



Discussion Paper Submission to The Standing Committee on Social Policy and Legal Affairs

Inquiry into Family Violence Orders

Submission made by

The Bayside Peninsula Integrated Family Violence Partnership (Victoria)

The Southern Melbourne Family Violence Regional Integration Committee (Victoria)

Acknowledgements

The Bayside Peninsula Integrated Family Violence Partnership and the Southern Melbourne Family Violence Regional Integration Committee respectfully acknowledge the Traditional Owners of the lands on which we work, the Boonwurrung/Bunurong and Wurundjeri people of the Kulin Nation. We pay our respects to their Elders past and present.

We acknowledge the strength and resilience of those who have experienced family and domestic violence, and the bravery of those who use their voices, experiences, and advocacy to inform responses to family violence. We also honour those who are prevented from coming forward by the enormity of the trauma they suffered, and those whose voices can no longer be heard.

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Acronyms and Definitions List

BPIFVP	Bayside Peninsula Integrated Family Violence Partnership.
CALD	Culturally and Linguistically Diverse communities.
IVO	Intervention Order – A court order made by a Magistrate in Victoria. It can help you and your family from anyone who is violent or makes you feel unsafe.
FSV	Family Safety Victoria is a division of the Department of Families, Fairness and Housing. It was created to drive key elements of Victoria's family violence strategy and coordinate support for families to help them care for children and young people.
FVO	Family Violence Orders, also known as Intervention Orders in Victoria.
FLO	Family Law Orders, also known as parenting orders.
MARAM	Multi-agency Risk Assessment and Management Framework. MARAM was redeveloped throughout the Royal Commission into Family Violence in Victoria, and ensures relevant services can effectively identify, assess and manage family violence risk.
SMFVRIC	Southern Melbourne Family Violence Regional Integration Committee.
TOD	The Orange Door. The Orange Door network aims to be accessible, safe and welcoming, providing quick and simple access to support for adults, children and young people who are experiencing family violence, families who need support with the care and wellbeing of children and young people and perpetrators of family violence.

Note on Language:

Victims of Violence This term will be referred to as Victim Survivors to fit within the Victorian context of this submission.

Executive Summary

*"I don't know why you are so scared to meet him because he hasn't put his hands on you."
Spoken by a judge to a client despite client being psychologically terrorised by perpetrator daily.*

The Bayside Peninsula Integrated Family Violence Partnership (BPIFVP) and the Southern Melbourne Family Violence Regional Integration Committee (SMFVRIC) are pleased to provide a submission in response to the Standing Committee on Social Policy and Legal Affairs inquiry into Family Violence Orders. Our submission is a culmination of feedback from senior leaders across the service sector in both regions of Victoria, who are committed to ensuring the safety of women and children impacted by family violence and coercive control, whilst holding perpetrators to account.

The BPIFVP and SMFVRIC are both funded by Family Safety Victoria, covering the Victorian State Government Areas of Bayside Peninsula and Southern Melbourne, respectively.

Both partnerships play a key strategic leadership role in developing a more effective family violence service system. They do this by strengthening system integration and supporting the implementation of the Victorian Government's family violence reforms. The BPIFVP and SMFVRIC include members from government and non-government agencies, family violence services, children and family services, Victoria Police, justice and legal services, housing, mental health, alcohol and other drugs, community, and health services.

As a sector, we acknowledge and support the amendments to the Family Law Act (2023) and the implementation of this as of 6th of May 2024. We eagerly await the monitoring of the changes against the intended outcomes to simplify the law, prioritise the best interests of the child and elevate safety. We continue to advocate for the ongoing continuous improvement of family law reform to ensure the safety of victim survivors and their children, whilst holding perpetrators to account.

