

Working with people who have experienced domestic and family violence

Best practice guidelines for independent children's lawyers (ICL's)

1. The safety of clients*, children and workers is paramount

1.1 Identify if any domestic and family violence protection orders exist and if there have been any breaches when accepting a referral

Practice points:

- If the children are named on the domestic and family violence order, note this on the file along with any other relevant conditions.
- If the children are named on the domestic and family violence protection order, get the client's written consent regarding family report assessments that will involve the children's interaction with the ex-partner.

1.2 Conduct and document any potential safety or security risks when collecting information on a file

Practice points:

- Use the risk assessment pro-forma as a guide to assess the level of risk to all parties in the situation.
- Review the risk assessment from time to time during key stages of the court process, eg interim hearing, pre-hearing conference, day one of the LATs or trial.

1.3 When clients are attending court take appropriate precautions for their safety

Practice points:

- If either of the parties are unrepresented, ensure security arrangements have been made at the court.
- Consider other safety issues (eg the order in which parties leave the family law conference or the pre-hearing conference and the order and timing of interviews for assessment

processes).

1.4 Take appropriate precautions for your own safety

Practice points:

- If you are working at a Legal Aid Queensland office know where the distress buttons are in the interview rooms.
- If you are working at a Legal Aid Queensland office know how and when to write a workplace health and safety incident report.
- If a client threatens you, notify Legal Aid Queensland, the appropriate authorities or a colleague and make a file note.
- Ensure your own safety as you leave the building.

2. Violence is a crime whether it occurs in public or in private

2.1 Give clients information about the legal options to address domestic and family violence, where appropriate

Practice points:

- Be aware of referral options.
- Consider whether domestic and family violence is an issue or has been an issue for any of the parties.

3. Actively involve clients in assessing their legal needs and in making decisions about their future.

3.1 Fully explain the ICL's role when contacting clients

Practice points:

- Send a letter in plain English explaining the ICL's role and include Legal Aid Queensland's factsheet about family report writers.
- Provide information to clients about how their children may have to spend time with their ex-partner for the

purposes of the court process.

- If an unrepresented client contacts you about the court process, explain the probable or likely process to them.
- Provide information to the client about the ICL's role
- Provide information to the client about possible grievance procedures.

4. It is important to work collaboratively with other services that support clients who have been affected by domestic and family violence

4.1 Ensure you collect appropriate information for the court

Practice points:

- Consider the type of report you need.
- Consider who will read the report.
- Consider what information and/or assessment you are seeking.
- How is the report going to help your role?
- Do not automatically get a very detailed report giving all of the details of a client's or a child's personal trauma.
- Consider whether a specific request for information is more appropriate than a subpoena.
- See the problem in a holistic light, acknowledge the other needs for the parties apart from their legal needs.
- When appropriate, provide information for external referrals.

5. All clients should be treated with respect

5.1 Consider any allegations of domestic and family violence when collecting information for the court

Practice points:

- Consider the independent evidence

you should obtain when making any recommendations to the court.

- Consider the party's own risk assessment – are they playing down the risk of future domestic and family violence?
- Encourage a process that enables parties to make informed decisions.

6. Legal Aid Queensland's services should be accessible and equitably delivered to all clients affected by domestic and family violence

6.1 Access and document information about relevant cultural practices when collecting information for the court

Practice points:

- Do not make assumptions about a client based on their cultural background.
- Contact established migrant/refugee welfare services for cultural information or for support for a client.
- Use the internet to get current international evidence on the political and social situation in other countries eg country reports.
- Contact established Indigenous welfare services for information about culture or support for the client.
- Trained interpreters should be offered.
- Legal Aid Queensland will fund interpreters.
- Allocate extra time if there will be an interpreter involved.
- Always check that a client from a non-English-speaking background is comfortable to proceed without an interpreter, even if they have declined one on a previous occasion. Attempt to make arrangements so the conference can proceed, such as organising a telephone interpreter.

7. Develop and maintain your knowledge of the social context of domestic and family violence including power, control and gender

7.1 Ensure you are informed by, and include the relevant sociological, psychological and political perspectives explaining domestic and family violence in the home when assessing the issues for children in violent families

Practice points:

- Ensure you are informed about the current theoretical perspectives on domestic and family violence against clients and children.
- Ensure you are informed about the current theoretical perspectives on children's developmental stages.
- Ensure you are informed about the current theoretical perspectives on the impact of abuse and witnessing domestic or family violence.
- Attend relevant professional development opportunities to keep your knowledge base current.
- Participate in a local domestic violence integrated response project eg Gold Coast, Townsville, Wynnum and Logan.
- Be aware of and make contact with and/or participate in other relevant networks/agencies, (eg local refuges, local domestic violence regional services or sexual assault services.)

