelines on community engagement, co-operative and collaborative service delivery, referral processes and what information should be made available to clients about other services.^{xlii}

There are structures in place to implement a case-management model (for instance at courts and post-separation services). However, survey results indicate that there is little contact between family consultants and post-separation services. This suggests that family consultants are operating to capacity within the confines of court processes and orders, and are not sufficiently resourced to take on a broader case management role (ie walking clients through other relevant systems such as health, housing, child support) while navigating their way through court processes. Similarly, although Centres have referral pathways with relevant support services in their catchment areas, they have no capacity to take on additional tasks.

FRSA survey respondents were asked to identify where they thought case co-ordinators should be placed. Almost equal numbers stated courts and FRCs, while a minority felt that case co-ordination should sit with a legal service (eg legal aid, CLC). Some respondents felt that the case co-ordinator should operate at arms' length to the service and should be able to co-ordinate across state and federal jurisdictions and services.

Integrated responses for families

A recent evaluation of post-separation services found that service linkages with the family law system are generally well developed but vary across locations and organisations. In terms of coordination across the wider community services system, there may be opportunity to promote local integration through intergovernmental communication such as between AGD, FaHCSIA and the Australian Government Department of Human Services (DHS).^{xliii}

A literature review by Allen Consulting Group (now ASIL Allen Consulting) identified the following examples of good collaborative practice:

- co-location of post-separation services, as well as with other family support related services;
- improved coordination and collaboration fostered through the establishment of Family Law Pathways Networks;
- improved professional relationships between FDR practitioners and family lawyers; and
- improved networks with the Family Court that better links specialised services with the client and enabling quicker and less adversarial outcomes (eg Dandenong Project) ^{xliiv}

When asked to identify examples of good collaborative practice, FRSA survey respondents named the following:

- case conferencing
- multi-agency domestic violence integrated responses (Qld)
- working closely with local DV services, police and local courts
- legally assisted mediation
- co-ordinated family dispute resolution
- co-location/service hubs
- the FRC legal assistance partnerships program,

- Northern Territory and South Australia Family Safety Frameworks
- New South Wales Family Referral Services, and
- RAMP (risk assessment management model, Victoria), where the most high risk cases in relation to FV are assessed at a local level and appropriate safety and case management responses are actioned immediately with high level decision makers involved in the case.

In conclusion, FRSA reiterates our recommendation that the Attorney-General's Department commission a review to determine exactly what information sharing is required to improve outcomes for children and families. Such a review should be undertaken in close consultation with the sector and the courts to ensure that appropriate processes are put in place and that changes do not create unintended consequences that impact negatively on clients or undermine the quality or integrity of service provision, or capacity and capability of the sector to respond to change.

Thank you for this opportunity to prepare a submission for Council's consideration. Please do not hesitate to contact me if you require any further information on the material outlined in this submission.

Yours sincerely



Jackie Brady
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Appendix: List of relevant evaluations, research projects and data

Australian Law Reform Commission, (2010), Family violence – A National Legal Response, Final Report (ALRC Report 114, NSWLRC Report 128), accessible at http://www.alrc.gov.au/sites/default/files/pdfs/publications/ALRC114_WholeReport.pdf

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Qu, L., Weston, R., Moloney, L., Kaspiew, R., Dunstan, J., (2014). Post-separation parenting, property and relationship dynamics after five years, Australian Institute of Family Studies, accessible at <http://www.ag.gov.au/FamiliesAndMarriage/Families/FamilyLawSystem/Pages/Familylawpublications.aspx>

The Allen Consulting Group, May 2013, Research on Family Support Program Family Law Services, Final Report to Attorney-General's Department, accessible at <http://www.ag.gov.au/Publications/Pages/ResearchOnFamilySupportProgramFamilyLawService>

