



The Hon Kevin Andrews MP
Chair, Joint Select Committee on Australia's Family Law System
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Chair,

Re: Inquiry into Australia's family law system

Thank you for the opportunity to provide a submission to the Joint Select Committee on Australia's Family Law System.

Centacare Family and Relationship Services (CFRS) is part of Centacare in the Archdiocese of Brisbane. We provide professional, community-based services that enhance the lives, relationships and wellbeing of clients in all their diversity, throughout South East Queensland.

Clients are supported through a range of programs and services including family and relationship counselling; family law counselling; specialist domestic and family violence (DFV); family and relationship education; Family Dispute Resolution (FDR), Parenting Orders Programs (POP), Supporting Children After Separation Program (SCASP), and psycho-educational group and community education services.

We recommended the following guiding principles for reform of the family law system

Child Centred – all entry points in the family law system should adopt processes that centre on positive outcomes for children, whether it be at an FRC, Legal Practitioners, or the Courts.

Safe and Accessible – the family law system should provide services and have processes that are safe, respectful, fair, affordable and timely.

Integrated - The modern family law system should address all of the needs of the family within one system and one court; e.g. DFV, Child Protection, Divorce & Family Separation.

Prevention and Early Intervention – programs and services for families must be designed to support safe, nurturing and healthy relationships to ensure that children reach their full potential. To achieve this, services for separated families, where assessed as appropriate, need to address conflict and its underlying causes, which are most often relationship problems not legal ones.

Working Together - services for families who experience conflict after separation should be coordinated, with a multidisciplinary approach bringing together experts in working with families, alongside experts in law, to support families holistically post separation.



Promoting Resilience – services and processes must focus on managing risk and promoting resilience for families, with case management by specialist family and relationships services available to empower families in a ‘step down approach’ to seeking support and be responsible for decision-making whenever possible.

We recommend the inquiry should give significant weight to the Australian Law Reform Commission's (ALRC) report on its inquiry into the family law system released in 2019 and to other relevant past reports and evaluations into the Family Law System.

Kind Regards,

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Director

Centacare Family Relationship Services

Centacare Family and Relationship Services (CFRS) Submission - Joint Select Committee on Australia's Family Law System

- a. ongoing issues and further improvements relating to the interaction and information sharing between the family law system and state and territory child protection systems, and family and domestic violence jurisdictions, including:***
 - i. the process, and evidential and legal standards and onuses of proof, in relation to the granting of domestic violence orders and apprehended violence orders, and***
 - ii. the visibility of, and consideration given to, domestic violence orders and apprehended violence orders in family law proceedings;***

Real legislative change is necessary to address the divide between state legislation (domestic and family violence and child protection) and its intersection with federal family law. Families who are most vulnerable are significantly impacted by the duplication and differences across state and federal legal systems. For example, when a respondent agrees to a DVO without admissions, the onus is again placed on the aggrieved to establish the violence and seek protection in the Family Court jurisdiction, despite the previous State Court proceedings. The modern family law system should address all issues which impact families; e.g. parenting and property, domestic and family violence and child protection matters; with one Court and one legislative framework to meet the complex needs of Australian families.

Many clients, (including children) have had to tell their story of the violence and abuse they have experienced to numerous agencies and professionals. Information sharing between Courts (Magistrates, Children and Family) and agencies such as Police, Child Safety, Mental Health and Family Law Services is essential to shifting the burden of safety concerns from victims and those who are most vulnerable, to those who have the responsibility to protect.

Additionally, there needs to be a sector wide focus on education for professionals working across the family law sector to improve understanding of family violence and abuse. This education would assist in the development of a multidisciplinary approach to family law, which would enable domestic and family violence specialists, family and relationship specialists and the family law sector, in working together to assist families after separation.

Furthermore, initiatives such as universal risk screening and assessment for professionals who work with families would enable information sharing and collaboration. Having consistent approaches to understanding, assessing and responding to safety concerns, which is consistent with practice within the family violence and child protection sectors, will improve safeguards for children and encourage greater integration of service responses. If such ideals were embedded into legislation, there would be less duplication within the system and a greater focus on information sharing and collaboration in the management of risk for children and families.

b. the appropriateness of family court powers to ensure parties in family law proceedings provide truthful and complete evidence, and the ability of the court to make orders for non-compliance and the efficacy of the enforcement of such orders;

Many clients report not being believed when telling the truth about violence and abuse during family law proceedings. Many women feel they are unable to act to protect themselves and their children for fear of non-compliance .

