

# Domestic and family violence best practice guidelines

# Domestic and family violence best practice guidelines

Consultation draft October 2015

---

Domestic violence can affect anyone, regardless of age, gender or wealth, where they live or their cultural background.<sup>1</sup>

---

## Definitions

Domestic and Family Violence is defined in two relevant acts:

### ***Domestic and Family Violence Protection Act 2012 (Qld)***

#### ***Section 8 – Meaning of Domestic Violence***

- (1) Domestic violence means behaviour by a person (the first person) towards another person (the second person) with whom the first person is in a relevant relationship that—
  - (a) is physically or sexually abusive; or
  - (b) is emotionally or psychologically abusive; or
  - (c) is economically abusive; or
  - (d) is threatening; or
  - (e) is coercive; or
  - (f) in any other way controls or dominates the second person and causes the second person to fear for the second person's safety or wellbeing or that of someone else.
- (2) Without limiting subsection (1), domestic violence includes the following behaviour—
  - (a) causing personal injury to a person or threatening to do so;
  - (b) coercing a person to engage in sexual activity or attempting to do so;
  - (c) damaging a person's property or threatening to do so;
  - (d) depriving a person of the person's liberty or threatening to do so;
  - (e) threatening a person with the death or injury of the person, a child of the person, or someone else;
  - (f) threatening to commit suicide or self-harm so as to torment, intimidate or frighten the person to whom the behaviour is directed;
  - (g) causing or threatening to cause the death of, or injury to, an animal, whether or not the animal belongs to the person to whom the behaviour is directed, so as to control, dominate or coerce the person;
  - (h) unauthorised surveillance of a person;
  - (i) unlawfully stalking a person.
- (3) A person who counsels or procures someone else to engage in behaviour that, if engaged in by the person, would be domestic violence is taken to have committed domestic violence.
- (4) To remove any doubt, it is declared that, for behaviour mentioned in subsection (2) that may constitute a criminal offence, a court may make an order under this Act on the basis that the behaviour is domestic violence even if the behaviour is not proved beyond a reasonable doubt.

---

<sup>1</sup> Not Now, Not Ever Putting an End to Domestic and Family Violence in Queensland Taskforce Report – 2015

(5) In this section—

1. coerce, a person, means compel or force a person to do, or refrain from doing, something.
2. unauthorised surveillance, of a person, means the unreasonable monitoring or tracking of the person's movements, activities or interpersonal associations without the person's consent, including, for example, by using technology.

*Examples of surveillance by using technology—*

*reading a person's SMS messages*

*monitoring a person's email account or internet browser history*

*monitoring a person's account with a social networking internet site*

*using a GPS device to track a person's movements*

*checking the recorded history in a person's GPS device*

3. unlawful stalking see the Criminal Code, section 359B.

### **Section 9 – Meaning of associated domestic violence**

Associated domestic violence means behaviour mentioned in section 8(1) by a respondent towards—

- (a) a child of an aggrieved; or
- (b) a child who usually lives with an aggrieved; or
- (c) a relative of an aggrieved; or
- (d) an associate of an aggrieved.

### **Section 10 – Meaning of exposed to domestic violence**

A child is exposed to domestic violence if the child sees or hears domestic violence or otherwise experiences the effects of domestic violence.

*Examples of being exposed to domestic violence—*

*overhearing threats of physical abuse*

*overhearing repeated derogatory taunts, including racial taunts*

*experiencing financial stress arising from economic abuse*

*seeing or hearing an assault*

*comforting or providing assistance to a person who has been physically abused*

*observing bruising or other injuries of a person who has been physically abused*

*cleaning up a site after property has been damaged*

*being present at a domestic violence incident that is attended by police officers*

### **Section 11 – Meaning of emotional or psychological abuse**

Emotional or psychological abuse means behaviour by a person towards another person that torments, intimidates, harasses or is offensive to the other person.

