

Child Responsive Program

This fact sheet provides information for people who have not reached an agreement about their child/ren, who are involved in a case in the Family Court of Australia and for whom the Court has ordered that the parties and the child/ren take part in the Child Responsive Program.

What is the Child Responsive Program?

The Child Responsive Program involves a series of meetings between a family consultant, the parents (or other carers), and usually the child/ren. The program focuses on the child/ren's needs and the aim is to help parents and the Court understand what the child/ren need and how the Court can best deal with the matter. Information about child/ren's experiences can help parents better understand how family separation and family changes affect children. By involving child/ren early in the court process, parents are helped to understand their child/ren's needs and experiences of the separation, and to consider the best future arrangements for the child/ren.

When parents cannot agree on the best arrangements for the child/ren, the case will proceed to a Less Adversarial Trial, and the same family consultant will assist the Court with expert opinion and evidence about the child/ren and the family. If you would like to know more about the trial proceedings, see the information brochure *Less Adversarial Trials*.

Who are family consultants?

Family consultants are qualified social workers or psychologists, with skill and experience in working with children and families. They are appointed by the Court to help parents and judges achieve the best outcomes for children. Family consultants are recognised as court experts in children's matters.

Is what I say to the family consultant confidential?

No. What is said to the family consultant is not confidential. All information gathered by the family consultant can be reported to the Court and is admissible in court.

How much does the Child Responsive Program cost?

The Child Responsive Program is ordered and provided by the Court. There is no cost to either party.

What happens after the Child Responsive Program is ordered?

You, or your lawyer (if you have one), will receive a letter or phone call from the Court advising you of the first appointment. You will be asked to confirm the appointment by calling the National Enquiry Centre on 1300 352 000.

Important information about personal safety

If you have any concerns about your safety while attending court, or any appointment ordered by the Court, call the National Enquiry Centre on 1300 352 000 before your court appointment or hearing. Options for your safety will be discussed. The Court takes allegations of violence very seriously and a safety plan will be put in place when the Court is aware of concerns. By law, people must inform a court if there is an existing or pending family violence order involving themselves or their children. For more information see the brochure *Do you have fears for your safety when attending court?*

Attending your appointment

The Court has ordered that you attend the Child Responsive Program—this means you must attend. If you do not attend, the process may not be able to take place by the date set for the next hearing, which may result in delay and additional cost. Family consultants are obliged to tell the Court if you do not attend. Appointments can only be changed in exceptional circumstances. You should call the National Enquiry Centre on 1300 352 000 if you have difficulties with the appointment time.

What are the steps in the Child Responsive Program?

There are five potential steps in the Child Responsive Program:

1. Intake and Assessment Meeting (for parents/carers only)

The family consultant meets separately with each parent to find out about the child/ren, any difficulties with parenting arrangements and any risk issues. Before these meetings, parents may separately view a DVD to help them understand how children experience separation. You are welcome to bring a support person for your own comfort, but they will not usually be interviewed. Other significant people, such as a new partner or grandparents, are also not usually interviewed.

2. Child and Family Meeting (for parents/carers and children)

If the family consultant believes that a Child and Family Meeting may be helpful, it usually starts with the family consultant meeting with the parents, and then spending time with the child/ren, both individually and together, without either parent being present. The child/ren are given an opportunity to talk about their feelings and experiences of the family situation, but no child will be required to express views/wishes if they do not wish to do so. The family consultant may then give feedback to the parents about the child/ren's experiences and views, and may give the parents an opportunity to discuss future arrangements for the child/ren.

Where possible, children of all ages are supervised by qualified child care staff in a secure area. This is to ensure that they are in a neutral environment and not exposed to possible adult conflict in the open areas of the Court. Where this service is not available, you may be required to bring someone to look after the child/ren for you.

3. Children and Parents Issues Assessment

A Children and Parents Issues Assessment is written by the family consultant. This preliminary assessment provides a summary of the main issues identified in relation to the child/ren and parents, the feedback given to the parents and the subsequent discussions. You or your lawyer (if you have one) will be provided with a copy of the assessment.

