

Training Session Plan

Legal Frameworks
One-Day Program

AVERT
FAMILY VIOLENCE



**Collaborative Responses in
the Family Law System**



An Australian Government Initiative

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Training Session Plan - Legal Frameworks

Program Title: Legal Frameworks

Program Length: One day.

Intended Participants: Non-lawyers working within the Family Law System

Program Learning Outcomes:

- Knowledge of family violence legal definitions and relevant legislation
- Knowledge of changing legal and socio-political perspectives on family violence
- Understanding of the concepts of therapeutic jurisprudence, restorative justice and collaborative law
- Awareness of the impact of parenting arrangements upon families where violence is an issue

Pre-Course Activities:

Ensure participants receive:

- Pre-Course Evaluation* form
- Pre-reading: AVERT Paper: *Dimensions, Dynamics and Impact of Family Violence*

Room Setting and Equipment: It is recommended that this program be run with a group size no bigger than 25 and the tables should be arranged in “Cabaret” style allowing participants to work in small groups. Equipment necessary for the program includes:

- Video projection
- Whiteboard

Facilitator Preparation:

The AVERT Family Violence Training Package is a multi-disciplinary training package that will be delivered to different professions with different skill sets. Facilitators should tailor the package for their particular audience and context. The package has been constructed with an assumption that an experienced trainer from within relevant professional groups will deliver the training.

Prior to delivering the program, it is essential for the facilitator to view all the video resources and read all the papers that are indicated for use in the session plans. These are listed for quick review at the end of this document and are located on the website under For Trainers/ Resources/ By Type. It is also recommended that facilitators practice any of the activities



that are unfamiliar to them. This will assist in having a thorough understanding of the materials and being well prepared to answer any questions that participants may raise. This preparation also provides an opportunity for the facilitator to clarify any hesitations or queries they may have with any aspect of the training. Family violence can be an emotional and controversial topic in many groups. Practicing ways of responding to anticipated reactions will assist in the creation of a quality education experience.

When tailoring a package for a particular audience, facilitators may need to prepare some of their own PowerPoints and Handouts, drawn from the facilitator notes and general materials. A template PowerPoint and Fact Sheet is provided for this purpose on the website under Resources/ By Type/ Learning Materials.

Named fact sheets, discussion papers and resources for training exercises are all provided and can be found on the website under the program title. Points to emphasise are indicated in the session plans as well as in the detailed outline of training exercises.

All exercises, fact sheets, PowerPoints, discussion papers and course evaluation forms can be found on the website under Resources/ By Type.

Program timing in the session plan is a rough estimate and is based on a group of between 20 – 25 participants. However, the level of participation of each group necessarily impacts the amount of time that each activity will take. It is envisaged that each facilitator will know which exercises need to be curtailed if the program is running over time.

In many cases various sections of the Video Resources have been broken up into chapters (e.g. Scenarios; Overview of Family Law system). The appropriate chapters for specific exercises within the training programs are indicated as required. Chapters are listed under Resources/ By Type on the website. Click on the chapter required to start viewing.

Handouts for the Program:

A folder of additional reading can be provided for each participant containing the following AVERT Discussion Papers:

- Legal Frameworks*
- Responding to Diversity*
- Screening, Risk Assessment and Safety Planning*
- Prevention Strategies: Involving and Engaging Perpetrators*
- Multidisciplinary Collaboration and Integrated Responses to Family Violence*