*Examples—*

*following a person when the person is out in public, including by vehicle or on foot*

*remaining outside a person's residence or place of work*

*repeatedly contacting a person by telephone, SMS message, email or social networking site without the person's consent*

*repeated derogatory taunts, including racial taunts*

*threatening to disclose a person's sexual orientation to the person's friends or family without the person's consent*

*threatening to withhold a person's medication*

*preventing a person from making or keeping connections with the person's family, friends or culture, including cultural or spiritual ceremonies or practices, or preventing the person from expressing the person's cultural identity*

## Section 12 – Meaning of economic abuse

Economic abuse means behaviour by a person (the first person) that is coercive, deceptive or unreasonably controls another person (the second person), without the second person's consent—

- (a) in a way that denies the second person the economic or financial autonomy the second person would have had but for that behaviour; or
- (b) by withholding or threatening to withhold the financial support necessary for meeting the reasonable living expenses of the second person or a child, if the second person or the child is entirely or predominantly dependent on the first person for financial support to meet those living expenses.

*Examples—*

*coercing a person to relinquish control over assets and income*

*removing or keeping a person's property without the person's consent, or threatening to do so*

*disposing of property owned by a person, or owned jointly with a person, against the person's wishes and without lawful excuse*

*without lawful excuse, preventing a person from having access to joint financial assets for the purposes of meeting normal household expenses*

*preventing a person from seeking or keeping employment*

*coercing a person to claim social security payments*

*coercing a person to sign a power of attorney that would enable the person's finances to be managed by another person*

*coercing a person to sign a contract for the purchase of goods or services*

*coercing a person to sign a contract for the provision of finance, a loan or credit*

*coercing a person to sign a contract of guarantee*

*coercing a person to sign any legal document for the establishment or operation of a business*

## Family Law Act – Section 4AB

- (1) For the purposes of this Act, **family violence** means violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the **family member**), or causes the family member to be fearful.
- (2) Examples of behaviour that may constitute family violence include (but are not limited to):
  - (a) an assault; or
  - (b) a sexual assault or other sexually abusive behaviour; or
  - (c) stalking; or
  - (d) repeated derogatory taunts; or
  - (e) intentionally damaging or destroying property; or
  - (f) intentionally causing death or injury to an animal; or
  - (g) unreasonably denying the family member the financial autonomy that he or she would otherwise have had; or
  - (h) unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or his or her child, at a time when the family member is entirely or predominantly dependent on the person for financial support; or
  - (i) preventing the family member from making or keeping connections with his or her family, friends or culture; or
  - (j) unlawfully depriving the family member, or any member of the family member's family, of his or her liberty.
- (3) For the purposes of this Act, a child is **exposed** to family violence if the child sees or hears family violence or otherwise experiences the effects of family violence.

- (4) Examples of situations that may constitute a child being exposed to family violence include (but are not limited to) the child:
- (a) overhearing threats of death or personal injury by a member of the child's family towards another member of the child's family; or
  - (b) seeing or hearing an assault of a member of the child's family by another member of the child's family; or
  - (c) comforting or providing assistance to a member of the child's family who has been assaulted by another member of the child's family; or
  - (d) cleaning up a site after a member of the child's family has intentionally damaged property of another member of the child's family; or
  - (e) being present when police or ambulance officers attend an incident involving the assault of a member of the child's family by another member of the child's family.

## Terminology

**Victim** is used in this document to denote a person who is the alleged victim of domestic and family violence.

**Perpetrator** is used in this document to denote a person who is the alleged perpetrator of domestic and family violence.

# Principle 1 – Prioritise safety

## Guidelines 1.1 – Assess potential safety or security issues for your client

### Practice points:

- Use a *risk assessment tool*<sup>2</sup> to decide what safety precautions are necessary for you and the client and document safety risks on the file and consider the safety of the relevant court (at an early stage).
- Review the risk assessment during the legal process such as interim hearing, pre-hearing, family dispute resolution conference and before day one of trial.
- Attend risk assessment training so you can identify risks in domestic and family violence proceedings.
- Recognise that court proceedings can be used by perpetrators to engage in domestic and family violence and safety risks can increase during court proceedings.

### When acting for perpetrators:

- Do not give legal advice that may compromise the safety of your client, the other party, any child or others.
- Attend risk assessment training so you can identify risks in domestic and family violence proceedings.
- Advise your client about the way their behaviour can be perceived in court proceedings and identify options to address this.
- Be aware of perpetrators potential to manipulate and exert control and do not allow yourself to be drawn into or act in furtherance of such behaviour.