4. The Less Adversarial Trial

On the first day of the Less Adversarial Trial, the family consultant may give evidence based on their involvement with the family and their understanding of the issues involved. This will include an assessment of the child/ren's needs and the most significant issues for the parents/carers. The Court may then decide whether any further reports, or any other assistance from the family consultant, would help in deciding what would be in the child/ren's best interests.

5. Post-orders review and referral meetings for parents, carers and/or child/ren

In some circumstances the Court may order the parents and/or children to meet with the family consultant after the trial to make sure everyone understands the orders that have been made and decide how the orders will work. Parents and children may be referred to services in the community for further help.

What documents do I need to provide?

The family consultant has access to documents filed by both parties and will read documents as directed by the Court. You do not need to bring any other documents to the meetings. The family consultant will not read any subpoenaed documents unless it has been specifically ordered.

What information will the Court receive?

A Children and Parents Issues Assessment is court evidence. It cannot be shown to anyone other than the party/s to the court case and their legal representatives. It cannot be shown to other people, such as other family members, without the Court giving permission for this to happen. This is the case even for people who may have been interviewed, but are not a party to the court case.

It is an offence, under s121 of the *Family Law Act 1975* to publish or disseminate to the public, or a section of the public, any part of proceedings under the Act that identifies a party, a witness, or certain other persons.

When will I receive the Children and Parents Issues Assessment?

You or your lawyer (if you have one) will receive a copy before the next hearing. It is possible (and not uncommon) for matters to settle based on what is contained in the Issues Assessment. If your matter settles you may not need to come back to court. The Court encourages this and will provide assistance if you need it. Please inform the Court immediately (if you have a lawyer they can do this for you) if you reach an agreement outside of court.

What if I don't agree with the Issues Assessment?

The Children and Parents Issues Assessment is only one source of evidence that the Court considers in making its decision. The Court is not bound by any advice given by the family consultant. As with any evidence, the appropriate place to challenge the assessment is the Court itself. You should raise your concerns with your lawyer if you have one, or in court at the first day of the Less Adversarial Trial if you do not.

What if I have a complaint about the family consultant?

If you have a complaint about the family consultant you should refer to the Family Court of Australia Feedback and Complaints Policy at www.familycourt.gov.au. You should also discuss your concerns with your lawyer.

FAMILY LAW REGISTRIES

AUSTRALIAN CAPITAL TERRITORY

Canberra Cnr University Ave and Childers St
Canberra ACT 2600

NEW SOUTH WALES

Albury Level 1, 463 Kiewa St Albury NSW 2640
Dubbo Cnr Macquarie and Wingewarra Sts
Dubbo NSW 2830
Lismore Level 2, 29-31 Molesworth St
Lismore NSW 2480
Newcastle 61 Bolton St Newcastle NSW 2300
Parramatta 1-3 George St, Parramatta NSW 2123
Sydney 97-99 Goulburn St Sydney NSW 2000
Wollongong Level 1, 43 Burelli St
Wollongong NSW 2500

NORTHERN TERRITORY

Alice Springs Westpoint Building, Cnr Railway Terrace
and Stott Terrace Alice Springs NT 0870
Darwin Supreme Court Building State Square,
Darwin NT 0800

QUEENSLAND

Brisbane 119 North Quay Brisbane Qld 4000
Cairns Level 3 and 4, 104 Grafton St
Cairns, QLD 4870
Rockhampton 46 East St (Cnr Fitzroy St)
Rockhampton, QLD 4700
Townsville Level 2, Commonwealth Centre,
143 Walker St Townsville Qld 4810

SOUTH AUSTRALIA

Adelaide 3 Angas St Adelaide SA 5000

TASMANIA

Hobart 39-41 Davey St Hobart Tas 7000
Launceston Level 3, ANZ Building, Cnr Brisbane &
George Sts Launceston Tas 7250

VICTORIA

Dandenong 53-55 Robinson St Dandenong Vic 3175
Melbourne 305 William St Melbourne Vic 3000

WESTERN AUSTRALIA

Perth Family Court of Western Australia
150 Terrace Rd Perth WA 6000
08 9224 8222