

Family Violence

Policy statement

Child Dispute Services (CDS) aims to protect children and other family members from all forms of harm resulting from family violence and abuse. CDS's family violence screening and assessment framework centres on the safety and wellbeing of children, and aligns with the Family Court of Australia and Federal Circuit Court of Australia's *Family Violence Best Practice Principles* and *The Australian Standards of Practice for Family Assessment and Reporting*.

Scope

This Policy applies to all CDS staff and CDS Family Consultants appointed under the *Family Law Regulations 1984* (Cth), reg.7.

Definition of family violence

For the purpose of conducting screening and assessment, CDS uses the definition of family violence as specified in the *Family Law Act 1975* (Cth) (*FLA*):

"... violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the family member), or causes the family member to be fearful." (s 4AB)

CDS also uses the definition of abuse within the *FLA*. This includes a child being subject to, or exposed to family violence.

While CDS uses the term 'family violence' within its clinical governance framework, CDS recognises that 'intimate partner violence' is the most common form of family violence in family law matters.

CDS commitments

1. *CDS prioritises the safety and protection of all people involved in a CDS event.* CDS will ensure all reasonable precautions are taken to ensure the safety of participants; where any person expresses concerns for their safety in relation to participating in a CDS event, CDS will devise and implement a safety plan without requiring the accuracy or validity of the concerns expressed to be determined or assessed.
2. *CDS undertakes risk screening in all CDS events.* The risk factors examined will include family violence and abuse, child safety and wellbeing, alcohol and substance use, mental health, child abduction, and any other risks relevant to the child or children's future care and wellbeing. A family violence assessment will be conducted where family violence is identified as a risk factor.

3. *CDS recognises the harmful effect of family violence on children's health and wellbeing.* When undertaking screening and assessment, Family Consultants will give significant consideration to the adverse effects on children of exposure to family violence.
4. *CDS understands that victims of family violence may be experiencing trauma and/or other forms of vulnerability.* Family Consultants will take into account such vulnerabilities when conducting assessments. Information and referral will be provided to any client who is identified as requiring additional supports.
5. *CDS acknowledges the complex dynamics and inter-relationship between violence, cultural and religious identity, and social marginalisation.* While Family Consultants will be sensitive to the individual context of all families and children when screening and assessing for family violence, safety will remain the paramount consideration.
6. *CDS recognises the prevalence of family violence within family law matters.* When providing written and/or oral evidence to the Court, Family Consultants will specifically address the issue of family violence when it has been identified through screening and assessment.
7. *CDS understands that risk screening and assessment requires a comprehensive knowledge and understanding of family violence and its impacts.* All Family Consultants will participate in relevant training and ongoing professional development and will comply with all CDS clinical governance requirements.

CDS family violence risk assessment framework

The CDS Family Violence Risk Assessment Framework is underpinned by five principles:

1. Safety first
2. Sensitivity and responsiveness
3. Universal and ongoing screening
4. Best practice
5. Duty of care

The CDS Family Violence Risk Assessment Framework is based on an internationally recognised model of family violence assessment (Johnston *et al.*, 2009) and involves consideration of:

- potency
- pattern
- primary perpetrator
- perspective of the child/ren
- parenting
- protective factors

CDS recognises that family violence is not a uniform phenomenon. Violence that involves the exercise of coercive control may not involve past or current physical harm, but the power and control inherent in this type of violence has the potential to cause serious psychological and emotional harm and is a significant predictor of post-separation violence, including future physical harm and lethality.

CDS also understands that serious harm can occur within violence that does not involve coercion and control, and that children are affected by exposure to all types of violence. CDS seeks to provide assessments that

are sensitive to each person's perceptions and experiences of violence, and to the impact of violence on individual children and potential parenting arrangements in each family.

CDS recognises there are inherent risks in classifying violence on the basis of insufficient information and that caution needs to be exercised, particularly when conducting preliminary assessments. It is not the role of the Family Consultant to make determinations with regard to disputed facts when undertaking screening and assessment of family violence. Where parties give conflicting accounts of family violence, Family Consultants will provide multiple assessments, with each being conditional on a different set of possible key facts.

Supporting external documents

Name	Location
Family Court of Australia and Federal Circuit Court of Australia – <i>Family Violence Best Practice Principles</i>	http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/family-law-matters/family-violence-best-practice-principles/
Family Court of Australia, Federal Circuit Court of Australia and Family Court of Western Australia – <i>The Australian Standards of Practice for Family Assessment and Reporting</i>	http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/about/policies-and-procedures/asp-family-assessments-reporting
<i>Family Law Regulations 1984</i>	https://www.legislation.gov.au/Current/F2018C00002
<i>Family Law Act 1975</i>	https://www.legislation.gov.au/Current/C2018C00003

References

In document reference	Full Reference
Johnston <i>et al.</i> , 2009	Johnston, J.R., Roseby, V. and Kuehnle, K., 2009, <i>In the Name of the Child: A Developmental Approach to Understanding and Helping Children of Conflicted and Violent Divorce</i> , Springer Publishing Co.

Responsibility

Policy Owner	Principal, Child Dispute Services
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Version control and change history

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