In our submission we have outlined the risk to victim survivors and children undergoing family law proceedings along with the critical barriers inhibiting them from obtaining and enforcing family violence orders (FVO's). This includes:

- Lack of accessible legal and non-legal supports for victim survivors and children throughout family law court proceedings.
- Systemic barriers such as courts lacking in understanding of family violence and coercive control resulting in orders that escalate the risk and compromise the safety of victim survivors and children.
- Intersection of Family Law Orders (FLOs)/parenting orders and FVOs whereby parenting orders can override FVOs, in turn minimising the safety concerns outlined in these orders.
- Lack of consultation and procedural consideration for children as victims in their own rights and safety.

Our key recommendations include:

Family Violence Education and Training

1. Improved, mandatory and ongoing cross-jurisdictional family violence education and training of all judiciary and court staff. In particular, alignment of training with the new 2023 Family Law Act amendments prioritising children's best interests to ensure understanding of family violence, coercive control (including systems abuse), trauma and the impact on children informs the application of legislation.

2. Ensure identification, avoidance and prevention of collusion in family law proceedings. Consider law reform to incorporate avoidance of collusion in family violence into the ethical requirements for all Australian Lawyers under the Uniform Legal Profession Law.

Family Violence Governance Framework

3. Implementation of the Victorian Multi Agency Risk Assessment and Management Framework (MARAM), a family violence governance framework in which family law court aligns. MARAM is an evidenced-based framework developed for a shared understanding of family violence, assessing and managing risk and embedding collaborative practice and continuous systems improvement.

Judicial Processes and System Integration

4. Court supports and procedural improvements to ensure victim survivor's matters are heard within a trauma-informed and intersectional approach. Thus prioritising psychological and physical safety, cultural safety, tailored support for those with disabilities, mental health issues and complex trauma.
5. Service System Integration to ensure affordable access to community supports throughout court proceedings for victim survivors, children and perpetrators.
6. Broadening pathways for victim survivors to access affordable legal representation through the implementation of a subsidised program that takes into consideration income, accessible assets, impacts of financial and economic abuse and dependent children.
7. Co-location within Federal Circuit and Family Court, as well as Children's Court and Magistrates Court to enable FVOs to be heard in the same physical space.

Perpetrator Accountability

8. Perpetrator oversight and accountability throughout family law proceedings, whereby family violence orders are an integrated process, ensuring the burden of proof rests with the perpetrator to prove parenting capacity.
9. Information sharing legislation is adopted nationwide for perpetrators to embed mechanisms to ensure risk profile is monitored and assessed throughout proceedings.

Children as Victim Survivors in their own right

10. Recognition of children as victims in their own right to ensure parenting orders reflect the safety and wellbeing needs of children who have perpetrators applying for access and visitation.

"He had a psychological assessment on him with a private psychologist or psychiatrist. It was done on zoom with an interpreter...one hour long. It was unchecked, his history is based on what he said, no family violence professional looked at it."

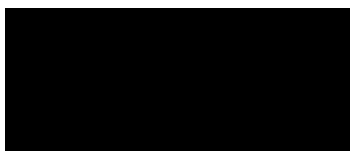
"He would use this to justify refusing to let me leave the house because it's an unsafe country. He wouldn't let me leave the apartment".
Lived Experience account shared during BPIFVP's Client Journey Mapping Project

Submitting Parties

This is a joint submission endorsed by the Chair of both the Bayside Peninsula Integrated Family Violence Partnership (BPIFVP) and the Southern Melbourne Family Violence Regional Integration Committee (SMFVRIC). The Chairs of both partnerships wish to thank all members of the respective partnerships for their contribution to this submission, and for the ongoing, collaborative work across partnership members and agencies.

The BPIFVP and SMFVRIC are both funded by Family Safety Victoria, covering the Victorian State Government Areas of Bayside Peninsula and Southern Melbourne, respectively.

