Training Session Plan

Legal Practitioners Two-Day Program





Collaborative Responses in the Family Law System



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Training Session Plan - Legal Practitioners

Program Title: Multidisciplinary Family Violence Skills Training

Program Length: Two Days

Intended Participants: Legal Practitioners in Family Law

Program Learning Outcomes:

- □ Knowledge of family violence dynamics and prevalence
- □ Awareness of the impact of family violence in family law matters
- □ Ability to conduct a screening and risk assessment process
- □ Ability to conduct a safety planning process
- □ Ability to facilitate increased collaboration across the family law system
- □ Knowledge of referral options and family law pathway networks

Pre-Course Activities:

Ensure participants receive:

- □ Pre-course evaluation form to be completed and returned to the facilitator
- □ Essential pre-reading for day one 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 tables should be arranged in "Cabaret" style allowing participants to work in small groups of around 5-7 people. 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
- D Prevention Strategies: Involving and Engaging Perpetrators
- D Multidisciplinary Collaboration and Integrated Responses to Family Violence



The folder should also contain:

- □ Pre-course and post-course evaluation form
- □ PowerPoint Presentations for each Session
- □ Copy of *Best Practice Guidelines for Lawyers Doing Family Law Work* (Family Law Council. (Full reference at the conclusion of this program outline).



DAY ONE

TIME	ACTIVITY SEQUENCE & FACILITATOR NOTES	RESOURCES REQUIRED
40 min	Introductions and Welcomes	
	 Welcome and acknowledgement of Indigenous custodians of the local area Present the Learning Outcomes for this 2-day program and ensure that everyone has received the pre-reading and completed the pre-course evaluation. Collect the completed <i>pre-course evaluation</i> forms. Invite participants to pair up and introduce themselves to each other. In their pairs, ask participants to discuss two key questions: What are some of the ways in which family violence matters arise within a family law context? What are the skills and knowledge areas that legal practitioners are increasingly required to develop/maintain in responding to family violence matters? Participants are then invited to briefly share some of their responses with the whole group and these can be summarised by the facilitator on the whiteboard. Show the <i>Working Collaboratively</i> presentation by The Honourable Diana Bryant, Chief Justice Link participants' responses to the learning outcomes and the overall need for skills within the Family Law System to respond to family violence. 	Opinion Piece: Working Collaboratively Presentation by The Hon. Diana Bryant, Chief Justice on DVD 3 PowerPoint: Legal Practitioners Learning Outcomes Pre-Course Evaluation forms
60 min		
60 min	 Legal Frameworks – an Historical Perspective The purpose of this exercise is to give an historical context to the changing nature of our legal frameworks in relation to family violence. Follow the detailed facilitator notes to conduct the <i>History Timeline</i> Exercise. 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. 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 Framework</i> Paper to further explain this. 	Exercise: History Timeline Paper: Dimensions, Dynamics and Impact of Family Violence



TIME	ACTIVITY SEQUENCE & FACILITATOR NOTES	RESOURCES REQUIRED
15 min	Break	
60 min	 Dimensions and Dynamics of Family Violence Distribute a copy of the <i>Dynamics of Family Violence</i> <i>Quiz</i> (without answers) to each participant and ask them to answer the quiz in small groups. Allow 20 minutes Talk through answers as a whole group, clarifying and drawing out key points. 	Exercise: Dynamics of Family Violence Quiz without answers for each participant Exercise: Dynamics of Family Violence Quiz with answers for each participant.
	Emphasise:	
	Understanding what constitutes family violence is integral to a consideration of a range of family law issues.	
	Family Violence is not just physical but involves fear, intimidation and control which entraps victims making separation difficult and often dangerous;	
	Approximately 50% of children exposed to family violence develop long term mental health issues if recovery from the immediate trauma is not facilitated	
	Conduct that causes a victim to fear for his or her safety may seem benign to an outsider	
	The effects of family violence upon a victim can make them appear confused; fearful of disclosure; and hesitant to trust their own judgement.	
	Different jurisdictions have varying provisions in response to family violence.	
45 min	Analysing the Dynamics of Family Violence	
	Now present the Definitions of Family Violence PowerPoint to outline current sociological and legal perspectives.	PowerPoint: Definitions of Family Violence
	Invite participants to reflect on whether there are differences between legal and sociological definitions and what the effect of this might be.	Factsheet: <i>Duluth Wheel</i> of Violence for each participant
	□ 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. This is a sociological perspective used internationally within therapeutic and advocacy frameworks	



