

A Holistic Approach to Family Violence Prevention

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Holistic

Characterized by the treatment of the whole person, taking into account mental and social factors, rather than just the physical symptoms.

–Family Violence

Family violence occurs when a person physically or psychologically harms, threatens, dominates or controls another person or attempts to do so. Family violence incorporates a wide range of behavior: the most commonly acknowledged being physical violence, sexual assault, threats, intimidation, emotional abuse, social abuse and economic deprivation. “

Why are FV or Sexual Assault Client Different?

- Clients are victims rather than those accused, although they may also be accused.
- Often clients are exposed to the offence a number of times over a long period.
- Family is an integral part of most people's lives, clients have often had a corner stone of trust in their lives destroyed. An employee who steals as a servant in an position of trust is treated more harshly than a normal thief, because of the breach of trust, so to should perpetrators of Family Violence.
- There are often no witnesses, no visible injuries, delayed reporting, minimalization by the victim. Often don't want justice, just want to escape.
- The victims are usually suffer emotionally or psychologically following the crime, often for their entire life.
- There is often shame on being a victim, "why did you expose yourself to him", "why didn't you leave him", "you chose to get with him you take what he gives you"
- Admitting being a victim can lead to punitive action by some enforcement agencies; eg child protection.
- There is still a perception in the community and law enforcement that victims lie.
- The victims are often struggling with substance abuse, poverty, homelessness and mental health issues, often calling their credibility into question and reducing their capacity to recover.
- Many aboriginal victims are already suffering significant levels of racism.

FVPLS Albany services

Legal

Legal advice
Casework
Law Reform and Advocacy
Community Legal Education
Outreach Services
Referrals

Counseling Family Violence or Sexual Assault Counseling

Court support
Assistance to access services
Emotional and psychological support
Referrals
Early intervention strategies
Safety planning
Recovery techniques and empowerment strategies

Ancillary Representation

Housing and residential tenancies
Criminal defense
Probate or inheritance act

What type of legal service do we provide:

Restraining orders, generally violence restraining orders orders, occasionally misconduct restraining orders.

Child Protection – usually representation for parents where children have been removed as a result of exposure to domestic violence and other “risks”.

Criminal injuries Compensation

Family Law

Child Support

If a client gets a restraining order they may still be;

- homeless as they were residing in the perpetrators home,
- physically and psychologically injured
- completely lost when it comes to knowing how to survive especially if they have been with the perpetrator since they were teenagers
- in need of physical protection from the perpetrator and in some aboriginal families the perpetrators extended family
- in need of information about access to services
- in fear of Welfare taking their children
- affected by addiction to substances
- living in poverty
- in fear of losing the children to the perpetrator in the Family Court
- vulnerable to being convinced to drop the order
- scared of the VRO hearing process, especially a contested hearing
- fearful their own criminality will be used against them
- the victim of racism and scorn
- emotionally dependant on the perpetrator

Usual Welfare Dept Requirements in child protection cases involving DV

- Getting a VRO against the perpetrator;
- DV counseling
- Anger management counseling
- Parenting courses
- Drug and alcohol screening
- Drug and alcohol counseling
- Mental health assessment
- Obtain suitable housing
- Obtain suitable transport
- Have every adult that may come into contact with the children get a police clearance
- Engage positively with the Department
- Attend relationship counseling
- Counseling for family of origin issues, grief and loss and attachment issues
- Manage their finances appropriately and attend financial counseling

Types of case management WA

- Signs of safety- run by the Department, client is present, support person and service providers present, usually out-numbered by Department staff. Minuted by DCP, often appear in court documentation. Used as a check list for compliance.
- CMCS Facilitated by a contractor, (Anglicare), mainly agencies usually with statutory power (police, child protection, housing, probation and parole), client not present often not told about meeting, no consent required. Confidentiality agreement signed by participants. Difficult for lawyers to attend because of professional conduct rules. Usually referred as high risk DV cases.

Outcomes are not made public. Minutes not available to client or non-attendees.

Query whether discoverable in court proceedings.

Attempts at case management

Strong Families-paid for by Department for Child Protection but independent. Commenced by referral, client always present, attendees at client's request, plan of action prepared, usually 6 meeting, usually monthly, usually for 1 hour. No statutory authority. Plan of action prepared and modified after each meeting.

From the meeting informal case management often occurs between the participants.

FVPLS case management, informally where the clients issues are complicated and or the Department has a number of requirements the cases are handled by a counselor and a lawyer.

Reasons Aboriginal Clients venture in the Family Court

- An application for a recovery order has been necessary.
- One partner is non-aboriginal.
- The proceedings are commenced by the parent not seeing the children.

Family Court Problems

- Orders apply to both parents and are usually strict, loose flexible arrangements end up with either abuse by either party or constant breaches.
- Family Court is very capital city orientated.
- No Aboriginal services at the WA Family Court.
- Always seem to yield to Children's Court authority.
- Orders override VRO's but penalties for breach of orders are rarely penal in nature.
- Parties can be liable for costs of ICL's and Single Experts
- Because DV is claimed in many many cases the effect of it may be diluted.

Criminal Injuries Compensation (WA)

Issues for DV or SA victims

- If the client is in a situation where the perpetrator may benefit you can not claim therefore if the victim is still in the relationship, husband/wife, defacto, child/parent there is no entitlement to claim.
- Most crimes of sexual assault and DV are unreported, therefore although usually a conviction is not required there is no corroborating evidence the offence took place.
- Requires a further recounting of the offence from an often vulnerable victim who has already told the facts to a number people. These facts are usually of a very personal and embarrassing nature and not easily recounted.
- Usually the most significant and long term injuries are psychological in nature. There is usually no physical evidence, no medical evidence and no money to pay for a psychological examination.
- Clients are often severely marginalized, can't keep appointments, can't describe their injuries and symptoms. Very very cautious of psychologist or psychiatrists because "I'm not mental"

Criminal Injuries cont.

- Compensation is only financial does not include provision of treatment, counseling etc, although money can be set aside for use if client chooses to seek treatment.
- Compensation usually comes in a lump sum in cash with no financial counseling or management advise.
- Legal costs are taken from an award (not FVPLS).
- The agencies seek recovery from perpetrator which may lead to retribution.
- Limitation period of 3 years, although quite often dispensed with.
- The offender has the capacity to challenge the assessment.

Why?

I can not take a step in your shoes, but I can help you up off the ground and lift your foot to take one step, followed by another and another, away from danger and misery and towards a safer, happier place.