## Guideline 1.2 – Take appropriate precautions for your client’s safety

### Practice points:

- If the client identifies feeling fearful of the other party, take steps to minimise the risk that they will see the other party and utilise safety rooms where they are available.
- Always ensure there are no identifying documents or files left in view or accessible to the other party at any time.
- Take steps to ensure court documents do not inadvertently disclose addresses or phone numbers (including in documents annexed to affidavits)<sup>3</sup> (*link to form*).
- Ensure that relevant staff in your office are aware of the safety concerns for the client.
- Ensure that the method of communication you adopt with your client is safe:
  - Discuss the security of emails and the ability of the other party to access it from another computer, if they are aware of the password.
  - Make notes of which telephone numbers are safe to ring.
  - Remove any unsafe number to call, unsecure email address, address from any computerised document management system to avoid any inadvertent disclosure by staff members.
  - If it is not safe to call the client at home, ensure this is recorded on the file.
- Do not give out the client’s address or that of their relatives or friends without the client’s permission.
- If the client is still living in the home, consider whether they need to leave before the other party is served with the client’s court application.
- Consider the legal implications of moving out immediately or remaining in the property with safety as the overall consideration.
- Do not give out refuge contact telephone numbers or street addresses.
- Consider the logistics of getting the client to and from your office and legal events:
  - Consider the client using a separate exit and arriving/leaving at staggered intervals.
  - Accompany the client to a court or legal event or meet them at an independent place so they are not waiting with the other party.
  - Consider a plan for a safe return home.
- Let a court know well in advance about safety arrangements that may need to be made at the court for the client. Do this in writing if necessary.
- Familiarise yourself and your clients with the *court safety procedures*<sup>4</sup> and protocols including the *Queensland Courts Domestic Violence Protocol*<sup>5</sup>.

2 AVERT and other risk assessment tools to be hyperlinked

3 Insert reference to Magistrates Court – confidentiality of client’s details form – Kara to provide

4 Family Court Protocol

5 Queensland Courts Protocol

#### **When acting for perpetrators:**

- Take steps to protect your safety.
- Do not leave documents or files where they can be read or accessed by your client, especially if the documents contain personal information like phone numbers and addresses, which could be used to locate the other party.
- Before considering whether to enter into negotiations about parenting plans or parenting arrangements at domestic violence order proceedings, consider the demeanour of the other party and advise your client about the potential of negotiations at such an event being portrayed as taking advantage of the other party in a vulnerable position, or intimidating or controlling the other party.
- Explain the protection order's conditions to your client and provide advice that helps prevent future acts of domestic and family violence. Advise the client that any further acts of domestic and family violence would breach the protection order or potentially increase the protection order's conditions.
- If the client makes threats to the safety of the other party or their lawyer, consider contacting the lawyer to tell them about the threats. If you have any doubts about when to contact the lawyer for the other party and what to disclose, contact the *Queensland Law Society's Ethics Centre*<sup>6</sup> or *Law Care service*<sup>7</sup> for expert advice. In emergency situations contact the police and/or the court.

### **Guideline 1.3 – Take appropriate precautions for your own safety**

#### **Practice points:**

- If you are seeing the client away from the office, use a *risk assessment tool*<sup>8</sup> to conduct a safety assessment of the location prior to the interview taking place.
- Take safety precautions by arranging to call your office when you arrive and when you are leaving.
- If you are working in a government setting, know their safety procedures.
- If a client threatens you or a physical incident occurs, notify your supervisor and consider if the appropriate authorities need to be notified.
- Protect your personal information (e.g. be conscious of social media posts, your listing on the electoral roll and transport arrangements).

#### **When acting for perpetrators:**

- Familiarise yourself with the *court safety procedures and protocols*<sup>9</sup> including the *Queensland Courts Domestic Violence Protocol*<sup>10</sup>.
- Familiarise yourself with using safety and security features when having contact with clients who may become emotional or angry (e.g. security buttons, locks on doors, positioning within room, notifying security staff).
- If using an offsite location, call your office when you arrive and when you are leaving, so your colleagues know where you are and when to expect you back at the office.
- Protect your own safety as you leave the building (e.g. carry a personal duress alarm or leave the building with colleagues).
- Protect your personal information (e.g. be conscious of social media posts, your listing on the electoral roll and transport arrangements).

