

Paper

Multi-disciplinary
Collaboration and
Integrated Responses to
Family Violence

AVERT
FAMILY VIOLENCE



**Collaborative Responses in
the Family Law System**



Australian Government
Attorney-General's Department

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AVERT FAMILY VIOLENCE

Collaborative Responses in the Family Law System

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Multi-disciplinary collaboration and integrated responses to family violence

Note: Boxed quotes in this paper are taken from an AVERT panel discussion filmed in Melbourne on June 2, 2010. Panel participants were: Magistrate Anne Goldsbrough, Melbourne Magistrates' Court; Judy Small, Director, Family Youth & Children's Law Services, Victoria Legal Aid; Joanna Fletcher, Acting Chief Executive Officer, Women's Legal Service, Victoria; Tim Mulvany, Independent Children's Lawyer, TJ Mulvany & Co Lawyers; and Clive Price, Executive Director, UnitingCare Unifam Counselling and Mediation.

A note on terminology used in this resource

Because this resource is designed for people working within the family law system, family violence is the chosen term throughout. It is a term that incorporates a broad range of intimate relationships in which abuse might be perpetrated, and it is the preferred term of Indigenous communities. Family violence also makes explicit the relationship between family violence and its implications for children in the family. Domestic violence is a term that has been widely used in the literature in this field and is therefore used in relevant contexts and quotations. The phrase domestic and family violence is also used as it is the term used in legislation in some states and by some commentators.

What is multi-disciplinary collaboration?

Collaboration is about working cooperatively and jointly towards a shared goal, to combine skills and efforts in a common interest. In the case of the family law system it specifically focuses on a professional duty of care towards the best interests of children.

Multidisciplinary collaboration has been raised as a significant cornerstone of 'best practice' where family violence is an issue. It encompasses the appropriate sharing of information and integrated thinking to enable comprehensive risk assessment and consideration of all matters pertaining to a child's wellbeing. This can take the form of referrals; formal reporting mechanisms; case conferences; information sharing and joint planning processes. It may involve anything from a simple telephone call to following an extensive range of inter-agency protocols.



Commenting on the need for a systemic response Chisholm (2009) comments:

...the family courts do not stand alone, but are increasingly thought of as part of the 'family law system'. Other parts of the 'system' include the community-based dispute resolution services, notably the Family Relationships Centres established and funded following the 2006 amendments, the state and territory child protection departments, various services for families and children such as the child contact centres, the Australian Federal Police and state and territory police, and so on (p.60).

At its best, collaboration is the embodiment of the whole becoming more than its constituent parts. Each professional performs their role with reference to and respect for other roles, ensuring that the synergy and collective wisdom of different types of expertise are brought to bear upon a complex issue. At worst it can become a minefield of bureaucratic procedures or 'turf wars' that hinder effective action and impede separate professional goals and imperatives.

What is an integrated systemic response?

An integrated response to family and domestic violence refers to programs or strategies which connect otherwise separate departments or agencies. They are also known as 'multi-agency responses' or 'joined-up responses'. In an integrated response, domestic violence services, police, child protection, prosecutions, legal aid and community legal services and often housing services meet regularly to discuss cases and share information ('case conferencing' or 'case coordination'). System-based problems can also be identified. Integrated responses are usually more structured and unified than the inter-agency work of collaborative practice. (Taken from AVERT Paper *Legal Frameworks*)

Multi-agency responses to family violence have arisen at local levels in some states and territories, although the success of these in breaking down the 'silos' of practice is still unclear. Multi-agency family violence practice requires several key components if it is to be effective. These include:

- Systems for sharing information, particularly in the context of privacy or professional confidentiality rules.
- Shared aims, shared definitions of family violence and shared knowledge about the assessment of risk.
- Respect for professional expertise across disciplines and agencies.
- Adequately trained and professional staff.



- Willingness to sacrifice some professional autonomy for the goal of practice unity.
- Focus on victim safety and perpetrator accountability.
- Inclusion of all family violence related services at all levels (service delivery, policy, problem solving).
- Willingness to change organisational practice to meet the aims of the response and develop operating procedures to achieve this.
- Practices and protocols which ensure cultural safety, inclusivity and access and equity, and inclusion of Indigenous services.
- Commitment to continual self auditing, with data collection and monitoring processes to enable this.
- Mechanisms to enhance legal equality, such as access to legal services and representation (adapted from Wilcox, 2008).

Problems arise in multi agency responses if they are not conceived to enhance victim safety. Process issues for agencies or cost-saving agendas for government can provide the main rationale for program development. The danger of this is that they either fail to address victim safety...or actually lead to increased danger, while draining time and resources away from service delivery.

The AVERT panel identified a number of key elements of integrated responses:

Joanna Fletcher: There are two main points I'd like to make about integration and the first one is that it has to be based on shared aims and understandings and the second is that it takes time....You can write twenty formal documents like memoranda of understanding, but collaboration and integration is about relationships, and they have to be built on trust and openness and mutual respect for each others' roles within the family law system.

Clive Price: I agree but it's about working together. I think you can have all the best intentions in the world and promise to collaborate and integrate, and then never the twain will meet again. I think we need to have more projects around the country, more pilot schemes where dispute resolution practitioners and lawyers are working together, where programs in FRCs [Family Relationships centres] are linked closely with the courts. An integrated system should be based on practice, not good intentions or statements of vision and mission.



Key players in a systemic response to family violence

Over the past decade, non-legal professionals have played an increasingly significant role in the legal system's response to family violence. Mutual understanding of the general functions of these key players is necessary if collaborative and integrated practices are to be successfully developed. The key players and their roles are:

- Police.* The role of police in applying for protection orders has increased in the past decade, so that they are, in most states and territories, responsible for most protection order applications.
- Lawyers.* Private solicitors (including those who work for no payment, or pro-bono), community legal centre solicitors, Family Violence Prevention Legal Service solicitors and Legal Aid solicitors may be involved in both protection order and family law matters, on behalf of victims.
- Court support/victim advocacy workers.* In many courts, experienced social welfare professionals play a role in assisting victims to obtain protection orders by negotiating with police to ensure that orders meet individual needs, providing safe space, or providing information, referrals and support. In some courts, these workers may directly interact with the judicial officer.
- Family Counsellors.* These counsellors often work for Family Relationship services and provide families with counselling and advice about separation issues.
- Family Consultants (Family Report Writers).* These are usually court appointed to provide the court with background information and opinions in relation to the family.
- Family Dispute Resolution Practitioners (including Family Relationship Centre staff and mediators).* These professionals work to help parties resolve disputes. They often work with victims of domestic violence, although this is not required under the Family Law Act.
- Independent *Children's Lawyers (ICLs).* These court-appointed lawyers act for children's best interests, independently of their parents. They are often appointed where there are allegations of child abuse and domestic violence

In addition there are:

- Children's Contact Services staff,* who facilitate or supervise contact between separated parents and their children



- Workers in Women's Services*, including counsellors, advocates, and refuge workers
- Other Workers*, e.g. in Family Relationship Centres, welfare agencies, community services, men's referral services, men's behaviour change programs, and helplines. (Taken from AVERT Paper *Legal Frameworks*)

Points of consensus

Despite the complexity of the system and the diversity of the players there are some generally agreed principles. The most fundamental ones are the primacy of safety for children and victims and appropriate interventions and services for victims, children and perpetrators. The Duluth model's four key principles have been widely embraced in Australian integrated responses to family violence. These are: the need for coordination and co-operation between agencies; the need for collaboration between partners; a focus on victim safety; and the need for offenders to be held accountable for their actions.