SMFVRIC Chair:



Bel Berry
Senior Manager Early Help and Entry Point
Uniting Vic Tas

SMFVRIC Deputy Chair:



Robyn Roberts
General Manager – Family Violence
wayss

BPIFVP Co-Chair:



Meg Zimmerman
Acting Senior Manager of
Case Management Support Services
The Salvation Army

BPIFVP Co-Chair:



Erin Price
Program Manager Family Violence Services
Good Shepherd

Contributing parties:

Anglicare Victoria
Better Health Network
Department of Families, Fairness and Housing – Child Protection
Each
Emerge
Family Life
Good Shepherd
JewishCare
Peninsula Health
Southeast Monash Legal Service
Southside Justice
The Orange Door
The Salvation Army
Thorne Harbour Health
Uniting Vic Tas
wayss
Wellsprings for Women
Windana/Taskforce

We acknowledge Katie Alexander and Macy Choudhury who have contributed to this submission.

For questions or for further information regarding this submission please contact:

Kirsten Majidi

Principal Strategic Advisor, Southern Melbourne Family Violence Regional Integration Committee



Rosemary Burrell

Principal Strategic Advisor, Bayside Peninsula Integrated Family Violence Partnership



Submission Responses

“Survivors of FV have repeatedly expressed their frustration at the court systems inability or unwillingness to recognise and acknowledge the emotional, financial and psychological abuse that can result from the perpetrator weaponising the court system and processes” – Specialist Family Violence Practitioner

1. The risk of an escalation in the aggressive and violent behaviour of the perpetrator and heightened risk to the partner and children during Family Court proceedings

Family law proceedings provide an opportunity for victim survivors to be heard, conversely for perpetrators this setting presents a fundamental challenge to the power and control they have previously had over the victim survivor. As a result, not only is the court system often weaponised by perpetrators as a mechanism to continue/increase coercive control tactics, the period of separation in the relationship occurring concurrently is an evidence based high-risk factor for victim survivors (Family Safety Victoria, 2021). Further, Family Court proceedings are often a high-risk period of suicidal ideation/threats of murder/suicide, requiring a need for continuous assessment, monitoring and support for both the victim survivor and/or perpetrators.

As detailed below, escalation of risk is further compounded by a lack of court supports, critical systemic barriers and ways in which legal frameworks intersect and override between state and federal court systems.

a. Lack of supports accessible through the Family Court

There is a notable absence of necessary and co-ordinated supports during Family Court hearings, specifically:

- Despite the victim survivor submission of “safety at court” requests and engagement with the Family Advocacy and Support Services, there is no oversight or systemised approach to risk assessment and safety planning for victim survivors and accompanying children throughout the duration of Family Court proceedings. Victim survivors continue to report the limitations of current approaches, for example:
 - “a barrister who had placed a survivor in a safe room, was ordered by a Magistrate that she must appear in the court room, as the cameras would keep her safe”.
 - Separate entry and exit points simply mean the perpetrator and/or connected family members wait for the victim survivor to exit to stalk and intimidate.
 - Inconsistent application of opportunities to attend a court appointment via electronic platforms. Victim survivors are still reporting requirements to attend hearings in person despite significant concerns regarding personal safety for themselves and/or children.

b. Systemic barriers

Multiple systemic barriers exist including:

- The extended time before Family Court proceedings commence poses significant challenges for community services to continue supporting victim survivors and children through proceedings as the funded services hours have often closed. Subsequently, services report a high number of requests to re-engage for family violence case-management support throughout proceedings, however, this request alone often does not meet eligibility criteria for service. Thus, victim survivors concerningly remain without support throughout proceedings where the dynamic nature of their risk and safety is not monitored and co-ordinated.

- Judges and legal professionals can lack understanding of family violence dynamics, coercive control (including systems abuse) and trauma presentations. Thus, proceedings and Family Court orders often fail to respond to identified risk and escalations in perpetrator behaviours, continuing the ongoing trauma of family violence for victims and children. Additionally, this exacerbates a perpetrators capacity to use the legal system to control victims and the narratives of children.
- The structure of Family Court and the manner in which legal proceedings occur are not equipped to consider family violence through Aboriginal and Torres Strait Islander cultural lens. As a result, culturally responsive approaches to address risk and safety through court orders are inadequate and perpetuate ongoing systems abuse.
- There is a need for Family Court to consider the complexities and nuances of family violence experienced by victim survivors and children from a Culturally and Linguistically Diverse (CALD) background. Particularly, the intersection and impacts of temporary visa status on risk and safety considerations and inadequate family violence training for interpreters.
- Victim survivors can be misidentified through the family violence system and in Family Court which is often inappropriately responded to by the court systems. The nuances of this disproportionately impacts CALD, Aboriginal and Torres Strait Islander communities and victim survivors with mental health issues and disabilities.