---

6 Link to contact details for ethics centre

7 Link to lawcare contact details or web-site

8 Link to risk assessment tools

9 Link to family courts safety protocol

10 Link to Queensland Courts protocol

## **Guideline 1.4 – Consider the safety of any children**

- Routinely make inquiries regarding the presence and safety of children when conducting cases where domestic and family violence has been alleged.
- Understand that neglect, direct physical, sexual and emotional abuse of children often co-occurs in households where family and domestic violence occurs between the adult family members.
- Understand that children are often at just as great a risk post-separation as they are whilst living with a perpetrator of family violence.
- In formulating interim parenting arrangements and orders, consider the risks to the child where parents of the child have engaged in family and domestic violence.
- Restriction of information should be considered if there is a danger that parental knowledge of this information will put a child further at risk of harm. (e.g. knowledge that a child has reported abuse by a parent, or indicated a preference not to have contact with parent).
- If your client is required to participate in a social assessment or an assessment for a family report, encourage them to contact the assessor prior to the interviews to discuss any concerns they have for their or their children's safety during the assessment.
- Utilise the resource of any appointed independent children's lawyer to ensure a child's safety needs are considered in parenting arrangements.
- Utilise the resource of any appointed separate representative to ensure a child's safety needs are considered in any child protection proceedings.



## Principle 2 – Communicate effectively and appropriately

### Guideline 2.1 – Be non-judgemental in your response when interviewing the client and hearing their experience of domestic and family violence

#### **Practice points:**

- Listen and respond respectfully and sensitively when clarifying or asking for further details of abuse, domestic and family violence or cultural practices.
- Support the client's concerns about their safety.
- Do not frame questions in a way that invites blame. For example, ask: "What was happening that contributed to you staying?" or "What were some of the difficulties for you in leaving?" as opposed to "Why didn't you just leave?".
- If the client is angry or depressed, validate their feelings by acknowledging their distress, e.g.: "I understand you are feeling angry/upset about ...". Your response should be genuine and you should clarify/restate the interview's purpose.
- Allocate extra time to investigate domestic and family violence allegations.
- Ask about behaviours rather than using terminology the client may not understand or relate to.
- Consider any additional support your client may require and refer them to appropriate services.

#### **When acting for perpetrators:**

- Listen and respond respectfully and sensitively.
- Communicate to your client that domestic and family violence is criminal behaviour and capable of resulting in a criminal conviction.
- Discuss the importance of acknowledgement of past behaviour and willingness to change.
- Explain that evidence can be given to establish the context in which an act of domestic and violence took place, but it does not excuse the behaviour.

### Guideline 2.2 – Acknowledge that clients may be reluctant to reveal domestic and family violence and may not understand that some acts comprise domestic and family violence

- Communicate clearly to clients about what constitutes domestic and family violence.
- Consider whether to use a screening tool when assessing whether domestic and family violence is an issue. E.g. *DOORS*<sup>11</sup>

#### **When acting for perpetrators:**

- Communicate clearly to clients what constitutes domestic and family violence.
- Explain implications of denying domestic and family violence when it has occurred and explore alternatives such as acknowledgement coupled with an action plan to reform/rehabilitate/address behaviour.
- Consider whether any underlying issues such as mental health or substance dependency need to be addressed in hand with *perpetrator programs*.<sup>12</sup>

### Guideline 2.3 – Respect diversity

#### **Practice points:**

- Familiarise yourself with cultural issues.
- Do not make assumptions about the client based on their background.
- Recognise that people may respond to domestic and family violence in different ways.
- Be aware of the impact of culture, religion, education, socio-economic background and refugee experiences. For example, people from some backgrounds may:
  - smile when recounting their experience of domestic and family violence. This may be appropriate behaviour in their cultural context and is used to "save face" and maintain self-esteem and dignity
  - not report because of lack of trust of people in authority
  - be unwilling to discuss events of domestic and family violence in front of community elders.
- With victims and perpetrators obtain information about cultural norms within client's own community or current international information about the political situation, social situation and cultural norms in the clients' country of origin relevant to domestic and family violence.

<sup>11</sup> Insert link to screening tool

<sup>12</sup> Link to perpetrator programs

- Consider referring the client to established Aboriginal & Torres Strait Islander welfare/support services or migrant/refugee services, women's disability support services or gay or lesbian organisations for relevant information and support<sup>13</sup>. Be aware when contacting these agencies that some communities are small and your inquiry may affect the parties.
- If the client has a disability, check how that might impact on them giving instructions, understanding legal advice and coping with the court process.
- Be satisfied that your client has legal capacity to provide instructions (Refer to *Capacity Handbook*).<sup>14</sup>
- Consider the impact on a victim's mental health and decision making ability when taking instructions and take steps to facilitate additional non-legal support if required.