A key American paper on collaboration between Family Court and Domestic Violence professionals suggests that the two groups of professionals generally agree on the goals of:

- Safe and healthy families
- Empowerment
- Self determination
- Homes that nurture children
- Abuse, physical or otherwise having no place in intimate relationships
- Abusers being held accountable for their actions.

Nonetheless, the authors comment that 'members of the different professional communities bring different perspectives to the problem, perspectives largely, though not exclusively, shaped by professional and personal experience, mandates, and ideology' (Salem & Dunford-Jackson, 2008, p.440). So despite some common goals, there are divergent professional pathways and priorities, and a number of grey areas in interpretation and decisions about appropriate response.



Why do we need multi-disciplinary collaboration?

It is precisely because of these grey areas that we need multi-disciplinary collaboration. Some of the grey areas appear in the crucial middle ground between the safety of children on the one hand and contact and relationship with parents on the other. It is in areas such as this that ongoing dialogue between the professional groups is most needed. Salem & Dunford-Jackson (2008) suggest that there are a number of difficult questions which cry out for collaborative inter-professional answers. These questions include:

- At what point does contact with a parent become unhealthy or dangerous for a child?
- What are the dangers of terminating a parent–child relationship?
- How can one effectively gauge the emotional safety of children?
- Can a victim be so traumatized as to become such an ineffective parent that the children should be removed? (p.443).

Of course, there are also differences within, as well as between, the professions involved in family law. And because of the interpretive latitude in some definitions and protocols, some decision-making is left to the discretion of practitioners. For example, decisions about disclosure of violence and abuse are often left to the discretion of lawyers.

Pathways into the system

In addition to being multi-disciplinary, the present system is multi-layered, has multiple entry points and pathways, and provides clients with an array of different agencies, services and professionals. One of the challenges of this complexity is how to foster effective working relationships between the different professional sectors. (Rhoades, 2009, p.1)

A complex system of courts in Australia seeks to help families experiencing family violence or abuse, and many families find themselves involved in proceedings in more than one jurisdiction.

The Family Law Council (FLC) 2009 report argues that this jurisdictional divide 'increases the possibility of inconsistent orders being made and of putting family members at risk of further violence and abuse and exacerbating an already strained situation'. This divide has also 'perpetuated a culture of separation between States and Territories as administrators of public aspects of family law and the federal family courts as adjudicators of public disputes' (FLC, 2009, p.60). Therefore it is



important to develop effective communication, coordination and information sharing between courts and authorities despite significant differences and overlap.

The end result of this systemic complexity is that neither the States nor the Commonwealth are 'able to provide a family unit with the complete suite of judicial solutions to address all of the legal issues that may impact on a family unit in respect of their children' (FLC, p.50).

The complexity of the system also allows the potential for abuse of the system by some litigants. Some commentators have referred to the practice of 'forum shopping' whereby litigants may indulge in protracted legal processes in multiple courts.

Facilitating the development of multi-disciplinary practice is an important goal of the AVERT resource. In a plethora of reviews and reports about family and domestic violence there has been a recognition of the institutional silos and inconsistent approaches to child protection which have impeded effective responses. In particular, these reports have pointed to the need for greater coordination of services to identify and prevent risk of harm to children and vulnerable parties within the Family Law system.

Anne Goldsbrough: I think it does make it very, very challenging for families ...The range of laws that affect families such as family law, family violence, crime, sexual assault and child protection, mean that it must feel very dense indeed. That is my observation for women who come into our court who are the subject of family violence. Many of them are not even entirely sure which court they have been to prior to mine. Sometimes I need to ask them the location of the building to work out whether it's a child protection order or a Family Law Act order.

Joanne Fletcher: People can be incredibly confused about where they have been and where they need to go next and in fact, which courts and which people have the role to make the next decision that they need to have made. We often have clients in with matters in up to three courts as well as the Department of Human Services suggesting that they might make a further application in the Children's Court, so potentially four matters at one time.

The advantages of collaborative practice

The promotion of increased communication, problem solving and planning between professionals who are involved in complex cases, serves to generate more effective responses to client needs and situations. In particular, the interests of children and the safety of all parties involved are enhanced through the combined minds and efforts of skilled practitioners. Justice, fairness and respectful practice necessitate collaboration. When professionals take a holistic and integrated approach to



representing, assessing and addressing their clients' needs, not only are services more efficient and effective, but they are also safer. Collaborative practice can help prevent harm to children but also intervene earlier in the accumulating stresses and pressures upon all parties, thus offering support and well-informed representation to distressed parents on both sides of the negotiation.

Family violence is widespread, complex and variable and it is important to work together to find creative, tailored responses to individual family needs across a broad range of circumstances. In this field, different professional and ideological perspectives are commonly expressed but all are underpinned by a commitment to safety, children's interests and accountability. Building upon these shared principles, each profession and individual worker can agree to strategies for identifying indicators of risk and taking action to prevent harm, without compromising their unique role.

One of the Family Court of Australia's Eight Guiding Principles is that 'Partnerships between the Court and a wide range of organisations and agencies and community groups are essential for the success of the Family Violence Strategy'.

The Family Law Council's report to the Attorney-General (December 2009) emphasises the necessity for improved collaboration and co-ordination between state and territory child protection agencies, and the federal Family Law Act (FLC p.7). It also recommends multi-disciplinary understanding and approaches, specifically the expansion nationally of family pathways networks to support cooperation and referrals across the family relationship and family law system, and the dissemination of information from a common knowledge base about family violence (FLC p. 11).

The advantages of multi-disciplinary understanding and dialogue

Dialogue is imperative. Chisholm (2009 p.10) comments: 'Children need respectful relationships, and so do all of us who are interested in improving the way the family law system responds to issues of family violence'. On the topic of multi-disciplinary understanding and approaches, the Family Law Council advocates:

Each discipline and sector must better understand and appreciate the role of others who support families through family violence and family relationship breakdown. In particular, there needs to be better cooperation between social scientists and support workers who help families, and legal practitioners and the courts. A shared approach is required by family dispute resolution practitioners, family relationship service providers, lawyers, family consultants, social workers, psychologists, medical practitioners, psychiatrists and judicial officers. (FLC p.44)



Writing of multi-disciplinary collaboration in American Domestic Violence practice, Baker (2010) agrees, stressing the benefits to the client:

The rise of multidisciplinary practices among public-interest lawyers and other professionals promotes more effective and thorough services for vulnerable clients. Attorneys, counsellors, social workers and others are recognizing that clients may present issues that transcend the scope and purpose of a single profession.... For victims of domestic violence, these collaborations can yield better outcomes and fruitful service, can be necessary for competent representation and may be critical to her very survival. As the common client works to escape a violent and oppressive relationship, her diverse professional servants must address the acute conflation of legal, medical, psychological, emotional and financial crises that beset her (p.1).