A modern family law system requires expertise in law and social science for judicial officers working in the family law jurisdiction, due to the nature and complexity of the problems that families who participate in the family courts experience. The current adversarial system does not and cannot address the diverse and complex needs of families. However, initial training for judges in the family law jurisdiction and ongoing professional

development is essential; e.g. understanding how victims of violence and abuse present in stressful situations such as Court processes may reduce the misconception that the individual is being uncooperative or erratic, and ensure that such behaviour is conceptualised within a framework of normal responses to trauma.

c. beyond the proposed merger of the Family Court and the Federal Circuit Court any other reform that may be needed to the family law and the current structure of the Family Court and the Federal Circuit Court;

The lack of confidence in the family law system largely stems from the cost, delays and issues around access for those who are vulnerable and have complex issues. While increased efficiency in governance and regulatory process may assist in improving the family law system, fundamentally there needs to be a shift from adversarial processes and a focus on collaborative problem solving processes that address the needs of the family holistically; e.g. not just conflict but the underlying causes of conflict. Families deserve a family law system that helps and does not harm.

Many of the families we work with report that gross power imbalances exist within the Court process when one party does not have legal representation. This situation does not afford access to justice for all families, and often results in the most vulnerable being further disadvantaged. Initiatives such as the appointment of Independent Children Lawyers in all matters involving children and free legal representation for those who agree to engage in collaborative law processes may reduce the number of family law matters that require adjudication.

Recommendations 90 to 103 of the Not Now Not Ever Report relate to an enhanced law and justice framework for domestic and family violence, such as:

- family law children's matters (by consent) and child protection proceedings to be dealt with by the same court.
- Domestic and Family Violence Protection Act be amended so that the court must consider a family law order when making a Domestic Violence Order.
- Ensuring that judicial officers receive intensive and regular professional development on domestic and family violence issues, including its impact on adult victims and children, from domestic and family violence practitioners who have expertise in working with adult victims, children and perpetrators.

- Ensuring that continuing professional development programs are developed and made compulsory for all legal professionals who engage in domestic and family violence law and family law to ensure ethical conduct for managing the intersection of domestic and family violence and family law.

There are a number of countries that currently have great success with an integrated legal system which oversees family law, domestic and family violence, and child protection matters within the same jurisdiction and same Court. The current lack of coordination between state and federal law means those who are most vulnerable are often re-traumatised by the unnecessary duplication and differences in these systems. Real legislative change for families is needed. A modern family law system that acknowledges family violence and child protection issues should not occur in isolation of parenting matters and should be dealt with in one Court and one legal system.

We propose that a stepped down approach to the modern family law system is necessary to reduce the significant financial, personal and relationship costs of involvement in family law proceedings for families and the community (see Table 1). This approach, which has been adopted in a range of settings, such as health and child protection, is necessary to ensure the majority of families engage in less intrusive and adversarial processes, reducing the number of families who proceed to Court.

We also propose that FRCs are in many ways an underutilised initiative. They offer an established infrastructure to meet a range of needs for families but they are currently funded primarily for dispute resolution. Expansion of these existing family law services is necessary to assist parents in addressing the conflict they are experiencing, and its underlying causes.

Introduction of **primary services** such as counselling, parent education, and the continued support of free legal advice for all families are important and effective early interventions for all families who access the Family Relationship Centres.

Family Dispute Resolution in parenting and property matters is a **secondary service**, which offers targeted intervention for families who are experiencing conflict. For families who are not appropriate for FDR we propose services such as Intensive Case Management and Collaborative Family Law Services also be available.