#### **When acting for perpetrators:**

- Explain that domestic and family violence exploits inequalities between the parties and cannot be excused because of cultural, religious, social or other factors and remains unlawful whether considered "culturally appropriate" to the person using violence.

## **Guideline 2.4 – Ensure language requirements are met prior to interview**

#### **Practice points:**

- Consider the barriers that may limit the client's understanding of complex legal language and meaning and adapt your practice accordingly. For example the client may require an interpreter, support worker or social worker.
- Be aware:
  - Trained interpreters should be organised if you think language is an issue or the client has requested an interpreter.
  - Always check that clients from an Aboriginal or Torres Strait Islander background or culturally and linguistically diverse background are comfortable to proceed without an interpreter, even if they have declined to use one on a previous occasion. Organise a telephone interpreter for any interviews.
  - For eligible clients, Legal Aid Queensland will fund interpreters.
  - Use separate interpreters for both parties in a dispute.
  - Ask if the client would prefer a male or female interpreter.
- Interpreters must be independent to the parties – don't use friends or neighbours.
- Interpreters must not be part of the negotiations. Their role should be only to interpret for the client.
- Allocate extra time when an interpreter or support worker is involved in a matter.

## **Guideline 2.5 – Consider any child's needs and ability to communicate**

- Understand generally how children communicate and particularly how they communicate in situations of stress or fear. Often lack of protest or comment does not indicate consent but high levels of fear about stating their preferences.
- Consider the impact on a child who has been subject to domestic and family violence, and acknowledge that just because the child is no longer living with an alleged perpetrator does not mean that they will now feel sufficiently safe to discuss their preferences freely with others.
- Raise any concerns about a child's ability to communicate at Family report or social assessment interviews, with the assessor, so arrangements can be made to enhance a child's ability to communicate. Recognise that a child may be intimidated by the alleged perpetrator's presence in the waiting room, even if no interaction between the perpetrating parent and the child is planned in the assessment process.
- Be aware of the tendency for both child and adult victims who have adapted to living in situations of domestic and family violence to minimise the impact the violence has had and the continued risks they may still face.
- Understand that a child is easily intimidated as a witness and they will often understand repeated questions, based on their experiences at school, as indicating that they have responded incorrectly to the question, and then become confused or seek to provide alternate answers which they hope will be treated as more correct.

<sup>13</sup> Link to relevant agencies

<sup>14</sup> Link to Capacity Handbook

## Principle 3 – Improve your understanding

### Guideline 3.1 – Develop and maintain your own knowledge of the social context of domestic and family violence, including power, control and gender

- Continually update your knowledge about the current theoretical perspectives on domestic and family violence, acknowledging the impact of power and control and not just looking for physical violence.
- Attend relevant CPD opportunities to keep your knowledge base current.
- Engage report writers and professionals who have knowledge about the current sociological, psychological and legal perspectives explaining domestic and family violence.
- Continually update your knowledge about the legal processes about domestic and family violence including the definition of domestic and family violence.
- Consider undertaking specialised training on the impact of domestic and family violence on children.
- Understand that the impacts of domestic and family violence on a child are not confined only to violence the child has actually witnessed, but also extends to what the child has heard and what they have witnessed of the after effects of violence.

### Guideline 3.2 – Make sure you know about the law so you can give considered advice

#### **Practice points:**

- Acknowledge that domestic and family violence is a crime, whether it happened in public or in private.
- Make the distinction between the civil and criminal ramifications of a domestic violence order and give the client accurate and realistic information about their options to address domestic and family violence, both criminally and civilly.
- Inform the client about what to expect in the court process, including the format of hearing and the timing of getting a result.
- Inform the client how to apply for a domestic violence order under the *Domestic and Family Violence Protection Act 2012* or how to make a complaint to the police under the *Criminal Code 1899*.

#### **When acting for perpetrators:**

- Provide clients who disclose that they use violent and controlling behaviours with referrals to relevant *behavioural change programs*<sup>15</sup>.
- Give the client accurate and realistic legal advice about the potential criminal and civil consequences of domestic and family violence and the distinction between the civil and criminal ramifications of a protection order.
- Advise the client of all potential consequences for now and the future, of committing domestic and family violence.
- Provide thorough legal advice about court processes, the client's options for consenting 'without admissions' or responding to protection order applications and the possible outcomes of their options.
- Explain to your client that an adverse finding made by the court at a domestic violence order hearing can have consequences on other legal matters they may have.
- Provide legal advice about what constitutes a breach of a protection order and how they are prosecuted.
- Provide legal advice about the implications of a domestic violence protection order being made against your client, particularly the restriction on holding a weapons licence and effect on future employment prospects.