The 2007 Wingspread conference in the United States was an attempt to engage in multi-disciplinary conversation, with a view to improving collaboration and casework based cooperation across the domestic violence and family law sectors. There were some important unresolved differences among the 37 participants who included members of the domestic violence advocacy community; family court judges and administrators; lawyers and mental health workers; dispute resolution, and other professionals working in the family court system; and academics from the fields of law and social science. However, there were also significant points of consensus, one of which was the *Need for Ongoing Collaborative Endeavour*:

Families will be better served if practitioners, researchers, advocates, clients, and policy makers engage in ongoing dialogue to identify shared knowledge about domestic violence and agree on areas warranting additional investigation and attention. Listening to diverse voices improves the likelihood that important issues will be addressed, gaps in knowledge identified, best practices developed, and unintended consequences avoided (Ver Steegh and Dalton 2008, p.468).

Recent work by Powell and Murray (2008) confirms the importance of developing shared understandings in the Australian context. Further joining-up of integrated family violence responses might see inclusion of professionals from the family law sector, including FRC managers, practitioners, family law counsellors and report writers, in case-management. Such collaboration would also have a tremendous impact on upskilling family law professionals in family violence risk assessment and management, while also enhancing the safety focus of subsequent parenting arrangements made in their services. Conflicts between parenting arrangements and policing/protection order responses might be 'nipped in the bud', through involvement of all professionals in client meetings.



Better communication and information sharing

Writing of successful programs such as the Tasmanian Safe at Home program, The Family Law Council (2009) emphasises the potential for improving communication and coordination between federal and state courts, government agencies and services:

Essential to the success of all programs was strong interagency collaboration and coordination and high quality information sharing. This was underpinned by the terms embodied in the respective memorandum of understanding and protocols which set out in clear and unambiguous terms. (p. 78)

They add that this information sharing must be supplemented with training to ensure all involved understand the roles and obligations of the respective authorities.

Facilitation of full disclosure

A major theme of the Chisholm Review was that family violence must be disclosed, understood, and acted upon. Chisholm states that this is helpful 'whether we are thinking of a lawyer interviewing a client, a dispute resolution practitioner dealing with a new case, the work of a counter clerk at a family court, or of a judicial officer' (p.5).

The AVERT Legal Panel participants strongly supported this position, also stressing the importance of such information being passed on across the system (e.g. from child protection authorities). At the same time they emphasised the need to protect privacy and the paramount responsibility to ensure safety, as much as possible.

Speaking as a private lawyer (not in his capacity as an Independent Children's Lawyer) Tim Mulvany commented:

When representing a client and giving that client full discharge of my responsibility, I'm restricted if I don't obtain the full tapestry of the family circumstances, including a disclosure as to whether violence has been perpetrated by my client, or if there will be an allegation of that nature if my client has been subjected to that violence. If I am not privy to that information I don't feel I can give a hundred percent of my professional responsibility.

Asking the right questions

To elicit full disclosure the right questions must be asked by all the parties involved in an integrated response. Judy Small, Director, Family Youth & Children's Law



Services, Victoria Legal Aid, explains her views on this, seeing it partly as a problem with an adversarial system:

Sometimes we ask the wrong questions. For instance, in child protection, one side is saying 'What do I have to prove to get an order about this child?' And the other side is saying 'What do I have to do to stop this child from being removed from his or her family?' When they should all be saying 'What do we have to do to keep this child safe and keep this family safe?'

The adversarial nature of the courts doesn't help that at all. The questions that you must necessarily ask, because of the way the law is written, don't necessarily lead to the best outcomes for the kids. And isn't that what we are here for, the best outcomes for families and children? My wish [would be] that the questions we ask actually look at outcomes for families and children in terms of safety and that there are sustainable outcomes and safe and workable arrangements.

Tim Mulvany, Independent Children's Lawyer, adds that lawyers do not always have the right training to know the crucial questions to ask:

This resonates in relation to the training particularly of lawyers... I'm astounded as to the number of first interviews with a client that might be solely limited to property issues. [The lawyer often] doesn't get a full history

What supports multi-disciplinary collaboration?

Recent research in Australia looked closely at collaborative practice between Family Dispute Resolution Practitioners and Family Lawyers (Rhoades et al. 2008). This research discovered examples of effective collaboration and examined the factors underpinning its success. Some key elements included:

- Understanding and respect for one another's roles
- A complementary approach, in which each group views themselves and the other profession as contributing different but equally valuable skills and expertise
- A shared expectation of the dispute resolution process and aims
- 'Positive' advocacy practices as opposed to an adversarial approach
- Trust in one another's intake screening and assessment practices
- Respectful, courteous engagements including timely responses to communication.

Consistent with themes emerging in other literature (for example, Salem & Dunford-Jackson, 2008; Fields 2008; Baker 2010; Ver Steegh & Dalton, 2008), Rhoades et



al. emphasise the need for 'regular positive contact between practitioners from each profession' (p iv) – activities such as training together and training one another; information sharing forums; shared projects; informal lunches; and joint case management approaches. Once these positive working relationships are established, appropriate collaboration becomes swifter, more meaningful and the important privacy and representational issues can be respectfully resolved or averted.

See *Collaborative Practice, Example # 1* at the end of this paper for an account of Rhoades et al.'s study.

Principles of multi-disciplinary collaboration

A framework to guide collaborative practice should seek to place the client at the heart of professional effort. In the Family Law setting it is the child's interests that are paramount and safety is the guiding principle where family violence has been raised as an issue. The complexity of motivations, circumstances, psychological and emotional factors, parental rights and capabilities as well as ideological positions taken up within these cases can sometimes obscure this defining reality.

Important principles include:

- Common goals for safety and children's interests
- Respect for other professional skills, knowledges and roles
- Understanding of other roles, goals and constraints
- Commitment to interaction and timely communication
- Planned, thought out approach to confidentiality and privacy issues
- Duty of Care
- Team approach
- Rigorous specialist attention
- Monitoring, review, re-assessment and revised action

Processes of Collaboration

There are key moments when collaboration is either essential or desirable and an opportunity not to be missed. Key points of potential collaboration include:



- Joining – engaging with the client and seeking information about other professionals involved; previous assessments undertaken; useful connections that the client may wish to be sustained.
- Assessment of risk and safety planning. Who else is involved? What personal support and professional interventions are required? Is specialist advice needed?
- Setting priorities – working out who is doing what, when.
- Doing your part of the overall plan – contributing to the goal, advocating for key issues from your perspective in the case.
- Sharing information to improve outcomes, support safety and increase efficiency.
- Review and re-assessment.

In their analysis of the practical, political, definitional and ideological differences between domestic violence advocacy and family court communities in the United States, Salem & Dunford-Jackson (2008) call for collaborative practice at all levels. In encouraging their colleagues to find ways to collaborate they offer the following deceptively simple lessons they have learnt:

- Take your time:* If it were easy, we would be finished by now. The process of building trust and tackling extraordinarily difficult substantive issues takes time and effort. Think long term (years, or at least months, but not days or weeks) and start small but think big.
- Have lunch (or dinner, breakfast, or coffee):* Invest some time in getting to know your colleagues before engaging in substantive matters. Get away from the office, the shelter, or the courthouse and break bread in a relaxed environment.
- Look in the mirror:* Reflect upon past experiences; identify your triggers; articulate what has helped in difficult conversations as well as what has made things more challenging.
- Communicate better and more often:* It seems obvious, but simply communicating with respect is important. Return calls and answer e-mails quickly, even if just in acknowledgment.
- Listen carefully and learn:* Another seemingly obvious one, but often overlooked.
- Cross-train one another:* Take the opportunity to share new ideas or interventions with one another. It need not be a formal training program. It could be brown bag lunches with advocates, judges, the local bar, family court



committee, or mediation association. This approach helps build bridges and make better practitioners.