TIME	AC	TIVITY SEQUENCE & FACILITATOR NOTES	RESOURCES REQUIRED
		Divide participants into small groups of 5-7 people. Allocate each small group an 'identity' from the list below:	
		Person with a disability	
		Person in a same sex relationship	
		 Migrant or Refugee 	
		Person living in regional or remote location	
		Indigenous person.	
		Ask the groups to provide examples of psychological and emotional conduct that would specifically affect this person – what could be done to someone that would abuse them? For example: preventing an Indigenous woman from attending culturally significant ceremonies.	
		Seek feedback from each of the small groups. Some of the examples provided might include:	
		Withdrawal of physical care	
		Racial taunts	
		Refusing to allow someone to practice cultural or spiritual rituals	
		Threatening to disclose someone's sexual orientation	
		Threatening to make negative reports to immigration officials.	
	En	nphasise:	
		The significance of non-physical issues within family violence and social isolation in particular, as a result of living with family violence.	
		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.	
		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 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.	
		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.	



ТІМЕ	ACTIVITY SEQUENCE & FACILITATOR NOTES	RESOURCES REQUIRED
	The nuances of different legal and sociological definitions are appropriate for their different professional contexts and purposes. However, each school of knowledge should be cognizant of the other and work together with a shared focus on safety.	
45 min	Lunch	
45 min	Legal Representation and Practice Challenges – Identifying and Responding to Disclosures	
	Begin with a broad discussion of the increasing complexity that characterises the roles and experiences of legal practitioners.	PowerPoint: <i>Role Of Legal Practitioners In Relation To Family Violence</i>
	□ Show the PowerPoint slide of two quotes regarding the role of legal practitioners in relation to FV and emphasise there is now a clear expectation for legal practitioners to address FV, <i>whatever</i> their role in the proceedings.	Exercise: Responding to Disclosures of Family Violence
	Follow the detailed facilitators notes to conduct the Responding To Disclosures Of Family Violence Exercise	
45 min	Legal Representation and Practice Challenges – Evidence	
	Ask the group first of all to consider the effects of post traumatic stress disorder (PTSD). Briefly remind people of the core symptoms.	
	PTSD is a type of anxiety disorder. A range of symptoms include:	
	Panic attacks	
	Feelings of ineffectiveness, shame, despair, hopelessness	
	Memory loss or confusion	
	Problems with concentration	
	Flashbacks	
	□ Sleep disturbance	
	Feelings of guilt	
	Dissociation	
	□ Somatic complaints	
	Feeling constantly threatened	
	(For a full explanation of the disorder, refer to the <i>Diagnostic</i> and Statistical Manual of Mental Disorders (DSM) IV).	



