

QDVSN MEETING ISSUES PAPER

FOR DISTRIBUTION TO OTHER NETWORKS

KEY ISSUES ARISING FROM QDVSN MEETING ON 15TH & 16TH FEBRUARY 2007 - MACKAY

Background information

In the spirit of enhancing information sharing and collaboration between our networks, Queensland Domestic Violence Services Network (QDVSN) decided to distribute to other related and like networks and services, relevant issues arising from the QDVSN meetings. In addition, QDVSN recognizes that our networks are frequently responding to and discussing the same issues, and the strength that lies in coordinating and sharing information.

After each QDVSN meeting, the QDVSN Secretary can forward to your network/service the key relevant issues arising from the QDVSN meeting.

If you do not feel it is useful for your network/service to receive this information, please do not hesitate to let us know. In addition, if your network/service would like to similarly disseminate information relating to your network/service, we would certainly welcome this.

Amended Family Law Act and Consent for child counseling

For reasons of safety and confidentiality for the child, specialist services dealing with D&FV usually have a policy of getting consent from the non-violent parent only. Amanda raised this issue of parental permission for child counseling as recently there has been an increase in the number of children with consent orders stating that both parents have equal shared responsibility for major long-term health issues. The service had received advice that counseling would be included in this category and that only obtaining consent from one parent (usually the mother) would inadvertently be placing the mother in danger of being breached in the Family Court. Furthermore, this was a concern because of the rights of children to be able to access counseling. Amanda advised that she had put this on the agenda to speak with WLA to find out their view.

There was a general discussion about this item. It was agreed that this impacts on three levels: individual, service level and system level. Townsville service is attempting to write a brochure to inform women about issues like this. It was suggested that this brings home the responsibility of perpetrator programmes to work around this issue with men and the issue of responsible parenting and to consider whether the DV services should be trying to shift perception of child counseling within FC arena so that judges would find DV counseling by specialist services acceptable rather than making orders for counseling at generic services.

Legal Aid telephone link – Fiona Fairbrother and Raquel Aldunate

Child Counselling and Family Law Act amendments

This relates to agenda item above. Fiona had emailed Amanda's query to the coordinator of the DV Unit also. The advice was as follows:

- If no court orders in place and not going through the court process, either parent can take a child to counseling and only one has to give permission;
- If a court order is in place but it is 'silent' about parental responsibility then the legislation says it is a joint responsibility and will need both parent's permission;

- If a court order is in place and written as joint responsibility in the order, then services need both parent's permission;
- If no court order but court proceedings are in progress, then the new legislation comes into effect and both parent's permission is required.

WLA would recommend that if a client has concerns about abuse or violence it should be raised in the court material and have relevant orders and parties agree to where the counseling takes place. Best to be open about concerns. Parents/Solicitors can also write a letter to the other parent/solicitor saying that child needs counseling. WLA recommends that the client should seek legal advice if unsure of parental responsibility.

The group asked if WLA knew of any women who have been breached for taking their children to counseling at a DV service. Fiona stated that this had happened and some have been ordered not to take their children anywhere. The court sees this as a contempt of court order and are strict.

QDVSN raised the concern that there are safety issues around requiring permission from a perpetrating parent.

Major decision made in Family Court in December 2006 – Goode and Goode

Fionna advised of a decision by the full court looking at what should be considered at the interim hearing stage. Initially WLA thought the amendments to the Family Law Act (FLA) would not change matters at an Interim stage (relied upon Cowling decision). However, the amended legislation has a new purpose and meaning and practitioners can no longer rely on the 'status quo'. Parties must look at all elements of section 60CC of the FLA. Primary consideration is relationship with both parents – joint responsibility for child to know both parents except if abuse or violence. A consideration is if parent can 'show willingness to promote parental relationship'. If safe, best option is to negotiate before they leave the house. If unsafe, to negotiate and client should seek legal advice.

WLA advised that if a client is saying there is abuse or violence in the relationship it is critical to see a solicitor and have the facts in the first court documents. Most important thing is for services to play important role when referring to LA or solicitors. Workers should put down on paper what the related issues are to DV. So, in any referral, write that client is concerned about stating specific issues of violence. That way LA or solicitors are not putting the facts in their client's minds (which they must not do). Otherwise, clients will not get proper advice and therefore this can be detrimental to women and their case.

It was also suggested that staff from DV service perhaps should go to LA with the client or fax through, with consent, information to whoever is providing the advice so legal officer can draw from that the most critical evidence that needs to be resolved. If client can't show that there is abuse or violence or risk of abuse or violence, then court has to consider equal time. The court starts at equal time and then moves from that depending on the secondary considerations. Some cases have gone through where the presumption has been rebutted but needs good evidence to do this.

- *Action: WLA will send through a copy of the protocol that was devised for use with WAVSS regarding sharing of information.*
- *Action: Amanda to email QDVSN copy of the ante-exparte letter that is used for women leaving a violent relationship.*

Violence Prevention Team (VPT) Telephone Link – Jess Wilson

Child counseling

QDVSN updated Jess on the latest legal advice from LA (see above) and the ramifications for services and clients. Some services have been ordered to stop counseling children by the Family Court.