---

<sup>15</sup> Insert link to behavioural change programs

## Guideline 3.3 – When preparing material for a court hearing ensure all domestic and family violence allegations are investigated

### Practice points:

- Identify if the client has any protection orders and if there have been any breaches and document it on the file.
- Attach the protection order and the application to the affidavit material.
- Ensure you know the court's processes i.e. Include information about all of the allegations in the mandatory [Form 4] Notice of Child Abuse, Family Violence or Risk of Family Violence (Family Court)<sup>16</sup> or Notice of Risk (Federal Circuit Court)<sup>17</sup> and affidavits in family law matters.
- Even if domestic and family violence does not become an issue at the initial interview, the possibility that it has occurred should be kept in mind at all stages – the client may not feel comfortable to reveal their history at the first interview.
- Be aware that clients may not reveal history of abuse at first and develop skills to facilitate full and frank disclosure. This does not extend to 'putting words into their mouth'.
- Collect appropriate police reports, medical reports and statements from witnesses.
- Consider the importance of information available from the Department of Communities Child Safety including any investigation conducted.
- Consider any information provided by your client and whether advice should be provided, to make a notification with the Department of Communities Child Safety.
- Discuss with the client the need to protect existing evidence and the need to gather evidence in the future – visiting GPs, obtaining photographs, keeping diaries and contact details for potential witnesses.
- Consider evidence about any child who has experienced domestic and family violence, potentially having negative impacts on their development as a result of living in chronically fearful situations.
- Make your client aware of the benefits of being legally represented at all legal events and the options available.<sup>18</sup>
- If a family report is being prepared, consider the qualifications of the expert witness to assess the impact and effects of family and domestic violence on the parties and the children.
- When briefing an expert witness to prepare a family report or social assessment report, give consideration to the directions to be provided to the expert and refer to suggested directions in the *Family Violence Best Practice Principles of the Family Law Courts*.<sup>19</sup>

### When acting for perpetrators:

- Focus on specific behaviours the client says occurred and tell them why the behaviours are considered domestic and family violence.
- Provide specific examples of the client's behaviour from information they have provided and how it could be domestic and family violence.
- Provide information to your client about steps they can take to change their behaviour.
- Provide legal advice to your client about the impact of them acknowledging their behaviour and willingness to take steps to change.

Consider links here to resources for education

[AVERT Family Violence advanced Skill Courses](#)

[Universities offering diplomas, etc.](#)

---

<sup>16</sup> Insert link to form

<sup>17</sup> Insert link to form

<sup>18</sup> Insert link to legal aid, community legal centres, QLS find a lawyer

<sup>19</sup> Insert link to Family law Courts best practice guidelines (page 15)

## Principle 4 – Facilitate empowerment or accountability

### Guideline 4.1 – Keep the client fully informed throughout the legal process

#### **Practice points:**

- Always remain client focussed – not all victims want to navigate the legal journey.
- Focus on the most effective solution in the circumstances of your client’s case.
- Prepare your client for any meetings by letting them know any steps they can take prior to the meeting to assist.
- Provide appropriate written material to your client at the initial interview so they have information to take away and read, after assessing it is safe to do so. You must ensure this does not place your client at further risk, for instance if the perpetrator discovered the documents.
- Discuss available options and always let your client make up their own mind and provide them with enough information to assist them to make an informed decision.
- Communicate to your client that independent verification of allegations of domestic and family violence is not needed for a court to be satisfied that it has occurred.
- Make the client aware about *Victim Assist Queensland’s services*.<sup>20</sup>
- Make the client aware of potential appropriate referrals for distressed children.

#### **When acting for perpetrators:**

- Make your client aware of resources available to address and reform domestic and family violence behaviours.
- Explain the consequences of behaviours continuing in the legal process, including any attempts to approach the other party at events in the legal process.