| TIME | ACTIVITY SEQUENCE & FACILITATOR NOTES | RESOURCES REQUIRED |
|--------|--|---|
| 45 min | <p>Welcome and Introductions</p> <p>Introduction of facilitator.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Acknowledgement of Indigenous custodians of the local area. <input type="checkbox"/> 'Housekeeping' and timeframe details. <input type="checkbox"/> Present the Learning Outcomes for this program and ensure that everyone has received the pre-reading and completed the pre-course evaluation. <input type="checkbox"/> Collect the completed <i>Pre-Course Evaluation</i> forms. <input type="checkbox"/> Ask participants to say their name, work role and what they most want to gain from the program. Link participants' responses to the learning outcomes and/or the overall need for skills within the Family Law System to respond to family violence. <input type="checkbox"/> Show the presentation by <i>The Honourable Diana Bryant, Chief Justice</i>. Invite comments and reflections. | <p><i>Pre-Course Evaluation</i> forms</p> <p><i>Opinion Piece: Presentation by The Hon. Diana Bryant, Chief Justice on DVD 3</i></p> <p>PowerPoint: <i>Legal Frameworks Learning Outcomes</i></p> <p><i>Pre-Course Evaluation</i> forms</p> |
| 45 min | <p>Legal Frameworks</p> <p>The purpose of this exercise is to give an historical context to the changing nature of our legal frameworks in relation to family violence.</p> <p>Follow the detailed facilitator notes to conduct the <i>History Timeline</i> Exercise.</p> <p>This exercise will prompt a discussion about gender relations and the facilitator is encouraged to be familiar with the gender discussion in the <i>Dimensions, Dynamics and Impact of Family Violence</i> Paper.</p> <p>Note also that family violence as a legal issue sits within a complex framework of state and federal laws. The facilitator may wish to draw on material from within the <i>Legal Frameworks</i> Paper to further explain this.</p> | <p>Exercise: <i>History Timeline</i></p> <p>AVERT Paper: <i>Dimensions, Dynamics and Impact of Family Violence</i></p> <p>AVERT Paper: <i>Legal Frameworks</i></p> |
| 15 min | <p>Break</p> | |
| 45 min | <p>Summary Legal Framework</p> <p>This exercise will provide a snap shot of key elements of the legal framework for family law work where family violence is an issue.</p> | <p>Exercise: <i>Legal Quiz without answers</i></p> |



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|----------------------|---|--|
| | <ul style="list-style-type: none"> <input type="checkbox"/> Distribute a copy of the Legal Quiz (without answers) to each participant and ask them to answer the quiz in small groups. <input type="checkbox"/> Talk through the answers as a whole group. (Prizes for tables who get more than 75% of the answers correct are an option for this exercise.) <p>Allow time for discussion.</p> <p>Emphasise:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Family violence sits within a complex framework of laws across different jurisdictions. <input type="checkbox"/> Family violence sits within a changing historical and social context and the law reflects this, which requires legal practice to keep pace. <input type="checkbox"/> Family violence proceedings are laden with ethical issues involving confidentiality, privilege, and conflicting duty of care. | <p>Exercise: <i>Legal Quiz with answers</i></p> <p>Refer to paper: <i>Legal Framework</i></p> <p>Sweets or Promotional materials such as pens, key rings etc as prizes (optional).</p> |
| <p>30 min</p> | <p>Analysing the Dynamics of Family Violence</p> <p>Present the <i>Definitions of Family Violence</i> PowerPoint as further explanation of the previous points.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Invite participants to reflect on whether legal concepts of family violence vary from socio-political ones and what the effect of this might be <input type="checkbox"/> Hand out a copy of the <i>Duluth Wheel of Violence</i> Fact Sheet to each participant and talk through the components of the Wheel. <p>Emphasise:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The significance of non-physical issues within family violence and social isolation in particular, as a result of living with family violence. <input type="checkbox"/> The tendency to see family violence as a series of contained and clearly observable ‘incidents’, when in fact it is a <i>pattern</i> of behaviour that involves the use of a range of tactics, as tools of power and control. This can be harder to ‘see’ than obvious physical abuse. <input type="checkbox"/> The need to be alert to the fact that family violence is experienced in many different forms. The experiences of persons from diverse cultural, socio-economic and geographical | <p>PowerPoint: <i>Definitions of Family Violence</i></p> <p>Factsheet: <i>Duluth Wheel of Violence</i></p> |



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|----------------------|--|---|
| | <p>groups and those in same-sex relationships or in family structures that do not emulate the nuclear family need to be acknowledged and responded to appropriately.</p> <p><input type="checkbox"/> Victims of family violence learn to ‘read’ the perpetrator of violence and know what is coming next. This anticipation is a major factor in controlling them.</p> | |
| <p>30 min</p> | <p><i>Private or Public Exercise</i></p> <p>Introduce this section with a statement on the high prevalence of family violence within Family Court cases (and hence its likely presence in Child Contact arrangements).</p> <p>Follow the detailed facilitator notes to conduct the <i>Private or Public Exercise</i>.</p> <p>Refer participants to AVERT Paper: <i>Dimensions, Dynamics and Impacts of Family Violence</i> for information regarding the prevalence, types and dynamics of family violence.</p> | <p>Exercise: <i>Private or Public</i></p> <p><i>Private or Public</i> Cards (from Exercise sheet)</p> |
| <p>45 min</p> | <p>Lunch</p> | |
| <p>45 min</p> | <p>Relevant Legislation</p> <p>Present a basic outline of relevant legislation as appropriate to the local State or Territory of the participants. Ensure the following elements are covered:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Family law <input type="checkbox"/> Criminal law <input type="checkbox"/> Protection order law <input type="checkbox"/> Child protection law <input type="checkbox"/> Criminal injuries compensation <input type="checkbox"/> Immigration law. <p>Emphasise:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The overlapping and sometimes contradictory nature of this legal system can be confusing for victims <input type="checkbox"/> Professional collaboration is essential to support clear and integrated responses to family violence that work across and between jurisdictions | <p>Refer to AVERT Paper: <i>Legal Frameworks</i></p> |