TIME	ACTIVITY SEQUENCE & FACILITATOR NOTES	RESOURCES REQUIRED
	Victims of family violence have been found to experience PTSD as a result of the violence both whilst it is occurring and as a long term mental health impact.	
	 Invite participants to discuss in pairs the following questions: What challenges might be presented by a person experiencing symptoms of PTSD, in terms of gathering evidence of psychological and emotional harm, to put before the court? 	
	What questions would you ask and why?	
	What additional considerations would you be required to make?	
	What specialised support might you call upon?	
	Emphasise:	
	☐ Knowledge of the effects of trauma is crucial in the family violence context, where both children and adult survivors often manifest similar psychological barriers to legal representation, such as memory loss, guilt, shame, humiliation, self-blame, post-traumatic stress disorder, overcompensation, re-traumatisation, and dissociation.	
	Such obstacles may complicate legal representation and can be challenging to the legal practitioner	
15 min	Break	
60 min	Legal Framework Quiz	
	This exercise should draw together information from the day and invite some discussion and clarifications.	Exercise: <i>Legal Quiz</i> without answers for
	Distribute a copy of the <i>Legal Quiz</i> (without answers) to each participant and ask them to answer the quiz in small groups.	each participant Exercise: <i>Legal Quiz</i>
	□ Talk through the answers as a whole group. (Prizes for tables who get more then 75% of the answers correct are an option for this exercise.)	with answers for each participant. Refer to AVERT Paper:
	Allow time for discussion	Legal Frameworks
	Emphasise:	Sweets or Promotional
	Family violence sits within a complex framework of laws across different jurisdictions	materials such as pens, key rings etc as prizes
	Family violence sits within a changing historical and social context and the law reflects this, which requires legal practice to keep pace	(optional).
	Family violence proceedings are laden with ethical issues involving confidentiality, privilege, and conflicting duty of care	
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TIME	ACTIVITY SEQUENCE & FACILITATOR NOTES	RESOURCES REQUIRED
15 min	Closing Round	
	Invite participants to report to the whole group in a 'round', something from the day that they will share with others. Ask for any specific questions they would like to cover during the day tomorrow.	



DAY TWO

TIME	ACTIVITY SEQUENCE & FACILITATOR NOTES	RESOURCES REQUIRED
15 min	Welcome and review.	
	Ask participants if they have any comments or questions from yesterday's workshop.	
	Use this time to re-iterate important key messages from the day and respond to any clarifications.	
45 min	Risk Assessment Exercise	Exercise: <i>Risk</i> Assessment
	Conduct the <i>Risk Assessment</i> Exercise by following the detailed facilitator notes	Sets of <i>Risk Factor</i> cards for each small
	This activity introduces participants to the risk assessment tool and demonstrates how to look for the combination of factors that present risk.	group from the <i>Risk</i> <i>Assessment</i> Exercise
	Emphasise:	Risk Assessment Scales Handout for
	 These risk factors should be noticed and responded to by all professionals in contact with separating parties 	each participant from the <i>Risk Assessment</i> Exercise
45 min	Screening and Risk Assessment	
	Ask the participants to brainstorm the reasons why the family law system is increasingly expecting workers to conduct family violence screening and risk assessment processes.	Expert Discussion: Screening, Risk Assessment and Safety Planning on DVD 4
	NOTE: "FDR is occurring in some cases where there are very significant concerns about violence and safety" (Australian Institute of Family Studies, (2009) Evaluation of the 2006 Family Law Reforms)	Refer to AVERT Paper: Screening, Risk Assessment and Safety Planning
	Watch the <i>Screening, Risk Assessment and Safety Planning</i> Expert Discussion	Refer to AVERT Paper: Prevention Strategies
	Emphasise:	
	Increasing numbers of separating couples use the family law system and a "substantial proportion" of these have "issues relating to violence, safety concerns, mental health, and alcohol and drugs".	Copy of part 10 of the Best Practice Guidelines for Lawyers doing Family Law Work (Family Law Council
	Relationship separation itself marks an increase in risk and intensification of violence.	2004) (Reference at end of this program)
	Accessing family dispute resolution, child contact or family court services, may also exacerbate risk for victims due to enforced contact or proximity, or be a flashpoint for a violent episode.	