c. Intersection of Family Law/Parenting Orders and Intervention Orders

Family law orders can override family violence intervention orders, often exposing victim survivors and children to renewed danger, for example:

- Legal decisions allowing perpetrators access to children despite identified risk in existing intervention orders, places victim survivors and children at continued and escalating risk of harm.
- Services highlight that perpetrators build knowledge through their system journey regarding tactics to exploit family law processes and circumvent intervention order conditions.
- Understanding the conditions listed in orders and how these are prioritised across Federal and State legal systems is challenging for many undergoing proceedings. Importantly, for people from culturally diverse backgrounds with language barriers and those with a cognitive disability these challenges are intensified particularly given recognised lack of supports.

d. Lack of Consideration for Children's Rights and Safety

Independent children's lawyers are inconsistently representing children's voices, safety, wellbeing, and trauma for consideration in Family Court decisions. This is due to the lack of shared understanding of family violence and a specific risk assessment framework for children and young people (MARAM). Where there is reduced or halted contact with children, perpetrators often seek ways in which to retaliate and seek retribution, increasing the risk to children which is not adequately responded to by a co-ordinated system approach.

"He did all these things to me, but he gets away with it and is seen as the poor victimised man and I am seen as the problem claiming family violence. Unless you speak up for your rights and the children's rights, father's rights override...it's unjust."

Lived Experience account shared during BPiFVP's Client Journey Mapping Project

2. The current barriers for litigants in the family law system to obtain and enforce FVOs

There are a myriad of barriers impacting victim survivors in the Family Law system when obtaining and enforcing FVOs. Often at the point of family law proceedings, there may be a significant history of family violence being perpetrated towards the victim survivor and children. If this history has been successfully reported and documented through engagement with Police and services, a FVO may be issued. However, this evidence portfolio is often overridden by family law proceedings, undermining trust in the court system.

Where this history has not been reported or documented by the victim survivor through formal system mechanisms, it is significantly difficult to prove this in an evidentiary based Family Court system.

When this intersects with a court structure that does not have a shared understanding of family violence and coercive control, obtaining a FVO is near impossible. In addition to this, there needs to be more consistency in what constitutes a breach of a FVO, thereby assigning greater accountability to the perpetrator's behaviours in court decisions.

Feedback from many lived experience advocates along with professionals have identified barriers relating to the reporting of breaches. This includes requiring victim survivors to attend police stations to report breaches, as well as preventing service professionals doing this on victim survivor's behalf when appropriate. Addressing these barriers, as well as the weight breaches and FVOs carry in a family court setting would improve the impetus in obtaining and enforcing FVOs.

In addition to these overarching themes, further barriers to obtaining and enforcing FVOs can be found below in Table A:

Table A: Barriers to obtaining and enforcing FVOs

Victims of violence in the family law system attend multiple courts and proceedings:	Parenting orders overriding family violence orders create a barrier to obtaining and enforcing FVOs because:	A lack of wrap around support services:
<p><u>Lack of consideration of children</u></p> <ul style="list-style-type: none"> Many victim survivors may be primary carers or single parents to children. Thus, arranging childcare, school pick up and drop off, and co-ordinating the needs of the children is challenging in addition to the financial costs. <p><u>Financial barriers</u></p> <ul style="list-style-type: none"> If the victim survivor is employed, taking time off work to attend multiple proceedings can impact employment as family violence leave, annual leave and sick leave are often exhausted due to the protracted nature of proceedings. Victim survivors, particularly those with dependent children who are engaged in the workforce are often ineligible for free legal services. As a result, the financial burden of attending court proceedings and retaining adequate legal representation is prohibitive and can impact a victim survivor's financial independence/recovery well beyond the closure of matters. Victim survivors financially dependent on perpetrators and/or continuing to experience various forms of financial abuse lack the resourcing to access equivalent legal representation as their partner. <p><u>Psychological barriers</u></p> <ul style="list-style-type: none"> Attending multiple courts, particularly with inadequate and/or un-coordinated responses to managing safety and wellbeing takes an emotional toll on victim survivors and children, contributing to cumulative trauma and experiences of system burnout. Victim survivors from CALD backgrounds may be pressured into not pursuing family violence orders to avoid being shamed or shunned from community. There are further complexities in relation to the nuances of migration and visa status that can also make accessing and enforcing FVOs challenging. Due to the lack of understanding of complex trauma, Judges have at times assumed that if a victim survivor is self-representing, they are functioning well, rather than understanding the underlying drivers of this choice which can include lack access to financial resources. 	<ul style="list-style-type: none"> When access to children is granted, this often opens pathways for vexatious litigation by perpetrators. Consequently, the burden of proof when family violence continues to be perpetrated is placed on the victim and/or children to record, rather than the court requiring perpetrator accountability to prove their capacity to parent and consider children's safety, health and wellbeing. Victim survivors consistently report when perpetrator access to children is granted, that this facilitates ongoing exposure to family violence. However, reporting to Police is considered ineffective as Family Law proceedings limit state statutory responses. Perpetrators will take out family violence orders on victim survivors to assist their family law application and discredit the victim survivor's parenting due to systems operating in isolation of one another and not having a shared understanding of family violence. Adult and child victim survivors lose trust in the court system when children are forced to have access with perpetrator's they don't feel safe with. FVO's do little to protect families when family law orders can override them, inherently creating a barrier for families to access this as a safety mechanism. 	<ul style="list-style-type: none"> Victim survivors continue to report episodic, inconsistent, and un-co-ordinated service supports to monitor evolution of risk through Family Court proceedings. Legal Practitioners have different thresholds and requirements to non-legal supports in relation to information sharing which can impact service integration. Government funding is focused on time limited-service delivery, rather than the integration of services, as a result it is challenging for services to work collaboratively and do co case-management effectively at the point of need for victim survivors and their children.

3. How FVO's could be more accessible for victims of violence going through the family law system

a. Making it easier to apply for and enforce Family Violence Orders (FVOs) in the family law system.

- Ensure Judges and court practitioners have a thorough understanding of gendered family violence, coercive control behaviours, tactics and presentations, including systems abuse.
- Establish as standard practice the ability for victim survivors to attend matters via phone/video link to reduce re-traumatisation, especially for children and clients with complexities such as being from a CALD background, having a mental illness, disability or significant trauma.
- Extend the minimum duration of FVOs, to allow adequate time for evidence gathering, requests for extensions and improving police responses to breaches.
- Strengthening education, policy and processes for the compilation and presentation of evidence (by police) and understood (by judiciary) to ensure alignment with contemporary evidence based understanding of coercive control and risk.
- Increasing funding for victim-survivors to ensure access to their own legal representative who can make the application and advocate for the victim-survivor.
- Consideration for permanent FVOs to be granted in instances of multiple breaches or cases to extend FVOs.
- Increasing the significance of children listed on FVOs as holding weight in family law decisions would encourage victim survivors to apply for FVOs.
- Provide clear guidelines on FVO conditions and consequences of breaches to perpetrators, with considered supports for those from CALD background and with a disability.
- Establish clear legal frameworks on situations where FVOs would necessitate priority over parenting orders and vice versa.

b. Consideration of a co-location model within Federal Circuit and Family Court, as well as Children's Court and Magistrates Court to enable FVOs to be heard in the same physical space, once judicial processes and system integration recommendations have been fulfilled.