Finally, for those families who are at high risk of entering or re-entering the family court system, we propose the introduction of **tertiary services** such as intensive case

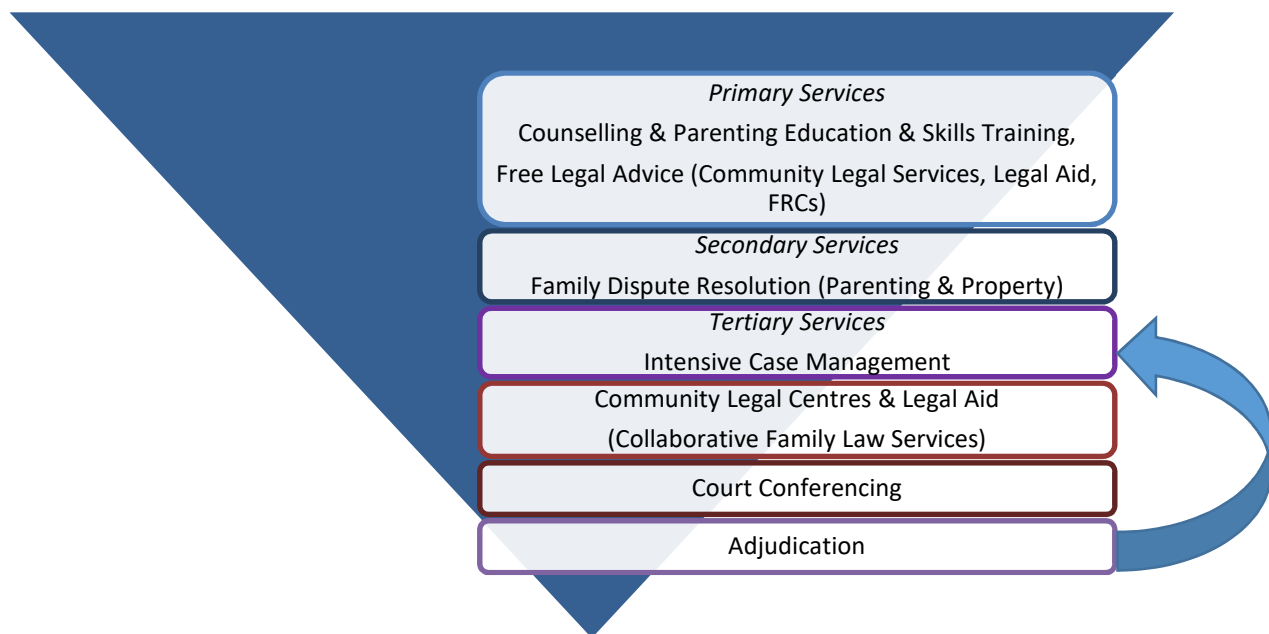


management by specialist family professionals. This approach would function in the evidenced based practice of 'parenting coordination' currently widely used in the USA (APA, 2012).

For example, for those families who need support in implementing parenting agreements either reached in FDR or ordered by the Court, the introduction of intensive case management in FRCs would provide the level of coordination of supports and services needed for parents who are at risk of entry or re-entry into the family court system. This service would assist these parents to address the challenges of co-parenting and making parenting arrangements work; thereby reducing the harm associated with ongoing conflict for children.

FRCs have developed strong partnerships with community legal services who provide necessary legal advice and encourage resolution of dispute without the need for litigation. For example, in some circumstances both parents may receive legal advice from a Community Legal Centre— these services also offer a collaborative legal approach to assisting families; e.g. to prepare Consent Orders based on mediated agreements. We suggest that additional funding for Community Legal Centres to offer collaborative family law services in conjunction with FRCs who assist families to resolve dispute about parenting and property would reduce the number of families who need to access the Court. In this approach, only those families who were unable to resolve conflict within the service system would progress to the adversarial system, with the introduction of free Collaborative Family Law Services as another (more formal) step before clients make an application to Court. This approach would both reduce the numbers of families who proceed to litigation, while also assist families to address the underlying causes of the conflict.

Table 1: Stepped Down Universal Approach to Family Law Services



- d. the financial costs to families of family law proceedings, and options to reduce the financial impact, with particular focus on those instances where legal fees incurred by parties are disproportionate to the total property pool in dispute or are disproportionate to the objective level of complexity of parenting issues, and with consideration being given amongst other things to banning 'disappointment fees', and:***
- i. capping total fees by reference to the total pool of assets in dispute, or any other regulatory option to prevent disproportionate legal fees being charged in family law matters, and***
 - ii. any mechanisms to improve the timely, efficient and effective resolution of property disputes in family law proceedings;***

Families do report that involvement in the family law system results in increased conflict, excessive costs and time delays. Particularly costs associated with legal advice and processes are often misunderstood and fail to meet the parents' expectations. Many families report that they have never received any formal written advice and therefore have limited recourse when the outcomes of litigation are not aligned with the verbal advice they received. Professional practice which is ethical and aligned with the legislation; e.g. in the best of children, is seemingly incompatible with the current adversarial nature of family law.