Endnotes

- ⁱ Families and Communities Programme, Families and Children Guidelines Overview, June 2014, Department of Social Services, Australian Government, p. 6
- ⁱⁱ The Allen Consulting Group, May 2013, Research on Family Support Program Family Law Services, Final Report to Attorney-General's Department, p. x
- ⁱⁱⁱ Examples include Family Law Council's submission to NADRAC, Issues Paper - Confidentiality, Admissibility, Practitioner Immunity and Conduct Obligations in ADR Processes (2010)
- ^{iv} Scott, M., (2012), *Confidentiality and Admissibility on the Family Law System – shared values and competing interests*, Family Law Pathways Network, Greater Sydney, p.7
- ^v Ibid., p. 4
- ^{vi} Department of Social Services, Families and Children Activity Administrative Approval Requirements, July 2014, accessed on 17 September at <https://www.dss.gov.au/our-responsibilities/families-and-children/programs-services/family-support-program/families-and-children-activity-administrative-approval-requirements>
- ^{vii} Marhinin, J, Practical Background and Perspective, Part 2, *Confidentiality and Admissibility on the Family Law System – shared values and competing interests*, Family Law Pathways Network, Greater Sydney, p.11.
- ^{viii} <http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/reports-and-publications/publications/Child+Dispute+Services/family-consultants>
- ^{ix} Children's Contact Services, Guiding Principles Framework for Good Practice, April 2014, p.2, accessible at https://www.dss.gov.au/sites/default/files/documents/06_2014/childrens_contact_services_guiding_principles_framework_for_good_practice.pdf
- ^x A Guideline for Family Law Courts and Children's Contact Services (August 2015),p.5
- ^{xi} Ibid, p.11
- ^{xii} Ibid, p.12
- ^{xiii} Marhinin, J, op.cit, p.13.
- ^{xiv} A subpoena template has been developed by Watts McCray lawyers and Anne Rees SC (no Honourable Justice Anne Rees of the Family Court of Australia) on behalf of UnitingCare Unifam, referred to in *Confidentiality and Admissibility on the Family Law System – shared values and competing interests*, Family Law Pathways Network, Greater Sydney.
- ^{xv} Chisholm R., *Confidentiality and Information-Sharing In Family Law Dispute Resolution: Aspects of Current Law, Policies and Options*, unpublished. Prepared as a resource document for participants at the 2011 FRSA Conference, p.1
- ^{xvi} Scott, M., (2012), *Confidentiality and Admissibility on the Family Law System – shared values and competing interests*, Family Law Pathways Network, Greater Sydney.
- ^{xvii} Scott,M., op.cit, p. 4
- ^{xviii} Scott,M., op.cit, p. 9
- ^{xix} The Allen Consulting Group, op.cit. p.xi
- ^{xx} Qu, L., Weston, R., Moloney, L., Kaspiew, R., Dunstan, J., (2014). Post-separation parenting, property and relationship dynamics after five years, Australian Institute of Family Studies, accessible at <http://www.ag.gov.au/FamiliesAndMarriage/Families/FamilyLawSystem/Pages/Familylawpublications.aspx>, p. 43
- ^{xxi} Qu, L., op.cit, p.44
- ^{xxii} Qu, L., op.cit, p.xvi
- ^{xxiii} AVERT family violence: collaborative responses in the family law system training package, accessed on 14 September 2015 at <http://www.ag.gov.au/FamiliesAndMarriage/Families/FamilyViolence/Pages/default.aspx>
- ^{xxiv} Department of Social Services, op.cit, p.6
- ^{xxv} Operational Framework for Family Relationship, May 2014, Attorney-General's Department accessible at https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CBwQFjAAahUKEwiCvOyV-IvIAhVBt6YKHVpdBZc&url=https%3A%2F%2Fwww.ag.gov.au%2FFamiliesAndMarriage%2FFamilies%2FFamilyRelationshipServices%2FDocuments%2FOperational%2520Framework%2520for%2520Family%2520Relationship%2520Centres.pdf&usg=AFQjCNGKmvxxZXLkP5KqlcRKUtp-0_ScHA&sig2=0V0DIS2bveNkvpaKiy8Bnw&bvm=bv.103388427,d.dGY

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- ^{xxvi} Australian Law Reform Commission, (2010), Family violence – A National Legal Response, Final Report (ALRC Report 114, NSWLRC Report 128), accessible at http://www.alrc.gov.au/sites/default/files/pdfs/publications/ALRC114_WholeReport.pdf, Recommendation 22-2 states that The Australian Government Attorney-General's Department, in consultation with family dispute resolution practitioners and family counsellors, should develop material to guide family dispute resolution practitioners and family counsellors in determining the seriousness of a threat to an individual's life, health or safety, and identifying when a disclosure may be made without consent. Such guidance should also encourage family dispute resolution practitioners and family counsellors to address the potential impact of disclosure on the immediate safety of those to whom the information relates, and for that purpose: (a) refer those at risk to appropriate support services; and (b) develop a safety plan, where appropriate, in conjunction with them
- ^{xxvii} Family Law Council (2015), Interim Report to the Attorney-General In response to the first two terms of reference on Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems, accessible at <https://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Documents/Family-Law-Council-Interim-Report-Family-Law-and-Child-Protection.pdf>, pp30-31.
- ^{xxviii} Ibid, p39
- ^{xxix} De Maio, J, Kaspiew, R, Smart, D, Dunstan J. and Moore, S, *Survey of Recently Separated Parents: A Study of Parents Who Separated Prior to the Implementation of the Family Law Amendment (Family Violence and Other Measures) Act 2011*, Australian Institute of Family Studies, Melbourne, 2013
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- ^{xxxii} Information sharing in family law and child protection – Enhancing Collaboration (April 2012) and The sharing of experts' reports between the child protection system and the family law system (March 2014)
- ^{xxxiii} Qu, L., op.cit, p.xvi
- ^{xxxiv} Allens Consulting, op. cit, p.xi
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- ^{xxxvii} Encompass, (2012), Independent Review of Family Law Pathways Networks, Final Report, Canberra: Attorney-General's Department. accessible at <https://www.ag.gov.au/FamiliesAndMarriage/Families/FamilyRelationshipServices/Documents/IndependentReviewoftheFamilyLawPathwaysNetworks.doc>, Executive Summary, p.i
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- ^{xxxix} Ibid, p 34 Many networks facilitated or delivered the AVERT Family Violence training in 2011-12.
- ^{xl} Winkworth, G., Review of the ACT and Region FLPN Community Referral and Information Service (CRIS), 2012
- ^{xli} Ibid, p.vi-viii
- ^{xlii} Operational Framework for Family Relationship Centres, op.cit, pp30-38.
- ^{xliii} The Allen Consulting Group, op.cit, p.x
- ^{xliiv} The Allen Consulting Group, op.cit, p.62