- Ensure family violence orders carry weight in Family Court proceedings, with prioritisation and consideration before other family law matters.
- Establish mechanisms for Family Court oversight of perpetrator behaviour and risk.
- Harmonise State and Federal court rules and processes to streamline proceedings and enhance family safety.
- Improve co-location of court services and the ability to connect matters being heard across multiple court systems.
- Improve access to information sharing among child protection, Victoria Police and court systems.

c. Enhance legal and non-legal support services for early identification and response to family violence.

- Promote affordable models of private legal representation through investment in legal assistance sector to expand eligibility for free legal assistance. Considering regulatory/incentivising approaches.
- Provide early and subsidised legal advice for victim survivors, who are ineligible for free legal assistance.
- Implement the funding recommendations of the 2024 National Legal Assistance Program Review (Dr Mundy, 2024).

- Educate legal and non-legal professionals on recognising family violence to prevent misidentification.
- Consider law reform to incorporate avoidance of collusion in family violence into the ethical requirements for all Australian Lawyers under the Uniform Legal Profession Law.
- Ensure stable funding for community services to provide support of victim survivors throughout court proceedings, including but not limited to access to interpreters, support workers and staff to support court attendance.
- Strengthen school support for children affected by family violence in legal proceedings.

"We want all court tiers to centre victim voices and the only way that can be done is by radically changing legislation, court culture and training and supervising employees who are putting the lives of women and children in danger. Strengthening IVOs may require judges to be more accountable for routinely privileging parenting orders over physical, psychological and social safety".
Katie Alexander (Member of Victim Survivor Advisory Council)

4. Suggested reforms for enhancing safety and fairness for victims of violence in the family law system

a. Family Violence Education and Training

- Alignment of family violence training for all judiciary and court staff with the new 2023 Family Law Act amendments prioritising children's best interests to ensure understanding of family violence, coercive control, trauma and the impact on children informs the application of legislation.
- Provide mandatory, comprehensive and ongoing training on family violence for accredited services such as family therapists, psychologists and services that may be called upon to represent families throughout proceedings.
- Improve judicial understanding of ongoing perpetrator behaviour and the impact of family violence and coercive control, including systems abuse.

b. Family Violence Governance Framework

- Align Magistrates Court, Children's Court, and Federal Family Law Court on family violence frameworks.
- Adopt MARAM as a family violence government framework for a shared understanding of family violence, assessing and managing risk, embedding collaborative practice and continuous system improvement.
- Effectively use information sharing schemes to enable information sharing across services and court systems.
- Ensure family law courts take responsibility for ongoing risk assessment and monitoring during proceedings, prioritising physical and psychological safety of victim survivors and children.
- Shift the burden of proof to perpetrators seeking access to children to demonstrate their parenting competency.
- Address the child custody arrangements on a case-by-case basis, avoiding assumptions of equal shared parenting responsibility.

c. Judicial Processes and Service System Integration

Judicial Processes

- Consider law reform and procedural changes to ensure FVOs are not easily overridden by parenting orders where there is active family violence alleged. Appropriate changes could include in some cases, suspending family law proceedings while an intervention order is in place, prohibiting parenting orders from overriding FVO conditions without first having specialist FV practitioners conduct comprehensive risk assessment. Ensure all clinical staff and practitioners preparing family reports have appropriate FV training and understand MARAM aligned frameworks etc.
- Improve the length of time presentence investigation reports take to process by adequately funding resources.
- Provide culturally appropriate and tailored court supports to people with disabilities, low literacy levels or from a CALD background to ensure they can fully comprehend proceedings.
- Clarify procedures for assessing risk and integrating family violence orders (FVOs) into family law court.
- Facilitate remote attendance for short court hearings to accommodate victim survivor's schedules and the needs of children/young people.
- Co-location of services within Federal Circuit and Family Court enabling FVOs to be heard in the same space.
- Establish clear court guidelines and expectations of service by the court for victim survivors.
- Integration of family violence orders as a standard process through the family law process.
- Ensure continuity of oversight for cases by assigning consistent judges or magistrates to cases.
- Address practical barriers for attending court for single parents, this may include streamlining the appeal process to reduce required court attendance.
- Enhance police follow-up on breaches, including allowing appointments for breach reports to accommodate victim survivor's schedules and comfort. Further, broaden the scope for service professionals to do this on the victim survivor's behalf when the breach has occurred in front of them.
- Designated entry, exit and security areas for those attending the court as victim survivors, separate from the general public or perpetrators.