- Develop joint projects:* Start with small projects demanding fewer people, such as cosponsoring a presentation or discussion roundtable, or co-authoring an article for a local newsletter. Develop a working rhythm and slowly, but surely, expand your reach.
- Structure processes inclusively:* Be as inclusive as possible. Everyone may not be at the table at all times, but try to make certain that everyone is accounted for.
- Focus on potential, but never forget risks:* Every step forward jointly is a step away from previous comfort zones. Remember that moving out of one's comfort zone too quickly can have negative. (Salem & Dunford-Jackson, 2008 pp.451-2)

What hinders multi-disciplinary collaboration?

A multitude of issues can step in the way of collaboration, where even the best intentions and goodwill are shown. The most obvious of these hindrances are time and resources to meet, communicate and think together. However, in cases where time is allowed for collaboration to be implemented, matters move more quickly through the courts and are resolved with fewer court events (Higgins 2007). Such time is therefore well spent. Not only is it more efficient than segregated practice, but clients receive better services. Further, strategies for collaboration need not be cumbersome or especially time-consuming, but emerge from skilled, agile implementation of a professional approach. Indeed, collaboration is a state of mind as much as it is a task to carry out.

Other factors that can inhibit collaboration include:

- Prejudice against certain other professional roles
- Rigid confidentiality provisions
- Uninformed or confused practitioners
- Ownership of clients
- Adversarial approaches
- Lack of skills for collaborative working relationships
- Narrow role definition.



Some sticking points may be ideological. For example, there may be major, seemingly intransigent differences around issues such as:

- What constitutes family violence (does it include emotional, financial, abuse as well as physical?)
- Whether family violence must be seen in the context of power and control issues
- Issues surrounding gendered power inequalities
- The appropriateness of mediation when there has been violence and abuse
- The desirability of shared parenting in circumstances where there has been abuse
- Adversarial vs. conciliatory processes
- Women as perpetrators of family violence
- The extent to which false allegations of family violence are made
- The effectiveness of perpetrator programs
- The equitable allocation of resources to services for victims and perpetrators
- Men's rights versus feminist/women's advocacy perspectives
- Whether different typologies of violence can be delineated and whether these have any predictive validity in terms of re-offending
- Whether children witnessing family violence is taken seriously enough in parenting orders.



The role of education and professional development in integrated responses to family violence

Integrated responses typically acknowledge the importance of education and training. In particular, a proper appreciation of the nature and dynamics of family violence is seen as fundamental. A key theme of the National Council's *Time for Action* report (FaHCSIA, 2009) was the need for attitudinal change at all levels of society as well as professional workforce training.

The Family Law Council (2009, p.40) argues that multi-disciplinary training in relation to family violence should be undertaken by all working in the family relationship and family law systems, including 'family dispute resolution practitioners, lawyers, independent children's lawyers, family consultants, experts who provide evidence to courts and judicial officers'. They comment that it is important that family violence training is consistent within and across disciplines, and add that this training should be ongoing and undertaken at least annually.

More than intellectual understandings needed

Chisholm (2009) also comments on the benefits of improved training, stressing that it needs to cover more than 'mere intellectual understanding'. His tangible examples of the kinds of skills and sensitivities that are needed are worth quoting in some detail:

Those working in family law, in whatever capacity, will face day to day challenges. A member of the court staff might be faced with a litigant frightened of a threatening partner. Judicial officers will need to form a view about whether a person's failure to complain about previous alleged violence is an indication that the allegations are false, or might be explained by other factors, such as a desire to keep the family together or fear that a disclosure might provoke further violence. Family dispute resolution practitioners will need to consider, in virtually every case, whether clients can safely be seen together in the same room. Lawyers need to understand that some victims of family violence might be reluctant to disclose it, or disclose it in detail, unless the demeanour of the lawyer is such as to give them confidence, or unless the lawyers asks specific questions

Lawyers, and judicial officers, and perhaps others, might learn to become more sensitive to the impact of their manner, and way of speaking, on people who have been exposed to violence, especially those from non-mainstream communities. Judicial officers in a busy list - looking for cases to settle so that there will be time to deal with other cases, anxious to avoid time being wasted by irrelevancies - need to have, or to learn, the skills that will enable them to handle the work efficiently while at the same time ensuring that litigants are not afraid to put to the court their evidence and argument about what the child needs.



Similarly, lawyers and others involved in agreed outcomes, whether by parenting plans or consent orders, need to be careful to ensure, as best they can, that neither party is acting under false impressions of what the outcome of a contested case might be, or what the judge might be willing or unwilling to hear (p. 178).

So training needs to be compulsory, multi-disciplinary, high quality, consistent across the board, but also tailored to the job role. The AVERT legal panel made a number of important points related to this:

Anne Goldsbrough: Training, education, professional development, greater understanding, and greater knowledge equal greater capacity to act in the right way with the information that's given to us. It is critical.... If we have the judicial officers trained and educated, getting fabulous professional development that the lawyers don't get, then what? And if the police don't, then the quality of the application before me is always going to be lacking. And I have a strong view that everybody in this system wants to do the best they can. How do we ensure that everybody has the same quality of information?

Tim Mulvany: It also ought be interdisciplinary not just limited to the lawyers but to the social scientists, to the police, to the judicial officers and it ought be federally managed by those overseeing the jurisdiction of the Federal Magistrates' Court or the Family Court....I am aware that the judicial officers, both state and federal, have...fabulous resources available to them to be educated on such matters, but it should be mandated and a part of all of our disciplines' professional development that we receive that training from an Australia-wide based organisation.

Judy Small: I think it starts in the tertiary institutions. I think that all the professions, all the people professions, if I could put it that way, should have compulsory training in family violence. It is so widespread in our community that nobody in a helping profession, in a people profession, could possibly avoid it. So I think it should be one of the compulsory subjects in social work, in psychology, in law in all of those professions that deal with people.

Joanna Fletcher: Interdisciplinary training is really important but it does pose a lot of challenges....in a training package you would want to look at delivering some training to people in their job role. So you could start from their job role and explain to them how the knowledge you are providing is going to assist them in their job role....the end product we are looking for is to assist them in identifying, understanding and acting on disclosures of family violence.



Complex and consistent understandings of family violence

Clive Price, Executive Director of Unifam Counselling and Mediation, also stressed that the sector needs to become more nuanced in its understanding of family violence and more able to understand the differences involved, commenting that this starts with 'good assessment, good screening and listening to everybody in the family'. Anne Goldsbrough added:

And good understanding first of what family violence is really about. I think that is one of the challenges for the whole community....I think everybody in the community needs to have a better real understanding of the nature and dynamics of family violence. At which stage, and when, are the police to be called? There will be a better and improved outcome when lawyers are involved. The information you are hearing about that 'one hit' will be understood and it will be dealt with appropriately.... They'll come to Family Dispute Resolution and the right questions will be asked rather than, 'Has there been family violence?' I think that many people don't understand what family violence is.