TIME	ACTIVITY SEQUENCE & FACILITATOR NOTES	RESOURCES REQUIRED
	Family law service providers meet clients at a time of increased risk and therefore family violence is a central concern.	
	Safety Planning	
	Once risk is identified then safety planning MUST follow	
	Explain that identifying risk is not helpful unless followed by action. A discussion of safety issues must follow that takes into account the noted risk.	
	Outline possible actions that would increase safety following a disclosure of family violence.	
	Alert participants to the Best Practice Guidelines for Lawyers doing Family Law Work (Family Law Council 2004). You may wish to copy and hand out part 10 which addresses family violence issues (Reference at end of this program)	
15 min	Break	
45 min	Impact of Family Violence on Children	
	Either: Present the <i>Impact of Family Violence on Children</i> PowerPoint	PowerPoint: Impact of FV on Children
	Or: Use the <i>Impacts on Children</i> Expert Discussion between Professor Lawrence Moloney and Dr Jennifer McIntosh	Expert Discussion Panels: <i>Impact on</i> <i>Children</i> on DVD 4
	Emphasise:	
	Children who are exposed to violence and conflict require their own attention and support to recover and re-establish a "protective cocoon"	Also refer to and have a copy for each participant of the 'Integrated Findings'
	The old assumptions that children don't notice or simply 'get over' trauma quickly are significantly refuted by research over the past 20 years	section on pages 8-9 of McIntosh et al (2010). <i>Post Separation</i>
	□ Infants and pre-school children are seriously impacted by family violence. This includes experiencing neurological harm (that occurs <i>without</i> physical assault happening to them)	parenting arrangements: (Reference at the end of this program)
	Children who are compliant and well behaved should not be assumed to be ok; rather compliance may be a sign of fear and trauma.	
	In order to be familiar with the above issues it is important for the facilitator to have read both the McIntosh et al report (see resources column here) and the AVERT Paper: <i>Dimensions,</i> <i>Dynamics and Impact.</i>	
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TIME	ACTIVITY SEQUENCE & FACILITATOR NOTES	RESOURCES REQUIRED
	In addition it is highly recommended that facilitators read the book: <i>In the Name of the Child,</i> by Johnston, Roseby and Kuehnle (Reference at the end of this program).	
45 min	Family Violence and Parenting Orders – Sam's Story	
	Invite participants to comment on what impact they believe allegations of family violence should have on the conditions of a parenting order.	Exercise: <i>Parenting</i> <i>Orders</i>
	How can parenting orders take account of the information presented in the previous section regarding the impact of family violence on children?	
	Follow the detailed facilitator notes to conduct the <i>Parenting Orders</i> Exercise.	
45 min	Lunch	
45 min	Alternative Dispute Resolution: Therapeutic Jurisprudence and Restorative Justice – are they appropriate responses to Family Violence?	
	NOTE: Prior to conducting this exercise it is strongly recommended that the facilitator read the following articles:	PowerPoint: Therapeutic
	"Restorative Justice and Family Violence. Debating Paradigms of Justice for Family Violence." Jenni Southwell. In: Domestic Violence & Incest Resource Centre Newsletter Spring 2003	Jurisprudence, Restorative Justice and Collaborative Law Copies of
	□ The Hon John Faulks Deputy Chief Justice, Family Court of Australia Justice Faulks – Family Court of Australia <i>Condemn the Fault & Not the Actor? Family Violence:</i> <i>How the Family Court of Australia can deal with the fault</i> <i>and the perpetrators (</i> Paper presented at the Responding To Family Violence: National Perspectives –Local Initiatives 6 & 7 May 2010 Canberra) At : <u>http://law.anu.edu.au/coast/events/FamLaw/audio_papers/</u> <u>faulks.pdf</u>	recommended articles to hand out.
	□ 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	
	Using the <i>Therapeutic Jurisprudence, Restorative Justice and Collaborative Law</i> PowerPoint remind participants of the concepts of therapeutic jurisprudence and restorative justice. (Pause before the collaborative law definitions).	