Service System Integration

- Co-locate specialist family violence workers at all courts to support victim survivors through their legal journey, including peer/lived experience support workers for victim survivors.
- Allocate more funding to non-legal and legal services within family law settings for early engagement of victim survivors and perpetrators.
- Fund services, including women's only community legal services to support families in court, ensuring emotional safety and effective case management throughout the duration of proceedings.
- Integrate legal services into existing services such as The Orange Door in Victoria, for early access to family law pathways.
- Align family law reforms with federal government action plans for family violence.

d. Perpetrator Oversight and Accountability Throughout Proceedings

- Enhance oversight of perpetrators within the service and legal system by establishing a mechanism for Family Court to monitor and assess perpetrator risk to victim survivors. This could include but is not limited to a FVO register within family law court.
- Recognise the impact of trauma and mental health that family violence and coercive control has, to ensure perpetrator is held accountable rather than victim survivor's parenting capacity being challenged.
- Increase funding for perpetrator services and streamline access to supports to ensure visibility through proceedings and monitoring of risk evolution.
- Reform bail acts to reflect seriousness of family violence, track perpetrators and enforce consequences for breaches.

e. Recognition of Children as Victims in their Own Right

- Acknowledgement in family law orders that stipulate family violence and coercive control's impact on children's mental health and wellbeing, when addressing perpetrators as parents.
- Ensure ongoing funding for support services to ensure assistance is provided to children and young people throughout family law proceedings.
- Presume children are included in all FVO's unless valid reasons for exclusion exists.
- Prioritise and implement mechanisms to protect children, particularly those from CALD backgrounds, who are at risk of abscondment to a home country by a perpetrator particularly if the home country is not a signatory to the Hague Convention.
- Consideration of children from Aboriginal and Torres Strait Islander communities and their history of systems abuse, recognising the importance of self-determination in decision making.
- Include unborn babies on family violence orders to avoid the victim survivor having to vary the orders post-birth.
- Ensure fair child support payments are made despite custody arrangements, especially in cases of financial abuse.
- Mandate superannuation payments from non-birthing parents to birthing parents.
- Consideration for children to access to seek compensation and recovery support via monetary pathways. This could include the perpetrator's superannuation is required to have a direct attachment of earning that is contributed to a trust fund for the child to be released once the child turns 18.

In conclusion, we urge the committee to consider these submissions as crucial steps towards creating a safer and fairer family law system for victim survivors of family violence in Australia. By addressing the systemic deficiencies and implementing necessary reforms, we can better protect vulnerable individuals and children from ongoing harm. We appreciate the opportunity to contribute to this inquiry and remain committed to supporting legislative and procedural changes that prioritise the safety and well-being of victim survivors of family violence.

Reference List

Attorney General's Department (Attorney General's Department) (28 May 2024) *Independent Review of the National Legal Assistance Partnership (NLAP) Final Report by Dr Warren Mundy*, [media release], Attorney General's Department, accessed 9th of July 2024. [Independent Review of the National Legal Assistance Partnership | Our ministers – Attorney-General's portfolio \(ag.gov.au\)](#)

Family Safety Victoria (2021) *MARAM Practice Guides: Foundation Knowledge Guide – Guidance for professionals working with child or adult victim survivors, and adults using family violence*. Family Safety Victoria, Victorian Government, accessed 27/06/2024. [MARAM practice guides Guidance for professionals working with adults Foundation Knowledge 0.pdf \(content.vic.gov.au\)](#)