[We need] a shared understanding of what family violence meant and what its impact is.... really good fundamental education and knowledge transfer about the dynamics, and...we need the same training Australia wide, the same education opportunities, systemically offered... and it needs to be the same information. So if the definition of family violence is the same and I am getting the same information as a family court judge about what family violence is, then we really are a long way down that track in relation to making good sound decisions about one family.

Concerns about collaboration

There are valid concerns regarding appropriate referral and confidentiality within collaborative practice. Proper processes adhering to legal and ethical frameworks for client confidentiality and privacy must be followed. Sometimes collaboration can be supported by inter-agency protocols or MOUs to address such concerns. In many cases clear and simple procedures can be implemented to make information sharing mindful of client rights to seamless, coordinated response as well as to confidential service delivery. As Baker (2010) comments:

Multidisciplinary practices embrace a client's wider context and ease the client's access to timely, appropriate solutions, but such practices can challenge traditional roles and boundaries among professions. These collaborations can strain ethical standards and the very foundations of a profession's purpose and culture. In particular, this promising movement generates complex problems for attorneys and counselors who are bound by distinct, sometimes contradictory rules of confidentiality and privilege. As the creative, well intentioned attorney works to serve with mental health professionals or social



workers, their exchanges and cooperation can threaten precepts of confidentiality, client identification, zealous advocacy and loyalty (p.1).

In developing the Safe at Home collaborative framework, the Tasmanian government took on board the following concerns, which had been raised in the ACT's adaptation of the Duluth model:

- There is a need to acknowledge that implementation is a negotiating, problem-solving process through differing interests, and that detail is all important
- That change in this area rests on understanding the individual work practices, cultures and ideals of different people in different parts of the system
- There is a need to be aware that 'the changes of practice and procedure you seek in any given agency will disclose a systemic problem that has nothing to do with domestic violence'
- That funding mechanisms need to be careful that they do not prematurely encourage 'ownership' of programs by particular sectors before collaborative structures are in place, and
- To keep the momentum and pace of change flowing individuals need to be engaged in the process (Tasmanian Dept Justice, 2003, pp.15-16).

Difficulties with timely transfer of information

A number of commentators have spoken of the need for timely identification of family violence and transfer of information. The need to recognize family violence early in proceedings is seen as vital and it has been argued that family violence orders in state courts need to be seen as evidence of family violence in Commonwealth courts.

Clive Price: I can't speak for across the country but certainly in New South Wales, and this goes to the heart of the integrated system, it is still very, very difficult for the Family Court and the Federal Magistrates' Court to get good reliable information in a timely manner from the Child Protection authorities, even though the children may well be at risk. So, decisions have been made in the face of little or no evidence, when in fact somebody probably does have some evidence somewhere.



Different priorities ...long term and short goals

As discussed earlier, different priorities and goals can also impede collaborative practice. Judy Small comments on the frustration that this can generate, at the same time as acknowledging the legitimate different responsibilities of different agencies.

Judy Small: One of the problems is the difference in purpose between the Child Protection authority's job and the Court's job. The Child Protection authority's question is: Is this child safe now? The family law question is: Will this child be safe if I make orders for this child to see this parent? That is the issue. I can't tell you how frustrating it is but I understand why. And I can tell you how frustrating it is to get a report from the Child Protection authorities that says: 'Well, we don't have any child protection concerns because the mother is keeping the children away from the alleged perpetrator now, so we are going to close the file'. That's their purpose, to keep the child safe now.

Confidentiality and disclosures

Confidentiality and disclosure is a difficult and sensitive area and the pathways for collaboration can be impeded by this. Clive Price highlights this dilemma and points to its being one of the greatest challenges for an integrated system.

Clive Price: We've got to remember too that Child Protection authorities or lawyers or the police are not the only people that get disclosures about violence and about abuse. In Family Relationship Centres, in counselling centres, in Family Dispute Resolution sessions, quite often, probably more often than we would like, disclosures come up. One of the difficulties is getting the balance right for those Family Relationship Centres and other professionals, giving them the means and a clear pathway to get the information to a court [without putting] victims of violence and abuse at risk. That's one of the things an integrated system has to look at. How do we get the right information to the right people without it being an open book where any lawyer or indeed any client can come and look at the files? Because people make disclosures which are private and important to them, only some of which need to alert a court for instance that this is a matter of domestic violence that needs to be looked at before decisions can be made for the children. And I think for a real integrated system that is one of our real challenges.



Some diverse examples of multi-disciplinary collaboration

Example #1: Family Lawyers and FDR practitioners

[Source: Rhoades, 2008: 'Building Integration Across the Family Law System']¹

Key features of the successful collaborative relationships

Complementary services outlook

Practitioners saw themselves and the other profession as contributing different but equally valuable skills and expertise to the dispute resolution process. FDR practitioners were valued for their facilitation skills, expert input regarding children, communication building skills and ability to help clients manage their conflict. Legal practitioners were valued for their advocacy role, particularly for vulnerable clients, and to ensure clients received legal advice about their options and entitlements before finalising agreements. (p.3)

A Shared Understanding of Roles, Responsibilities and Work Practices

A second important feature of the good collaborative relationships was a mutual understanding of the two professions' respective roles, responsibilities, and ways of working with family law clients. Four issues stood out here.

The first concerned the family lawyer's client advocacy role. Practitioners who worked closely with family lawyers understood and appreciated the benefits and safeguards of this role for clients, and distinguished between 'good' and 'bad' advocacy practices rather than seeing advocacy itself as problematic.

The corollary of this was a clear understanding by lawyers of the family dispute resolution practitioner's obligation of impartiality, or 'independence' as it is now described in the Family Law Act. This involved understanding their obligation to be unaligned with either party in order to ensure the parties' trust, and the obligation to be disinterested in the outcome of the parties' dispute, and trusting their practices in this regard.

¹ This summary is taken from Helen Rhoades' Keynote Address to the Inaugural Family Law System Conference, Canberra, 19-20 February 2009, entitled 'Building Integration across the Family Law System'. Her paper draws on the findings presented in: Helen Rhoades, Hilary Astor, Ann Sanson, & Meredith O'Connor, *Enhancing Inter-Professional Relationships in a Changing Family Law System: Final Report*, The University of Melbourne, May 2008.



A further feature of the successful collaborations was an understanding by family dispute resolution practitioners of the differences between the two professions' responsibilities to children. For the majority of dispute resolution practitioners the child was nominated as their primary responsibility. In contrast, family lawyers tended to describe a number of simultaneous professional responsibilities, including duties to the court and to the client and a 'best practice' responsibility to be child focused when acting for parents, but with no direct responsibility to the child unless acting as an Independent Children's Lawyer.

Finally, having a clear understanding of the nature and goals of the particular dispute resolution program before referring clients is an important part of successful collaboration. There is a wide variety of family dispute resolution models operating in the sector, and agencies have shaped programs to meet the needs of their target population.

Trust of Referral and Intake Practices in Family Violence Cases

The research indicates that trust in the 'other' profession's screening and referral practices in cases involving family violence is important to practitioners from both professions. The data also support Andrew Bickerdike's observation that cases involving violence are 'common business' for family dispute resolution programs.

Extending Professional Courtesies and Respect

This included: timely feedback about clients (subject to confidentiality); observing the boundaries of their own professional roles, and not moving outside their area of competence; and professional courtesies, such as returning phone calls promptly and personably.