| TIME | ACTIVITY SEQUENCE & FACILITATOR NOTES | RESOURCES REQUIRED |
|--------|---|---|
| 45 min | <p>Parenting Arrangements and Family Violence</p> <p>Show <i>Vanessa's</i> Testimonial.</p> <ul style="list-style-type: none"> <input type="checkbox"/> What are the implications for parenting arrangements in this situation? <input type="checkbox"/> Discuss family law as well as State/Territory laws impacting on parenting arrangements. <input type="checkbox"/> What dilemmas in relation to parenting arrangement are created for practitioners once family violence is identified? <p>Emphasise:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The quality of parenting rather than time is central to an understanding of parenting arrangements. <input type="checkbox"/> Parenting arrangements require communication and trust <input type="checkbox"/> Parenting alliances that are flexible and able to respond to the unique factors in each child's life are necessary for parenting arrangements to work rather than rigidly defined arrangement usually required for safety <input type="checkbox"/> Parenting arrangements can be developmentally challenging for infants and pre-school children (McIntosh et al 2010) <input type="checkbox"/> Engaging both parents in order to support their parenting capacity and focus on the child, is critical for safety and to ensure a workable parenting arrangement. | <p>Testimonial: <i>Vanessa</i> on DVD 5</p> <p>Refer to <i>Legal Frameworks Paper</i> – ‘Parenting Arrangements’ section</p> <p>Also refer to and have a copy for each participant of the Integrated findings section of McIntosh et al (2010) <i>Post Separation parenting arrangements</i> (reference at the end of this program)</p> |
| 15 min | Break | |
| 45 min | <p>Alternative Dispute Resolution: Therapeutic Jurisprudence, Restorative Justice and Collaborative Law</p> <p>NOTE: Prior to conducting this exercise it is strongly recommended that the facilitator read the following articles:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Restorative Justice and Family Violence. Debating Paradigms of Justice for Family Violence.</i> Jenni Southwell. In: Domestic Violence & Incest Resource Centre Newsletter Spring 2003 <input type="checkbox"/> THE HON JOHN FAULKES Deputy Chief Justice, Family Court of Australia <i>Condemn the Fault & Not the Actor? Family Violence:</i> | <p>PowerPoint: <i>Therapeutic Jurisprudence, Restorative Justice and Collaborative Law</i></p> |



| TIME | ACTIVITY SEQUENCE & FACILITATOR NOTES | RESOURCES REQUIRED |
|--------|---|--|
| | <p><i>How the Family Court of Australia can deal with the fault and the perpetrators</i> (Paper presented at the Responding To Family Violence: National Perspectives –Local Initiatives 6 & 7 May 2010 Canberra) At : http://law.anu.edu.au/coast/events/FamLaw/audio_papers/faulks.pdf</p> <p><input type="checkbox"/> Stubbs, J, <i>Restorative Justice, Domestic Violence and Family Violence</i>, Australian Domestic & Family Violence Clearinghouse, Issues Paper, No.9 (2004). At : http://www.adfvc.unsw.edu.au/documents/Issues_Paper_9.pdf</p> <p><input type="checkbox"/> <i>Collaborative Practice in Family Law</i>. A report to the Attorney-General prepared by the Family Law Council. Commonwealth of Australia 2007.</p> <p>Present a brief overview of Therapeutic Jurisprudence, Restorative Justice and Collaborative Law using the PowerPoint</p> <p>Discuss the implications of these concepts for practice within the Family Law System.</p> <p>Consider – why is it helpful for non-lawyers to have an understanding of these concepts?</p> | |
| 15 min | <p>Closing Activity</p> <p>Ask participants to discuss in pairs what they have gained from the day’s training and how this will support effective responses to family violence.</p> <p>Share these discussions in a closing round.</p> <p>Handout final evaluation forms for completion and collect these before participants depart.</p> | <p><i>Post-Course Evaluation forms</i></p> |