TIME	ACTIVITY SEQUENCE & FACILITATOR NOTES	RESOURCES REQUIRED
	Ask participants to nominate as members of the debating teams 'for' and 'against' the following statement:	
	Non-Adversarial approaches to family law are never appropriate when family violence dynamics are evident	
	Separate the group into two teams. Give them 15 minutes to mount a list of arguments to support their position and record these on butchers paper which they will feedback to the whole group.	
	Share the arguments and discuss.	
	Emphasise:	
	The use of restorative justice practices in the context of family violence is fraught with difficulties	
	□ The dynamics of power in a relationship where psychological, sexual or physical assault offences have been committed make it very difficult to achieve the philosophical and policy aims of restorative justice in that context	
	Community responses to family violence are sometimes victim-blaming and cannot be relied upon to support restorative justice aims	
	The use of such practices in a family violence context requires extremely careful thought and preparation	
	Further trials and evaluations to assess appropriateness are recommended	
	Further reading:	
	Cook, K, Daly, K & Stubbs, J (eds), <i>Gender, Race and Restorative Justice</i> , Special Issue of <i>Theoretical Criminology</i> , (Vol.10, No.1, 2006).	
30 min	Alternative Dispute Resolution: Collaborative Law	
	Present an overview of Collaborative Law using the slides in the previous PowerPoint	PowerPoint: <i>Therapeutic</i>
	Participants are invited to discuss the following question:	Jurisprudence, Restorative Justice and
	What are the new skill sets /attitudinal or paradigm shifts required within a collaborative law framework?	Collaborative Law Refer to AVERT Paper:
	Emphasise:	Multidisciplinary Collaboration and
	Client centeredness	Integrated Responses
	□ Role assumption	to Family Violence



TIME	ACTIVITY SEQUENCE & FACILITATOR NOTES	RESOURCES REQUIRED
	Reflective learning	
	Problem solving	
	Advocacy	
	Independent thinking	
	Understanding of power within relationships where family violence is occurring	
	Refer to: <i>Collaborative Practice In Family Law</i> . A report to the Attorney-General prepared by the Family Law Council. Commonwealth of Australia 2007.	
15 min	Break	
45 min	Multidisciplinary Work & Collaboration	
	Watch the <i>Joint Family Violence Committee</i> (Family Court and the Federal Magistrates Court)	Expert Discussion Panel: Joint Family Violence Committee
	Discuss the issues relating to community and court collaboration, particularly the comments on access versus admissibility.	(Family Court and the Federal Magistrates Court) on DVD 4
	Use the <i>Multidisciplinary Collaboration</i> PowerPoint to explore key factors in collaboration.	PowerPoint: Multidisciplinary Collaboration
	Emphasise:	Refer to paper:
	The impact violence has on families and in particular children	Multidisciplinary Collaboration and Integrated Responses
	□ Sufficient training to ask the 'right' or difficult questions	to Family Violence
	Each profession has the responsibility to do risk assessment and to find the most appropriate way to do this for their profession	
	The kind of action to take when family violence is disclosed	
	Ways of achieving collaboration in the family law system	
45 min	Referral Pathways	
	Begin by highlighting the following key points:	Guest speaker
	Pathways through the system need to be more defined and more widely understood	List of appropriate referral resources (for facilitator to create)



TIME	ACTIVITY SEQUENCE & FACILITATOR NOTES	RESOURCES REQUIRED
	Unclear pathways or lack of adequate coordination between services, lawyers and courts have adverse implications for the wellbeing of children and other family members	
	There is an urgent need for greater sharing of information and facilitation of pathways between the various services, agencies and courts that are involved in family violence matters	
	Invite a guest speaker from the relevant family pathway network to explain the purpose of the network and how to engage with it. (Go to: <u>www.familyrelationships.gov.au/</u> and click on family pathways network for further information).	
	Brainstorm relevant referral sources for support from outside the family court system, for people experiencing family violence. The list should include support for victims, children and perpetrators.	
	Handout a referral resource list.	
15 minutes	Close and Evaluation/Feedback	Post-Course Evaluation forms
minutes	Invite participants to name something from the training that they will share with others and/or introduce into their practice.	
	Handout final evaluation forms for completion and collect these before participants depart.	



References

Family Law Council (2004) *Best Practice Guidelines for Lawyers Doing Family Law Work* Commonwealth of Australia <u>http://www.familylawsection.org.au/resource/FINAL-Bestpracticeguidelinesforlawyers.pdf</u>

Johnston, J. Roseby, V. Kuehnle, K. (2009) In the name of the child, Springer Publishing: USA

McIntosh, J. Smyth, B. (2010) *Post-separation parenting arrangements: Patterns and developmental outcomes for infants and children, Synopsis of two studies* for the Attorney General's Dept. http://www.familytransitions.com.au/Family_Transitions/Family_Transitions.html