QDVSN raised the concern that there are safety issues around requiring permission from a perpetrating parent as well as concerns regarding the rights of children to be able to access counseling.

- *Action: Jess will raise this as an issue through her networks.*
- *Action: Amanda will keep Jess informed of any further legal advice/cases.*

D&FV Month update

Funding round has closed and been assessed, waiting on approval by minister and hope to let people know by start of March. Staying with the same theme as last year and targeting perpetrators of violence to seek help for their behaviour. Resources to be distributed by middle of March. Launch of D&FV Month in Mackay on 29th April 2007. DV awards are open and on website and close on 12th March 2007. Date of awards pending but looks like 29th or 30th May in Brisbane. Ads will be run again in May for a three week period and again doing 'convenience' advertising in pubs and clubs. Also doing key ring tape measures that have the slogan on them and Credit Union Australia will sell them.

QDVSN advised Jess that it is again holding a statewide candle lighting ceremony on Wednesday 2nd May at 6pm.

QPS MOA re child referrals

Jess has been trying to find out what is going on with the Police's policy. The DG has written to the Commissioner asking what the process is to follow this up.

Evaluation of DV legislation

Surveys closed before Christmas and went out to DV and FV services, police, solicitors, court staff, magistrates and clients. In general there was a good response rate from the surveys and Jess is starting on the analysis of these in conjunction with the legislation evaluation working group.

Heather queried whether the VPT would be asking for any data from the CDFVR database and whether now was the time to start thinking about alternative data to collect after July. Jess suggested waiting until after the analysis and recommendations have come out from the legislation evaluation.

Multicultural Action Plan and TIS

QDVSN queried how the VPT is planning to implement the MAP especially given the issues around TIS and the seemingly ad hoc decisions around invoicing. Jess reiterated the interim process that non-government services should send in paid invoices for TIS but acknowledged there had been some glitches in reimbursing these. Jess confirmed a long-term strategy is being developed by the Department of Communities to ensure non-government agencies are covered for the cost of using interpreters. She also informed the group that government departments such as the court or police are not affected by the change in policy of the federal government. These departments are still responsible for covering the costs of any interpreting required during their work.

One of the VPT's responses to MAP is translation of some of the help cards – only one to be translated at the moment by end of financial year and then others after that. Language translating at the moment is Arabic. Another aspect is research into the accessibility of DV&FV services for NESB clients and culturally acceptable education campaigns.

Homelessness and DV&FV Pathways Project

SAAP V has three state priorities: improved coordination and access to services; address unmet need; and enhance governance and service quality. VPT looking at referral pathways and whether there are barriers to access for women. Process is being led by Homelessness Services Team. Contact has been

made with DVConnect and will also talk to QDVSN and CWRG about pathways and whether there are any barriers or if the process works well.

Service plans/agreement

QDVSN updated Jess that there is still inconsistency across the state regarding service plans/agreements and reporting requirements. QDVSN is seeking a meeting with Karen Copeland to try and progress this collaboratively. Jess advised that Karen will not be the ADG from March for a while but it will be Kathy Dunning.

Jess, on behalf of Doug Winten, thanked QDVSN for feedback on the Practice Standards for working with male perpetrators of DV and stated that this has been incorporated into the practice standards document for the DG to look at.

Ministerial Advisory Council on D&FV Forum

The Minister has asked that members consult within their region around the four areas of work. He also asked that they convene a forum and this will take place as a consultation forum in Brisbane on 19th June 2007. Six people from each region may be invited but there is no budget for this so those attending will need to meet their own expenses. The MAC is expecting about 100 people to be in attendance.

QCOSS Future of the Sector Peaks Forum Meeting

Planning for the forum is well under way. The peaks meeting will be facilitated by Viv Read. There was a discussion at the peaks meeting about developing a Queensland Compact between the community services and the Queensland government. Chris provided copies for those QDVSN members who will be attending the meeting. There was also a discussion around narrowing down the key issues to be actioned at the peaks meeting.

Periodic reporting and service plans

There was a long discussion regarding the uncertainty and diversity of information regarding periodic reporting and service plans. It appears that the VPT and some services' CSOs are giving out different information regarding whether services require one or more service plans. It was suggested that QDVSN should try to have a face to face meeting (Brisbane June 2007) with VPT and whoever was responsible for the new periodic reports in order to discuss the issues and provide specialist input.

- *Action: Ann will write to Karen Copeland, copied to Natalie Seigel, asking for a meeting with her and the Performance Monitoring head, to discuss a way forward.*

Management Issues (standing item)

There was a long discussion about the manageability of the growing role of coordinators and a concern about where the SNGO process was actually heading. Some services have taken on a senior case worker that deals with client issues leaving the Coordinator free to do other tasks. Another service has a Manager of Counseling that provides supervision for the team and a DV Integrated Response Manager who does direct work along with the Director if there is a need to fill in. Another service reported that, as with so many other services, there is an issue with succession planning. One suggestion has been to take on a co-manager who could carry out the more managerial tasks leaving the other manager to focus on client delivery.