* *Independent children's lawyers should remain independent.*

* *Clients are all parties to a dispute.*

Working with people who have experienced domestic and family violence

Best practice guidelines for client service centre staff

1. The safety of clients, children and workers is paramount

1.1 When first speaking to a client ask whether they are safe now

Practice points:

- Suggest contacting the police or the domestic violence telephone service.
- Ask when it is safe to call.
- Suggest the client calls back when it is safe.

1.2 When making arrangements for a client to come to Legal Aid Queensland, inquire about any potential safety or security issues

Practice points:

- When a client is waiting for a conference ask whether they feel safe in the waiting room and if not, make appropriate arrangements.

1.3 Take precautions to protect the client's safety when using their file

Practice points:

- Do not put a client's address on the front of the file.
- Do not disclose a client's whereabouts unless given permission.
- Always ensure there are no identifying documents/files left in view or accessible to other parties.

1.4 Take appropriate precautions for your own safety when seeing a client

Practice points:

- Take precautions for your safety.
- If you are working at a Legal Aid Queensland office, know where the distress buttons are in interview rooms.

- If you are working at a Legal Aid Queensland office and a physical incident occurs, complete a workplace health and safety incident report, notify Legal Aid Queensland and make a file note.

- If you are threatened by a client notify Legal Aid Queensland and consider reporting it to the police.

2. Violence is a crime whether it occurs in public or in private

2.1 Give clients appropriate information about their legal options to address domestic and family violence

Practice points:

- Tell clients how to apply for a domestic and family violence order or make a complaint to the police.
- Tell clients all violence is a crime.
- Be aware of referral options for support services.

3. Actively involve clients in assessing their own legal needs and in making decisions about their future

3.1 Provide clients with enough information to help them make up their own mind

Practice points:

- Don't put pressure on a client to make a decision.

4. Work collaboratively with other services that support clients who have been affected by domestic and family violence

4.1 Provide clients with information about services that will address their other needs and those of their children when giving them information

Practice points:

- Ensure you know or can access details about appropriate services, eg regional domestic violence services, refuges, sexual assault services and community specific programs.
- If in doubt, contact a relevant specialist unit within Legal Aid Queensland, (eg Women's Legal Aid, domestic violence unit, family lawyers, social work team.)

5. All clients should be treated with respect

5.1 Do not be judgmental in your response when assisting a client and hearing about their experience of domestic and family violence

Practice points:

- Listen and respond respectfully and behave sensitively when clarifying and getting further details of alleged abuse or domestic and family violence or cultural practices.

6. Legal Aid Queensland's services should be accessible and equitably delivered to all clients affected by domestic and family violence

6.1 Ensure cultural issues are addressed when providing information and referrals

Practice points:

- Refer an Indigenous client to an Indigenous service.
- Refer a client from a non-English-speaking background to an appropriate service.

6.2 Be aware of possible barriers for people accessing Legal Aid

Queensland when arranging for a client to visit the office

Practice points:

- Trained interpreters should be offered if you think language could be an issue.
- Make alternative arrangements if a disability precludes them from coming to the office.
- Always check that a client from a non-English-speaking background is comfortable to proceed without an interpreter, even if they have declined one on a previous occasion. Attempt to make arrangements so the conference can proceed, such as organising a telephone interpreter.
- Use separate interpreters wherever possible if both parties to a dispute are from non-English speaking backgrounds (subject to funding constraints).
- Consider getting an interpreter of the same gender as the client and check whether the client has any preference.
- Try to use the same interpreter every time.

7. Develop and maintain your knowledge of the social context of domestic and family violence including power, control & gender

7.1 Inform clients that they are not alone and are not to blame

Practice points:

- Acknowledge that responsibility for the domestic and family violence lies with the offender, eg a woman's nagging is not an excuse for domestic and family violence.

- Ensure you are informed about the impact of abuse and domestic and family violence both on clients and children who witness it.