Challenges to collaboration

The main challenges to collaborative practice were found to be misunderstandings and mistrust of roles. Some FDR practitioners expressed dissatisfaction with the partisan nature of the legal profession's client advocacy role, and conflated advocacy with adversarialism. There were also some perceptions that family lawyers failed to prioritise the child's interests. Some participants were critical of legal practitioners for failing to challenge clients whose proposals for their children were supported by the law but were not conducive to the child's well-being in the circumstances.

Enhancing collaborative relationships

Two forms of contact stood out as being influential in forming and supporting successful collaboration. The first of these was working together as a team on individual cases. The second form of contact involved regular locally-based information sharing and joint professional development activities.



Suggestions for improving inter-professional relationships

For many practitioners, inter-professional contact appears to be very limited, often confined to the giving and receiving of referrals. The data suggest a number of ways to progress respectful inter-professional collaborations. These include:

- The provision of education for FDR practitioners in the multiple professional roles and responsibilities required of family lawyers, particularly regarding the importance of the family lawyers' client advocacy role for family law clients;
- The provision of education for family lawyers about the nature and approaches of their local family dispute resolution programs;
- Consideration of ways to facilitate regular joint meetings for family dispute resolution practitioners and family lawyers for information-sharing purposes;
- Development of a model of structured feedback for practitioners from each profession that is consistent with each profession's confidentiality obligations and the nature of the dispute resolution service; and
- Enhanced training for practitioners in family violence, appropriate referral and the ways in which family dispute resolution agencies deal with violence.
(Rhoades et al 2008 p.11)

The study also suggests that 'a key point of tension for family dispute resolution practitioners is the legal approach to children's post-separation interests that currently informs solicitors' advice to clients. Many of the dispute resolution practitioners in our study regarded the law as undermining their work with families by presenting parents with an unduly narrow understanding of appropriate parenting arrangements, creating unrealistic expectations which they were required to manage. The study therefore indicates that measures designed to improve the service system need to also consider the content of advice provided to parties and the extent to which there is a disconnect between the respective knowledge bases of the two professions regarding children's well-being that is working against effective collaboration.

Finally, trust in the referral and intake of cases involving family violence is central to good working relationships between the two professions. Our data support the Attorney General's recently reported comments that all professionals in the family law system – from judges to lawyers to family dispute resolution practitioners – need to be 'able to identify and respond to evidence of domestic violence', and suggest that family violence training should be a competency requirement for family lawyers as well as dispute resolution practitioners'. (Rhoades et al 2008 p.11)



Example #2: Safe at Home – a state government integrated response

Safe at Home is the Tasmanian Government's Criminal Justice Framework for Responding to Family Violence in Tasmania. Safe at Home is a major whole-of-government initiative developed in response to family violence within Tasmania. Government agencies, in consultation with other key stakeholder groups, have developed an integrated service delivery system built around the principle of primacy of safety of the victim.

Safe at Home has two key elements:

- Managing the risk that the offender might repeat or escalate their violence
- Implementing strategies to enhance the safety of victims of family violence.

Safe at Home was designed to address a number of systemic issues, including those identified by Robyn Holder in 2001:

- Criminal justice agencies generally have not treated family violence seriously
- There has been a lack of integration and co-ordination across services
- There have been irreconcilable dilemmas in balancing victim ambivalence about proceeding with the responsibility of the law to protect vulnerable persons.
(Little, 2005)

The integrated response strategy of the Safe at Home framework is governed by The Family Violence Act of 2004, legislation designed to overarch the criminal and civil justice systems (Little, 2005).

Safe at Home's key principles highlight the importance of integration, in particular:

The service response to family violence should be seamless and roles and responsibilities of each agency should be clear.

'Safe at Home ... involves a range of services and government agencies working together. Effective information sharing between these authorities and agencies is critical to the scheme. It is facilitated by weekly integrated case coordination meetings and an integrated case management system which is used by police, the Court, Legal Aid, the Department of Justice and the Department of Human Services' (FLC, 2009, p.78).

Safe at Home was strongly influenced by the Duluth model (DAIP) developed in Minnesota in the US.

The Duluth principles of prioritising safety and managing risk have been adopted by all criminal justice agencies with the exception of the courts, excepting the Magistrate's Court of ACT. Police, prosecutions and child protection services work together with court support and counselling services to focus on pro-arrest and pro-prosecution outcomes.



This is assisted by the use of a validated risk assessment tool at incident level. (Wilcox, 2010).

Safe at Home identifies a number of vital responsibilities and roles in its integrated approach, specifying procedures for the police, the DPP and Police Prosecution Units, and the Courts, many of which emphasise liaison with the victim and the victim's support services. The policy stipulates that there will be comprehensive training for court staff, police, prosecutors and victim support services in the way family violence is to be dealt with in the criminal justice system.

The role of the police

Tasmania Police applies a pro-arrest, pro-prosecution policy in relation to family violence. A major focus of the Safe at Home initiative is to support adult and child victims to enable them to remain in or quickly return to their own home in safety wherever possible. Police Officers throughout the state have received specialist family violence training in order to enable them to provide an enhanced service to victims of family violence.

There are Victim Safety Response Teams (VSRTs) in each of the four Police geographical districts. Members of these teams are able to provide a range of services that will support victims in crisis situations and improve their safety. Members of VSRTs liaise with other service providers in order to ensure an integrated, coordinated response is provided to victims.

Other parts of the integrated response

There is also a 24/7 Family Violence Response and Referral Line, and counselling support through the Department of Health and Human Services providing:

- Information on family violence and its impact upon adults and children
- Individual support and counselling for adult and child victims of family violence
- Group work programs for victims and affected children.

Other parts of the integrated response include Victims Support Services, Legal Aid, expert advice on Aboriginal Family Violence and a dedicated Aboriginal Court Support Officer. (Source - Tasmania Police website:

http://www.police.tas.gov.au/security_and_safety/safe-at-home)

There is also a 100 hour intensive Tasmanian Family Violence Offender Intervention Program (FVOIP) designed to build and maintain sufficient momentum for behaviour change and to address the drop-out rates commonly associated with other programs. As part of the Safe At Home project, the Offender Intervention Program is interconnected with many departments and divisions, such as Community Corrections, Police, Courts, Forensic Mental Health, Child Protection Assessment



and Referral Service, Prisons, and the Court Support and Liaison service managed by the Victims Assistance Unit. FVOIP facilitators will liaise regularly with these and other services to ensure the ongoing safety of victims and the best management of offenders. (Source - Tasmanian Government website:

<http://www.safeathome.tas.gov.au/offenders/fvoip>)

The Family Law Council comments on the success of Safe at Home:

An evaluation of the scheme was released in 2009 that indicates the Safe at Home program is achieving all of its goals to some degree, and that it has a number of strengths. These strengths include increased public awareness and legal recognition of family violence and an improved police response (FLC, 2009, p. 78).



Example #3: The Magellan Case Management Program

[Sources: Higgins 2007; Higgins & Kaspiw, 2008; Family Law Council, 2009]

Magellan is an interagency collaborative model of case management in the Family Court of Australia for cases where serious allegations are raised about sexual or physical abuse of children in post-separation parenting matters. Magellan was piloted in 1998 in the Melbourne and Dandenong registries of the Family Court and has been rolled-out across other Family Court of Australia's registries since 2003.