In so many family law matters, property is a significant underlying cause of the ongoing conflict in parenting matters. Many families who use our services report spending significant amounts of the joint asset pool on legal advice with either no outcome or

outcomes which they believe are unfair. Often times they are advised against mediation for property matters, as it is not compulsory. Many families do not understand the real time and costs of litigation in property matters, particularly legal fees. This is often an issue that causes ongoing resentment between parents who just want a fair settlement to enable them to move on with their lives. The introduction of compulsory FDR in property matters is a necessary first step to divert the majority of property matters from litigation. Again a stepped down approach could be considered for families that require additional assistance; e.g. FDR, Legally Assisted Mediation, Collaborative Law, and Court Conferencing being attempted prior to Adjudication.

Many families we work with report that the family law system currently fails to provide any real regulation of ethical practice and accountability for legal services; e.g. clients who report legal fees are greater in some cases than the property pool. This is contrary to the best interest of children and therefore must be a consideration in changes to these provisions of the Family Law Act.

Increased awareness and education is essential for vulnerable families. Options such as the development of online calculators, which allow families to list assets and liabilities and consider legal fees as costs in property division may assist to reduce the amount of litigation in this space. Such tools are often used in FDR to assist parents to understand the real time and cost of continued conflict.

Additionally, some clients we work with are disadvantaged through a failure to adequately consider the complexity of property division in cases where there is family violence and abuse and parenting arrangements that will change with time. This may be due to a lack of information, pressure to settle, lack of funds to continue to pursue the matter, and when one party towards another has made threats or when there is ongoing abuse. In these matters involving imbalance of power, the introduction of capped legal fees, penalties for failure to disclose and clearer directions as to how property is divided and what percentages are realistic would assist families.

e. the effectiveness of the delivery of family law support services and family dispute resolution processes;

There needs to be a greater emphasis on Court as a last resort in all matters.

Initially FRCs were funded to provide parents with 3 x 3hr sessions of dispute resolution over two years. Changes to funding have seen the FRC model move to a contribution model, where some families are required to pay for services. Family Relationship Centres are now funded to provide one hour of FDR free to every family. The Attorney General's "OPERATIONAL FRAMEWORK FOR FAMILY RELATIONSHIP CENTRES" fee policy provides that clients earning \$50,000 or more gross annual income are required to pay \$30 per hour for the second and third hours. This can be a barrier to access for some families, and so many FRC service providers waive fees. This is an important consideration as evaluation studies have demonstrated that many families require multiple sessions of mediation to assist them to resolve issues in dispute (Moloney et al, 2013). Additionally, many parents report the current wait times in FRC's are excessive, and as such, additional funding for increased staffing would assist to ensure timely and cost effective resolution of family law disputes within the FRC's.

Some families who contact our Family Relationship Centres for Family Dispute Resolution have stated that s 60I Certificates have been issued by private Family Dispute Resolution Practitioners when they cannot afford private fees and therefore refuse to engage in these services. This has occurred even when the parents stated they couldn't afford the service, and had instead contact the FRC for FDR. A review of the certificate issuing system is required to ensure parents are not bypassing the FDR system.

Additionally, FRCs were not originally intended for the type of interdisciplinary collaboration that is necessary to best support families in the family law system. Although strong partnerships have developed with community legal centres, there is an ongoing lack of coordination between private legal services and FDR services. A cultural shift in the legal sector (which operates for-profit) is necessary to ensure the success of dispute resolution and non-adversarial and cost effective resolution of family law matters.

Standard FDR is not safe or appropriate for all families. However, government investment in different types or streams of mediation which meet the diverse and complex needs of

families would potentially be a more cost effective and timely investment than expanding Court services.

Diversions from the Court should occur at every opportunity. For those who proceed to Court, the reintroduction of court conferencing (dispute resolution) in all matters should be compulsory prior to proceeding to adjudication.