* *Clients are all parties to a dispute.*

Working with people who have experienced domestic and family violence

Best practice guidelines for conference chairs

1. The safety of clients, children and workers is paramount

1.1 When facilitating a conference and domestic and family violence is raised, the conference should be a 'shuttle' conference

Practice points:

- Before the conference starts, ask both solicitors if domestic and family violence is an issue or whether any domestic and family violence protection orders (or breaches) exist.
- If domestic and family violence has been raised as an issue, explain Legal Aid Queensland's policy about shuttle conferences to both solicitors and then arrange for separate rooms.
- Before the conference starts, confirm if the client alleging the domestic and family violence wants to proceed on a shuttle basis or on a face-to-face basis.
- Check with Legal Aid Queensland's conference organisers for another room.
- Only return to a face-to-face conference if the aggrieved person chooses to and if you are sure they feel no pressure to do so.
- Ensure both clients are comfortable with the physical environment before the conference starts.

1.2 The issue of domestic and family violence is never mediated

1.3 Take appropriate precautions for the clients' safety

Practice points:

- Ensure no identifying documents/files are left in view or are able to be accessed by any of the parties

during a conference.

1.4 Take appropriate precautions for your safety

Practice points:

- If you are working at a Legal Aid Queensland office, know where the distress buttons are in the interview and conference rooms.
- If you are working at a Legal Aid Queensland office and a physical incident occurs, complete a workplace health and safety incident report, notify Legal Aid Queensland and make a file note.
- If a client threatens you, notify Legal Aid Queensland, the appropriate authorities or a colleague and make a file note.
- Ensure your own safety as you leave the building.

1.5 Reality check any proposed contact orders when the conference ends.

Practice points:

- Use the risk assessment pro-forma.
- Has the client underestimated the risk of future domestic and family violence?

2. Violence is a crime whether it occurs in public or in private

2.1 Give clients appropriate information about their legal options to address domestic and family violence

Practice points:

- If a client is unrepresented, be aware of their legal and referral options.

3. Actively involve clients in assessing their own legal needs and making decisions about their future

3.1 Fully inform clients about the conference process

Practice points:

- Use plain English, avoid legal jargon.
- Check the client understands your information.
- Do not pressure a client to accept an agreement.
- Let the client make up their own mind.
- Ensure the client has a full understanding of agreement's terms and implications.

3.2 When mediating, let the client make up their own mind

Practice points:

- Consider ending the conference if you believe a client cannot negotiate due to fear or other factors.

4. All clients should be treated with respect

4.1 Do not be judgemental in your response when hearing a client's experience of domestic and family violence during a conference

Practice points:

- Listen and respond respectfully and behave sensitively when clarifying or asking for further details of alleged abuse or domestic and family violence or cultural practices.

5. Legal Aid Queensland's services should be accessible and equitably delivered to all clients affected by domestic and family violence

5.1 Ensure cultural issues are addressed during the conference

Practice points:

- Do not make assumptions about a client based on their cultural background.
- Trained interpreters should be used if you think language is an issue.
- Legal Aid Queensland will fund interpreters.
- Always check that a client from a non-English-speaking background is comfortable to proceed without an interpreter, even if they have declined one a previous occasion. Attempt to make the necessary arrangements so the conference can proceed, such as organising a telephone interpreter.
- Use separate interpreters wherever possible if both parties to a dispute are from non-English speaking backgrounds (subject to funding constraints), particularly with a shuttle conference.
- Consider getting an interpreter of the same gender as the client and check whether the client has any preference.

6. Develop and maintain your knowledge of the social context of domestic and family violence including power, control and gender

6.1 Be aware of the different contexts and complexities involved with domestic and family violence when facilitating an agreement.

Practice points:

- Be aware that domestic and family violence is very emotional and a person may be using very subtle control and manipulation of the process.

- Attend relevant professional development opportunities to keep your knowledge base current.
- Ensure you know or can find out about appropriate support services, eg regional domestic violence services, refuges, sexual assault services, children contact centres.
- If in doubt contact a relevant Legal Aid Queensland specialist unit eg Women's Legal Aid, domestic violence unit, family law social work team.

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Working with people who have experienced domestic and family violence

Best practice guidelines for family report writers

1. The safety of clients, children and workers is paramount

1.1 Identify if any domestic and family violence protection orders exist and if there have been any breaches when accepting a referral

Practice points:

- Find out if there are any domestic and family violence orders in place and if the orders have been breached.
- Find out the details of any domestic and family violence allegations when accepting a referral.