Magellan was introduced to address the concerns that the Family Court had about the prevalence of cases involving competing parental claims and allegations of child abuse, and the capacity of its case-management procedures to effectively and efficiently respond to these concerns.

The Magellan case-management processes are overseen by the Family Court Magellan Team, which consists of the Magellan Judge(s), Judicial Associate(s), Magellan Registrar, the Manager of the Child Dispute Services (which provides Court clients with the services of a mediator, now known as a "Family Consultant"), and a Client Services Officer (Case Coordinator). Under the direction of the Magellan Judge(s), the team handles the case from start to finish, with significant resources directed to the case in the early stages, with an aim of resolving the case within six months.

Essential elements of the Magellan protocol

1. Cooperation

Cooperation is needed between all the agencies involved with families: courts, police, legal aid, private lawyers, the statutory child protection department, hospitals, private psychologists, community health centres or other counselling agencies. The Magellan committee facilitates communication between agencies and also allows the Judge to benefit from a multi-disciplinary perspective.

2. Court timeliness and prioritisation

Cooperation enables all the necessary information to be gathered to ensure cases can be processed through the Court more quickly.

3. Early report from the statutory child protection department

Timely responses are needed from the state agencies, particularly the statutory child protection department about their involvement and current concerns about the child.



4. Good individual case management (Judge-led)

Cases have to be both managed and heard by only one or two Judges per family. Judges need to get to know the families and their circumstances, and provide a sense of continuity.

5. A dedicated Registrar

The Magellan Registrar is familiar with the details of the case, and ensures that everything is coordinated, and that 'nothing falls between the cracks'.

6. Un-capped legal aid funding for families

Families who are entitled to legal aid are able to get it, without the imposition of caps.

7. Independent Children's Lawyers (ICLs)

Independent representation for the children involved is crucial to the process. ICLs help gather information early and foster discussions.

8. Children's best interests

By addressing timeliness and quality of the reports, the Court is able to come to a speedier resolution in the best interest of the child – particularly when the allegations are not supported and the child can resume spending time with the parent (adapted from Higgins, 2007, p.77-78).

Co-operation, information and inter-agency contact

A speedy response by the Court was seen as critical to the success of Magellan; however, this relies on good cooperation, and the provision of all relevant information from other agencies. In particular, the importance of receiving a timely summary about the actions taken by the statutory child protection department, their views about the veracity of the allegations and any concerns held about future risk to the child was emphasised. Maintaining knowledge about the roles, interactions and points of contact between agencies - and the goodwill that builds up between participants in the stakeholder committees - is also important, particularly when personnel in the intersecting agencies change (Higgins, 2007, p.17).

Higgins explains that 'Magellan sits among a complex set of expectations, at the intersection of a range of agencies and systems involved in responding to issues of child abuse allegations in family law matters. Each of the agencies and systems has overlapping interests, yet distinct responsibilities' (p.256). This 'black spot' intersection requires a co-ordinated case management system to bring together information and ensure that disputes are resolved in a timely way that provides for the safety and best interests of the children.



Evaluation

The Magellan process was evaluated by the Australian Institute of Family Studies (Higgins, 2007). Some of their quantitative findings were that Magellan cases:

- are resolved more quickly
- have greater involvement of the statutory child protection
- have fewer Court events
- are dealt with by fewer different judicial officers, and
- are more likely to settle early.

While some opportunities for improvement were noted (such as listing practices, ensuring greater national uniformity, and availability of sufficient judicial time) participants generally felt that Magellan was a success. Magellan matters were believed to be shorter, often resolving without judicial determination.

'When evaluated, both the Court and participants felt the project delivered better outcomes for families and children. Participants felt the process kept members of the family calmer because they knew their concerns were being dealt with seriously. They also felt matters proceeded faster and greater clarity of issues was achieved by bringing information together from all agencies. The Courts and other stakeholders acknowledged that the protocols with each State and Territory Department have resulted in improved relationships and an increased understanding of the role of each agency' (FLC, 2009, pp.76-77).

However, to fully achieve its aims it needed to be implemented consistently in a timely manner and be adequately resourced. The evaluation found that there were still gaps, especially in relation to information gathering. Higgins & Kaspiew (2008) note that other opportunities for improvement are: better identification of matters involving serious abuse allegations; clarifying roles and communication; improving the quality of reports from child protection authorities; improving national consistency in definitions, protocols and practices; and appropriate and ongoing training and community education about the role of Magellan.

Higgins (2007) concludes:

In a civil society, children deserve the best that society can give them. And for vulnerable children whose litigating parents have alleged that the child has been harmed, a system that is designed to uncover all of the relevant information, in a coordinated, and managed way in the quickest time possible, needs to be the best that it can be—not only to ensure that children are safe, but that decisions are made that are in their best interests (p.192).



Example #4: An integrated response to perpetrators of domestic violence

[Sources: Day, A et al. *Domestic Violence: Working with Men*, The Federation Press, 2009; Australian Law Reform Commission, 2010 Family Violence: Improving Legal Frameworks, ALRC Consultation Paper 1, April 2010; Domestic Violence Prevention Centre, Gold Coast website].

In their discussion of good practice directions for perpetrator programs, Chung & O’Leary (2009) argue that a strategy is needed for organisations dealing with domestic violence to work together within a common ethos. Coordination needs to go beyond a functional response to improving efficiency and establishing protocols between key organisations. An integrated response requires a commitment from local agencies in the community to pursuing a common direction and outcome – that of promoting women’s and children’s safety.

Using Mulroney’s definition of integrated responses as ‘coordinated, appropriate, consistent responses aimed at enhancing victim safety, reducing secondary victimisation and holding abusers accountable for their violence’, they argue that the primary goal of integrated responses must be that of enhancing victim safety. Increasing perpetrator accountability is a secondary goal.

They suggest that an integrated response will have the following features:

- A shared philosophy and understanding of violence
- Policies and procedures across participating organisations to guide the coordination
- A formal structure for monitoring the coordination
- A mandate
- Other elements such as integrated case management, co-ordinated training and formal evaluation
- A focus on process, particularly facilitating a respectful and inclusive culture between participating agencies.

Perpetrator programs are seen as a vital part of an integrated response – ‘not only for reasons of efficiency, but also for enhancing safety, stopping domestic violence, and gender accountability’. Sustainability is more likely to be achieved if accountability to women partners and women’s services is embedded in an integrated approach. Chung and O’Leary argue that perpetrator programs need to have ‘formal and informal processes that take account of imbalances of power between men and women’. Furthermore, they state that at a practice level, gender



accountability between male and female co-facilitators is essential and that facilitators must 'understand the particular ways in which gender inequality and stereotypes can be reproduced overtly and covertly in the group practice' (Day et al, 2009, p.17). There must be a conscious commitment to anti-sexist practice.