Additionally, for those families who experience ongoing and often entrenched conflict; services such as 'Parenting Coordination', which may be ordered under s 65L of the Family Law Act 1975 to supervise or assist compliance with parenting order by a Family Consultant, should be introduced more broadly in community settings to assist parents in implementing Orders and/or parenting plans for children, without the need for ongoing intervention from the Court.

f. the impacts of family law proceedings on the health, safety and wellbeing of children and families involved in those proceedings;

The concept of family has transformed profoundly in recent decades. The family law system must therefore be robust enough to support a diverse range of family formations and vulnerabilities. Problems such as violence and abuse, substance misuse, problems with health, including mental health and wellbeing, cultural or religious differences, and child health and wellbeing are important considerations in the support of families.

Many of the clients who use our services have one or more risk factors, and in many cases enter services at times of crisis. Family law matters are often highly emotional and involve significant financial, interpersonal and psychological stress for all family members. As such, **a modern family law system needs to acknowledge and seek to reduce these stressors for families.** A modern family law system should recognise that emotional, relationship and interpersonal problems are often the underlying causes of conflict after separation. Many families who use our services have experienced a range of different traumatic events during the relationship and after separation. The impact of domestic and family violence, neglect or abuse, mental illness, substance misuse, along with the number of significant changes in relationships and resources can overwhelm both the parents and children; having a major impact on their ability to cope. Parental trauma can also have a debilitating effect on children. For example, reduced parental capacity can significantly impact

children's wellbeing (Burke, McIntosh, & Gridley, 2009). Additionally, cultural trauma such as that experienced by the 'Stolen Generation' is felt years later for Aboriginal and Torres Strait Islander children.

Many families in the family law system are impacted by trauma to some degree. Families we work with often exhibit signs of complex trauma resulting from sustained prolonged or repeated traumatic events that have a cumulative effect. For these families the impacts of trauma are more serious and long lasting. The current family law system does not recognise or respond to the complex and cumulative effects of this trauma for families. In most cases, the adversarial process is not suitable for addressing the problems experienced by many adults and children in the family law system and often further compounds these problems.

The family law system needs to ensure that a greater weight in decision-making is placed on the significant impact of all forms of violence and abuse, and particularly psychological harm for children. Definitions of family violence must take into account both the current impacts along with the long-term risks for the child (Department of Child Safety, Youth and Women (Qld), 2017).

One of the significant challenges families who experience family violence and abuse are faced with, is the lack of understanding of family violence and abuse within the legal sector. For example, victims often struggle in Court settings to provide evidence of the violence and abuse (particularly psychological abuse) they have experienced as they have often hidden the violence or abuse they have experienced for many years in order to survive. Victims are often accused of making false allegations by the perpetrator; this is another form of power and control that has no consequence for the perpetrator in the current legal system. Additionally, victims of violence and abuse are frequently required to re-experience traumatic events on multiple occasions with no consideration for the impact this may have on their health, wellbeing and parenting capacity. Differences between state and federal legislation often means the process of proving violence and abuse is duplicated. One of the unintended consequences of this can be systems abuse which affects the victim but has no consequences for the perpetrator.

There needs to be greater awareness of the dynamics of power and control that occur in relationships where there is violence and abuse. The Court and FDR settings are often

misused as opportunities by perpetrators for further perpetration of abuse and control of victims. For example, in some cases victims who try to establish boundaries and resist control of the perpetrator may be considered uncooperative or seen as obstructing the children's relationship with the perpetrator. There can be a dichotomy in the family law system in considering violence in intimate partner relationships as separate or in no way related to the role of parent and children's rights to have meaningful relationships with both parents. A more sophisticated understanding of violence and abuse is necessary to ensure all professionals working with separated families have a highly developed understanding of the complexity and interrelationship of these issues for families.

In cases where family violence and abuse has, or is occurring, equal shared parental responsibility and equal time are not just contraindicated, this type of intervention can be inappropriate and abusive and should be clearly articulated in the Family Law Act.

In many cases, when there is family violence and abuse the standard FDR process is not safe or appropriate. Instead, the introduction of FDR processes that are better suited to the needs of families who have experienced and/or are continuing to experience family violence are required. For example, when there is a current Protection Order, families should be able to bypass standard FDR processes and divert to specialist FDR services.

Coordinated information sharing practices are important to ensuring an integrated service response to family violence; e.g., a system that enables child counsellors and behaviour change programs to communicate with FDR services and vice versa around risk for families, may reduce the risk for families currently engaged in the family law system. This may require a legislative change that limits confidentiality and mandates information sharing where there is a risk identified.

