

Prevalence of domestic and family violence in the family law system -

Other Resources

Child Dispute Services Family Violence Policy (updated August 2017).

Open via Family Court of Australia [website](#)

Open via Federal Circuit Court of Australia [website](#)

See in particular 6 key principles of the policy –

1. 'The safety and on-going protection of parties and children is of paramount importance. Parties and children should be safe while on Court premises or in the consulting rooms of Regulation 7 family consultants.
2. There is considerable research evidence that children who have been subjected to violence, and / or who have witnessed family violence, are significantly adversely affected by such an experience.
3. Parties who have been subjected to family violence and who have been unable to exercise control over their lives often lack confidence to represent their own interests.
4. Prime consideration is the alleged victim's safety. Those who have been subjected to family violence have the right to make their own choices about what is tolerable for them (including not being in the presence of the alleged perpetrator), and their choices should be respected.
5. Where any client expresses concerns for their safety, or about potential family violence, a safety plan will be devised and implemented without the need to determine or assess the accuracy or validity of the client's expressed concerns.
6. Particular cultural groups may have special needs. While family consultants must be sensitive to these special needs, safety concerns must not be overridden' (p 1).

Exposure to family violence and its effect on children (2013).

Open via Family Court of Australia [website](#)

Open via Federal Circuit Court of Australia [website](#)

This fact sheet provides information about the effects of family violence on children and parenting behaviours, the protective factors for children, and risks to children on separation. It also provides contact details for help and advice organisations.

It states – 'Children's exposure to family violence can take many forms, including:

- > being subjected to deliberate or accidental violence

- > overhearing violence
- > intervening on behalf of a parent or other person, and
- > experiencing the aftermath of violence, such as being cared for by a distressed or withdrawn parent
 - > helping to care for a hurt or distressed parent
 - > seeing injuries and/or property damage
 - > helping clean up mess or damage
 - > going to the doctor or hospital with an injured parent
 - > being present when police or emergency services attend, and/or
 - > being asked to not tell anyone about the event' (p 1).

The long-term impact of family violence on children is also discussed.

Family Violence Information Sheet (June 2019).

Open via Family Court of Australia [website](#)

Open via Federal Circuit Court of Australia [website](#)

This information sheet contains important information for litigants who allege they have experienced, or are alleged to have perpetrated, family violence, including safety at court, legal and support services at court, and cross-examination.

Family Violence Plan - Family Court of Australia and Federal Circuit Court of Australia – April 2019.

Open via Family Court of Australia [website](#)

Open via Federal Circuit Court of Australia [website](#)

The Plan 'builds on the important work undertaken by the courts under the 2014-16 Plan and reflects the ongoing commitment of the courts to addressing family violence in all areas of operation'. Along with including the measures contained in the joint Family Violence Best Practice Principles, the Plan 'contains actions for the administration of the courts, and for decision makers, legal practitioners, service providers and others involved in the family law system.

The Plan sets out three priority areas, each of which has defined goals, identified actions and timelines: protection from family violence; safety at court; and information and communication.

The Plan reflects contemporary understandings of the aetiology, dynamics and effects of family violence, informed by social science research. It has been developed in the context of the ongoing commitment of the Government to address and eradicate family violence.'

See in particular at p 2, 'The courts recognise the close connection between family breakdown and

violence, and the detrimental impact on both adult victims and children living with family violence. Protecting family members, and particularly children, from the effects of family violence is central to all determinations of what is in a child's best interest. Ensuring the safety of all people engaged in the family law system, including when attending court, is also a high priority for the courts.'

Guidelines for Independent Children's Lawyer (2013).

Open via Family Court of Australia [website](#)

Open via Federal Circuit Court of Australia [website](#)

Open via Family Court of Western Australia [website](#)

Independent Children's Lawyer information sheet.

Accessible via [Legal Aid Western Australia](#)

Indigenous Action Plan Family Court of Australia 2014-16.

Open via Family Court of Australia [website](#)

This Indigenous Action Plan 2014–2016 aims to address the following identified barriers that exist for Aboriginal and Torres Strait Islanders when accessing the Family Court of Australia:

- > a lack of understanding about the family law system among Aboriginal and Torres Strait Islander clients
- > resistance to engagement with, and even fear of, family law system services
- > literacy and language barriers
- > a need for indigenous specific and culturally competent mainstream services
- > the challenges arising from lengthy and multi-step Court processes for Aboriginal and Torres Strait Islander clients
- > the setting being based on Western notions of child-rearing, kinship and family, and concerns as to whether they operated in a culturally safe way; and
- > lack of access to services for communities in regional and remote areas (pp 5-6).