The Gold Coast Domestic Violence Integrated Response to Perpetrators of Domestic (GCDVIR) is given as a case study of a community based integrated multi-agency response (Day et al, 2009). It was developed following community discussions about the high incidence of domestic violence and domestic homicides on the Gold Coast. Its three core goals are:

- To enhance the safety of victims and their children
- To hold perpetrators of domestic violence accountable for their behaviour
- To reduce secondary victimisation by the provision of a multi-agency response with enhanced information sharing, monitoring and tracking

It was observed that domestic violence programs and policies in Queensland have mostly developed in isolation from each other, often with little coordination between different services. Client confidentiality was often prioritised over safety and could result in harm or death. Therefore, between 1996 and the present, considerable work was put in to developing clearly articulated principles, aims and protocols, both within participating agencies as well as across agencies. Their Committee has representatives from the Police, Community Corrections, the Department of Families, Legal Aid, the Southport and Coolangatta Magistrates' Courts, three women's refuges, the Sexual Assault Support Service and the Gold Coast Domestic Violence Prevention Centre. The following programs operate under the Gold Coast Domestic Violence Integrated response:

The Domestic Violence Court Assistance Program – a secure and specially designed family violence office at the Southport Magistrates' Court, staffed by the Domestic Violence Prevention Centre Gold Coast Inc (DVPC), which provides victim support, legal information, safety planning, support in the courtroom, referrals and advocacy.

Safety First Project – a service where basic information and a comprehensive risk assessment about women leaving refuges is faxed to the DVPC for quicker access to its services.

Police Fax-Back program – a partnership between the Gold Coast Police and the DVPC, this is a fax back mechanism for responding to victims of domestic violence following a police callout. It is an assisted referral process for victims of domestic violence where investigating officers offer the victim support and assistance.



Telephone counsellors work with the victim to determine risks and undertake safety planning.

A Mandated men's program – a court-ordered 24-week family violence program for offenders, run collaboratively by Community Correction Southport and the DVPC, based on the Duluth model. A vital feature of this program is that it is not run in isolation from women's domestic violence services. Ongoing contact with the female partners of men attending the group is an essential component, ensuring that the safety of women and children is the main priority. The program has rigorous screening, monitoring and safety checks and balances.

Development of Interagency Protocols

Provision of Interagency Training – has included training on working with perpetrators; stalking; identification of predominant aggressors; crisis intervention; and seeking solutions.

Development of Resources – including a video, fact sheets, information cards, brochures, information forms and training packages.

In the first 15 years of the operation of the DVPC 'there have been more than 219,000 contacts from women who have experienced domestic violence' (Justo, in Day et al. 2009, p.34).



Example #5: Domestic and Family Violence National Judicial Roundtable

[Sources: 'Promoting Judicial Excellence – Affirming Justice. Access to Justice and Safety for Victims of Family and Domestic Violence and Assault', Paper prepared by Maria Dimopoulos, LLB & Magistrate Anne Goldsbrough, 2008; unpublished notes on the proceedings]

This Roundtable Dialogue event held in November 2008 enabled judicial officers to consolidate shared learnings about the developments in family violence jurisdictions around Australia and develop frameworks for ongoing professional development related to family violence and sexual assault. The event was seen as an opportunity to 'reflect on the current and evolving challenges of delivering quality justice in an era characterised by significant legislative, policy, social and technological change' (Dimopoulos & Goldsbrough, 2008). Participants were invited to discuss the most effective ways of progressing consultative processes for engaging a broader cross section of judicial officers from all Australian jurisdictions.

The Dialogue event had three broad aims:

- Identify current judicial practice in relation to family and domestic violence and sexual assault
- Assess the extent to which that practice demonstrates effectiveness, efficiency and judicial excellence
- Identify practice gaps and areas for improvement, refinement and innovation.

The ultimate goal of the Roundtable was to create innovative collaborations that bring together interdisciplinary teams to ensure the safety and well-being of all victims of family and domestic violence. The Roundtable recognised that 'collaborative arrangements between the judiciary and other professional bodies are increasingly characteristic of approaches to judicial professional development programs' (Dimopoulos & Goldsbrough, 2008).

Those invited to participate included judicial officers, legal practitioners, and academic and other justice partners. Thirty people attended the event and heard keynote speakers on a range of topics, and in smaller groups developed a series of recommendations. Speakers included: Judith Pierce, former Law Reform Commissioner, Victoria; Joanna Fletcher, then Senior Research Officer, Family Violence Project, Judicial College of Victoria; and Kathleen Daly, Professor of Criminology and Criminal Justice, Griffith University.

Participants were asked to consider the most effective means of:

- Building networks and fostering the exchange of experience;



- Enhancing mutual learning and understanding among judicial officers, legal practitioners, legal academics and others with an interest in the justice system
- Disseminating information and knowledge to jurisdictions who might be seeking to engage with strengthening judicial capacity and overall court and institutional effectiveness.

An important underlying assumption was that these endeavours would increase public trust in the courts and judicial decision making, and that this in turn would enhance 'voluntary compliance with court orders, motivate victims of family violence and sexual assault to seek the protection of the courts, strengthen broader community respect for the rule of law, and increase support for the provision of resources to meet court needs' (Dimopoulos & Goldsbrough, 2008).

Judith Pierce provided some opening remarks about how various ways of thinking drive policy and practices in the law. She differentiated four ways of thinking about domestic violence, all with very different implications for practice, pointing out that policy may be driven by more than one of these views at any particular time.

- That violence and abusive behaviour are symptoms of underlying relationship difficulties, with both parties contributing to it and both parties having equal power
- That violent behaviour is abnormal and inappropriate and beyond the offender's control, responsibility or accountability and there needs to be an intervention to change this behaviour
- That violent behaviour towards a partner requires a protective special response (criminal and civil). This approach primarily focuses on the need to afford the victim protection
- That violent behaviour must be criminalized and the law vigorously enforced through arrest, charging, bail considerations and prosecution. This approach also utilizes public awareness campaigns and community education.

Joanna Fletcher stimulated discussion about how court proceedings in relation to restraining order applications might be improved to better serve the applicant. Judicial officers were urged to recognize that an applicant is very likely to have no knowledge of legal procedures and formalities and that the prospect of having to give evidence of intensely personal matters was likely to be distressing. Judicial officers were urged to acknowledge the distress or discomfort of the applicant with simple gestures to put the applicant at ease like smiling, and establishing eye contact, and making sure they enquired about safety, and referred the applicant to the victim support worker where appropriate.

Some of the recommendations arising from this discussion were that:



- Judicial officers be provided with training about family violence, including gender bias training.
- Such training be nuanced and show examples of best practice
- Training be national and compulsory for all judicial officers.

Kathleen Daly spoke about restorative justice, therapeutic justice and Indigenous justice. The focus of her talk was whether some form of restorative justice would benefit the victim and allow the victim's voice to be heard. She argued that it provided, after a plea of guilty, for:

- The offender to explain his actions
- The victim to explain the impact of the offence
- Others (family) to explain the impact on them
- There to be censuring of the behaviour
- The behaviour to be placed in some form of context.

Pros and cons of restorative justice were discussed, with concerns being raised about victim safety and manipulation of the process by offenders. On the other hand, perceived benefits were that the process also potentially allowed for a victim's voice to be heard, for victim validation and offender responsibility, and possibly relationship repair, if this is a goal.

There was no general support among the participants for extending restorative justice to offenders and victims in the context of family violence. However, there was some support for giving further consideration to restorative justice approaches in Indigenous communities, particularly in remote areas. Participants recommended that any process must give victims a true voice and that it is important to guard against re-victimisation of victims by inexperienced restorative justice facilitators.



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