### Guideline 4.2 – Do not put pressure on a client to agree to any orders or agreements if it would jeopardise their safety and continue the domestic and family violence

#### **Practice points:**

- Do not pressure the client to agree to orders or a parenting plan during a court event or primary dispute resolution process.
- Communicate to clients that they have the right not to agree to conditions if they are not comfortable with the outcomes.
- Provide information about the next steps and other resolution methods available if no agreement is reached.
- Accept your client’s decision even if this means there is no resolution.
- Explain any agreements terms and implications to your client.
- Reality test agreements to ensure they are workable.
- Place agreements in context. Ask your client to think of possible scenarios to ensure they fully understand the agreement’s possible ramifications.
- Consider the issue that further, ongoing intimidation post-separation can significantly undermine a parent’s confidence and parenting skills and lead that parent to parent less optimally, which can be cited by the perpetrator as evidence of lack of parental capacity in parenting proceedings.

#### **When acting for perpetrators:**

- Discuss arrangements that can be put in place to minimise risk of certain behaviours recurring (e.g. limit any direct contact between the parties).
- Provide information about the next steps and other resolution methods available if no agreement is reached.
- Accept your client’s decision even if this means there is no resolution.
- Ensure your client has a full understanding of the agreement’s terms and implications.
- Reality test agreements to ensure they are workable.
- Place agreements in context. Ask your client to think of possible scenarios to ensure they fully understand the agreement’s possible ramifications.

---

20 [Insert link](#)

### **Guideline 4.3: With perpetrators, provide accurate information about domestic and family violence behaviours**

- Encourage clients to develop an awareness of their behaviours that are considered to be domestic and family violence.
- Remind clients that regardless of context, domestic and family violence behaviours are never justified.
- Remind clients that violent and controlling behaviours are solely the responsibility of people using those behaviours.
- Provide information about resources available to address these behaviours<sup>21</sup>.

### **Guideline 4.4: With perpetrators, understand the process for obtaining a voluntary intervention order, voluntary intervention order programs and referral processes**

#### ***Practice points:***

- Review Part 3 Division 6 of the *Domestic and Family Violence Protection Act 2012*<sup>22</sup> (Qld) which covers the basis for making a voluntary intervention order and the way in which a court can make one.
- Understand your local court's voluntary intervention order process, and voluntary intervention order programs operating in your area and the referral processes in order to provide clients with current information.<sup>23</sup>
- Explain the impact for other legal proceedings in engaging in this process.

### **Guideline 4.5: Encourage children involved in court processes to feel empowered**

- Independent children's lawyer involvement
- Consideration of a children's counsellor or support worker to be present at interviews, etc.

---

21 Insert link to resources

22 Link to Domestic and Family Violence Protection Act

23 Link to Magistrates Court benchbook

## Principle 5 – Collaborate with other services

### Guideline 5.1 – When giving legal information to your client also provide information about services that could address their other needs and those of their children

#### *Practice points:*

- Familiarise yourself with how to find out about appropriate non-legal support and referral services in your local area and ensure this information is provided to your client, such as domestic and family violence services, refuges, children's contact centres and other organisations.<sup>24</sup>

#### *When acting for perpetrators:*

- Familiarise yourself with how to find out about services which address domestic and family violence behaviours for perpetrators<sup>25</sup>.
- Discuss the approach of the court if it can be demonstrated that your client acknowledges their behaviour was wrong and has taken steps to address their behaviour and the risk of it reoccurring.

### Guideline 5.2 – When preparing a client's case, ensure there is appropriate liaison with the client's support networks

#### *Practice points:*

- If your client is seeing a counsellor or health professional, consider asking for a report from them if your client agrees and if it would help your client's case and does not breach their privacy.
- Make arrangements for a refuge worker or support worker to sit with your client when they are giving instructions or when they are appearing in court, if the client gives permission.

---

<sup>24</sup> Link to where to find out – link to other website which maintains this information

<sup>25</sup> Link to where to find out

## Further information and contacts

### Training

- The Queensland Centre for Domestic and Family Violence Research offers regular videolink seminars to keep practitioners current in their knowledge and understanding of domestic and family violence. A free and regular [newsletter](#) is also sent out to subscribers.
- Refer to courses being offered by universities.

### Useful contacts for referral

- DV Connect is a 24/7 service offering advice on domestic violence matters Ph: 1800 811 811 (women and children only).
- Department of Communities Regional Domestic Violence Services.
- Mensline – Seven days, 9am to midnight. Confidential telephone counselling, referral and support service for men. Ph: 1800 600 636.