Overall, an ongoing focus on family violence education at all levels of the family law system is essential to a cultural shift towards a modern family law system.

Additionally, for families with complex needs, including when there is family violence and abuse, serious mental illness, substance abuse, and ongoing safety concerns or involvement with child safety; the adversarial process is not only inappropriate but can also increase the risk of further harm. A therapeutic jurisprudence approach is necessary to reduce the harm associated with involvement in legal processes. Problem solving or intensive case management approaches used within services such as 'parenting

coordination' would provide the intensive professional support needed by these vulnerable families to address the ongoing risks and complex needs of both the children and parents.

Innovations in the Family Court system, like the 'less adversarial trial' approach, cannot fully address the complexity, behaviours, and relationship problems that result in ongoing and entrenched conflict for these families. Instead, by providing intensive case management in community settings, families would be able to access the ongoing support and intervention necessary to address both the conflict and the underlying issues or risk and dysfunction that prevent these families from making changes that result in improved outcomes.

The introduction of universal trauma-informed practice in screening and assessment of risk would not only enhance family law services and outcomes for clients, but also improve the process of triaging of these matters in Court. Information sharing is important in risk management and therefore professionals need to have access to information; e.g. police, child safety, family law services to reduce the need to victims of having to repeat their story to numerous professionals. Additionally, practice in this area needs to target the needs of vulnerable groups, particularly Aboriginal and Torres Strait Islanders, Culturally and Linguistically Diverse (CALD) clients, and clients who have a disability.

Furthermore, there needs to be a reduction in waiting times by prioritising parties that have experienced domestic and family violence. In all likelihood, the abuse is continuing while the parties wait for adjudication. Additionally, it would assist victims of violence and abuse to have support staff available in Court for the purpose of information, referral and support.

Safety must be the paramount consideration in all matters; with children's rights to have meaningful relationships with both parents being a secondary issue. In some cases, victims of family violence and abuse who we support, often report their physical and emotional safety and wellbeing and/or the physical and emotional safety and wellbeing of the children is compromised by Orders that focus on ensuring an ongoing relationship between the perpetrator and the children. Many victims also report they feel pressured or coerced into Consent Orders (in some cases by their own legal representative), which are unsafe (physically and emotionally) for themselves or their children; e.g. as they cannot evidence the violence and abuse they have experienced, as it does not fit within the current legal



definition. Changes to the definition of family violence to include psychological abuse, system and process abuses, and recognition of the cumulative effect of trauma for victims of family violence and abuse is necessary.

Children's rights to be included in decision-making processes whenever this is safe and developmentally appropriate must be further embedded in the Family Law Act, Family Courts, and Family Law Services. In the FRCs, Child-Inclusive FDR provides a meaningful opportunity for children to have a voice in the decisions that affect them and provides them with an opportunity to receive professional support. This is important for children who often experience grief and loss, and distress due to the parents' behaviours after separation and often have limited avenues for seeking help.

Recognition that the majority of families in the family law system have relationship problems, and not necessarily legal ones, is an important first step. Therapeutic jurisprudence in family matters is essential to ensure that the process does not further harm or disadvantage families, and especially children. The therapeutic jurisprudence approach argues that any anti-therapeutic consequence of a legal decision should be avoided and where possible, instead a holistic solution should be found that addresses the behavioural, emotional, psychological, or situational issues of the family (Wexler, 2001). For example, to reduce the harm experienced by children involved in family law matters, consideration must be given to what complimentary services and processes may best assist the family to resolve conflict and best support the child's ongoing needs. This process could sit parallel to the legal process and may assist to resolve many of the underlying causes of the conflict, thus reducing the need for adjudication.

Finally, language such as equal, substantial and significant time and shared parental responsibility are confusing for parents. We encourage parents to consider their responsibilities as co-parents along with a range of definitions of parental time that reflect the unique nature of the child's individual developmental needs, the parents' capacity and the family's circumstances.

g. any issues arising for grandparent carers in family law matters and family law court proceedings;

It is not appropriate to have a 'one size fits all approach' to family structures or arrangements for children after separation. The concept of functional or psychological parents may include biological parents, grandparent caregivers, stepparents, non-biological parents, adoptive parents, kinship carers, and a range of adults who are important to the child. Greater emphasis must be given to understanding what relationships are important for the child's wellbeing and development.