See in particular 'Action 28' at p 15, which deals with 'Reviewing the accessibility and appropriateness of court processes for Aboriginal and Torres Strait Islander people in particular in regional and remote areas and promoting those processes such as the less adversarial trial, which may be particularly appropriate for Aboriginal and Torres Strait Islander court users. This would include consideration of the development of national protocols on the use of indigenous interpreters in the family law system.'

Multicultural Plan 2013-15: Family Court of Australia and Federal Circuit Court of Australia.

Open via Family Court of Australia [website](#)

Open via Federal Circuit Court of Australia [website](#)

'In addition to the minimum obligations set out in the *Multicultural Access and Equity Policy*, the courts have developed actions in response to the recommendations made by the Family Law Council in their 2012 report, *Improving The Family Law System for Clients from Culturally And Linguistically Diverse Backgrounds* in focus areas including:

- > Community education/ legal literacy —recognises need for information about the law to be disseminated to culturally and linguistically diverse communities.
- > Building cultural competence —includes capacity-building strategies within the service system, including cultural competency
- > Enhancing service integration —includes maintaining and building collaboration within and between agencies to identify and address issues relating to cultural diversity, through publicising good practice, sharing information, coordinating programs and collaborating on projects
- > Enhancing the use of interpreters —strategies to ensure the use adequate and competent interpreting services' (p 6).

Parental conflict and its effect on Children (2013).

Open via Family Court of Australia [website](#)

Open via Federal Circuit Court of Australia [website](#)

This fact sheet provides information for parents about the ways family conflict affects children, both in families who live together and in families who have separated.

In families where there is a high level of conflict and animosity between parents, children are at a greater risk of developing emotional, social and behavioural problems, as well as difficulties with concentration and educational achievement.

Frequent and intense conflict or fighting between parents also has a negative impact on children's sense of safety and security which affects their relationships with their parents and with others. Parental conflict that focuses on children is also linked to adjustment problems, particularly when children blame themselves for their parents' problems.

'Good quality parenting', that is parenting that provides structure, warmth, emotional support and positive reinforcement, has been found to reduce the impact of conflict.

Protocol for the division of work between the Family Court of Australia and the Federal Circuit Court.

Open via Family Court of Australia [website](#)

Open via Federal Circuit Court of Australia [website](#)

‘The Chief Justice and the Chief Judge have published this Protocol for the guidance of the legal profession and litigants, so as to enable matters to be directed properly to the court appropriate to hear them. The Protocol may on occasions give way to the imperatives of where a case can best be heard and is not intended to constrain the discretion of a judicial officer having regard to the applicable legislation and the facts and circumstances of the case before him or her.’

Reconciliation Action Plan 2018-2020, Family Court of Australia.

Open via Family Court of Australia [website](#)

The Reconciliation Action Plan 2018-2020 aims to address the following identified barriers that exist for Aboriginal and Torres Strait Islanders when accessing the Family Court of Australia:

- > lack of understanding about the family law system among Aboriginal and Torres Strait Islander clients
- > resistance to engagement with, and even fear of, family law system services
- > literacy and language barriers
- > need for Indigenous-specific and culturally competent mainstream services
- > the challenges arising from lengthy and multistep court processes for Aboriginal and Torres Strait Islander clients
- > the setting being based on Western notions of child-rearing, kinship and family, and concerns as to whether they operated in a culturally safe way, and
- > lack of access to services for communities in regional and remote areas

Reconciliation Action Plan 2019-2021: Federal Circuit Court of Australia.

Open via Federal Circuit Court of Australia [website](#)

This document explains the jurisdiction of the Court, including its family law jurisdiction, and the Court’s aspirations for engagement with Aboriginal and Torres Strait Islander people. The Plan ‘provides a platform to introduce measures to promote reconciliation and addresses some of the barriers faces by Aboriginal and Torres Strait Islander peoples in interacting with the Court. In doing this, the Plan provides four focus areas for the Court: relationships; respect; opportunities; and tracking progress.

The role of an independent children’s lawyer, 2016.

A factsheet accessible via [Victoria legal Aid](#)

What is an Independent Children’s Lawyer?

A brochure accessible via:

[Legal Aid New South Wales](#)

[Legal Aid Queensland](#)

[Legal Aid Commission of Tasmania](#)