This is particularly important for Aboriginal and Torres Strait Islander families. Nowhere is the dearth of culturally appropriate services for Aboriginal and Torres Strait Islander people more apparent than in the domain of family law (Ralph, 2010). Many families view the current family law system as hierarchical, adversarial, paternalistic and ill equipped to provide the culturally appropriate solutions necessary to meet the diverse and complex needs of our first nation's families. These families may have a number of challenges, including alcohol and drug abuse, mental health, poverty, housing, racism and discrimination, and inter-generational trauma.

Support for self-determination, responsibility, ownership and cultural pride in family law matters of Aboriginal and Torres Strait Islander families. This may include the establishment of an Aboriginal and Torres Strait Islander family law court system (like the Murri Court model), to manage complex family issues, including: parenting arrangements, grand parenting or kinship, child protection and safety, culture, identity, healing, and community connection.

h. any further avenues to improve the performance and monitoring of professionals involved in family law proceedings and the resolution of disputes, including agencies, family law practitioners, family law experts and report writers, the staff and judicial officers of the courts, and family dispute resolution practitioners;

Many families report that involvement in the family law system results in increased conflict, excessive costs and time delays. Particularly, costs associated with legal advice and processes are often misunderstood and fail to meet the parents' expectations. Many families report that they have never received any formal written advice and therefore have

limited recourse when the outcomes of litigation are not aligned with the verbal advice they received. Professional practice which is ethical and aligned with the legislation; e.g. in the best of children, is seemingly incompatible with the current adversarial nature of family law.

One of the fundamental gaps in the current family law system is the lack of independent research and evaluation of family court populations and family law outcomes. Further research is necessary to understand what impact the family law system and processes have on children and families who are involved in the system.

Additionally, greater regulation of ethical practice requirements for all professionals within the family law system is required to enhance the transparency and accountability of professionals within this sector.

Professional supervision is a requirement within our organisation. Additionally, we offer employee assistance programs for staff (e.g. EAP). However, additional funding is necessary to support ongoing vicarious trauma and burnout for workforces who operate in this space.

Although professional supervision is not an established practice for legal professionals, this is an evidenced based practice that has been used for years in industries that help families. This practice ensures that professionals receive a regular and formal opportunity to focus on areas relating to their roles, including but not exclusive of: self-care; practice skills and knowledge; decision making in practice; self-evaluation; professional support and debriefing; risk management; case coordination and complex cases; monitoring and quality control of work responsibilities, practice and performance. It may assist legal professionals and judicial officers working in the family law system to be introduced to professional supervision as a formal professional requirement.

i. any improvements to the interaction between the family law system and the child support system;

Research demonstrated that in the short term for both parents, and longer terms for women, separation has significant financial consequences. Many families report that involvement in the family law system is directly a result of conflict about the amount of child support payable.

In some cases, to reduce the child support liability, a parent may propose to spend more nights with the children. Many women report to us that they forgo child support payable to them in order to reduce conflict. Children often report they are unhappy with the arrangements and want to spend more time with one parent but cannot do this, as this will affect child support and cause the parents to argue. Often men have reported that women have ceased their time with the children due to outstanding child support.

j. the potential usage of pre-nuptial agreements and their enforceability to minimise future property disputes; and

No Comment.

k. any related matters

Recommended Guiding Principles for Reform of the Family Law System

Child Centred – all entry points in the family law system should adopt processes that centre on positive outcomes for children, whether it be at an FRC, Legal Practitioners, or the Courts.

Safe and Accessible – the family law system should provide services and have processes that are safe, respectful, fair, affordable and timely.

Integrated - The modern family law system should address all of the needs of the family within one system and one court; e.g. DFV, Child Protection, Divorce & Family Separation.

Prevention and Early Intervention – programs and services for families must be designed to support safe, nurturing and healthy relationships to ensure that children reach their full potential. To achieve this, services for separated families, where assessed as appropriate, need to address conflict and its underlying causes, which are most often relationship problems not legal ones.

Working Together- services for families who experience conflict after separation should be coordinated, with a multidisciplinary approach bringing together experts in working with families, alongside experts in law, to support families holistically post separation.

Promoting Resilience – services and processes must focus on managing risk and promoting resilience for families, with case management by specialist family and relationships services available to empower families in a 'step down approach' to seeking support and be responsible for decision-making whenever possible.