1.2 Document any potential safety or security issues for the child when collecting information for a report.

Practice points:

- Use the risk assessment pro-forma to decide what safety precautions are necessary for the parties and yourself.
- Review the risk assessment throughout the matter.
- Include details about the risk and safety assessment when writing the report.

1.3 Take appropriate precautions for the client's safety

Practice points:

- Do not disclose interview times to the other party.
- If both parties are attending interviews on the same day, ensure the safety of the client and their children so they do not have contact with their ex-partner.
- Get permission from both parties for joint interviews.
- Always ensure there are no identifying documents/files left in view or accessible to other parties at

any time.

- Immediately inform the solicitor and if necessary, the police, if one party threatens the other's or their solicitor's safety.

Note:

- Do not include the parties' address or their relatives or associates addresses in the report without permission.
- Do not reveal a counsellor's name or the address of their workplace in the report
- Do not reveal the whereabouts of a refuge or other support agency in the report

1.4 Take appropriate precautions for your own safety

Practice points:

- If you are seeing a client away from the office, arrange to telephone the office when you arrive and at another specified time like when you are leaving.
- If you are working at a Legal Aid Queensland office, know where the distress buttons are in the interview rooms.
- If you are working at a Legal Aid Queensland office and a physical incident occurs, complete a workplace health and safety incident report, notify Legal Aid Queensland and make a file note.
- If you are working at a Legal Aid Queensland office and you are threatened, notify Legal Aid Queensland and make a file note.
- If a client threatens you during an interview, consider calling the police or telling a colleague.

2. Actively involve clients in assessing their own legal needs and making decisions about their future

2.1 Fully inform clients of the report process prior to assessment

Practice points:

- When inviting a client to attend an interview, send them Legal Aid Queensland's family report writers factsheet, which explains the family report writer's role in the court process.
- Check the client understands the process before the assessment takes place and document this.

3. It is important to work collaboratively with other services that support clients who have been affected by domestic and family violence

Practice points:

- It may be helpful to have brochures in your waiting room, for example a list of counselling agencies and information about Legal Aid Queensland services.

4. All clients should be treated with respect

4.1 Do not be judgmental in your response when interviewing clients and hearing their experience of domestic and family violence

Practice points:

- Listen, respond respectfully and behave sensitively when clarifying and asking for further details of alleged abuse or domestic and family violence or cultural practices
- Detail the client's account of domestic and family violence, separate to your own assessment, in

the report.

5. Legal Aid Queensland services should be accessible and equitably delivered to all clients affected by domestic and family violence

5.1 Ensure cultural issues are addressed in the report

Practice points:

- Do not make assumptions about a client based on their cultural background.
- Contact established migrant/refugee welfare services for cultural information or for support for a client.
- Use the internet to get current international evidence on the political and social situation in other countries eg country reports.
- Contact established Indigenous welfare services for information about culture or for support for the client.
- Trained interpreters should be offered if you think language is an issue.
- Always check that a client from a non-English-speaking background is comfortable to proceed without an interpreter, even if they have declined one on a previous occasion. Attempt to make arrangements so the conference can proceed, such as organising a telephone interpreter.
- Legal Aid Queensland will fund interpreters.
- Allocate extra time if there will be an interpreter involved.
- If possible, use separate interpreters if both parties to a dispute are from non-English-speaking backgrounds.
- Try to get an interpreter of the same gender as the client and

check whether the client has any preference.

Working with people who have experienced domestic and family violence

Best practice guidelines for lawyers

1. The safety of clients, children & workers is paramount

1.1 Identify if any domestic and family violence protection orders exist and if there have been any breaches. Record these details on the file

Practice points:

- 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.

1.2 When seeing a client ask about and document on the file any potential safety or security issues

Practice points:

- Use the risk assessment pro-forma to decide what safety precautions are necessary for the client and yourself.
- Review the risk assessment during the key stages of the court process eg interim hearing, pre-hearing conference, before day one LATs or trial.

1.3 When preparing material for a court hearing ensure all allegations of domestic and family violence are included, where appropriate

Practice points:

- Consider attaching the domestic and family violence order or the application to the affidavit material.

1.4 Include all details of domestic and family violence when applying for legal aid

Practice points:

- Attach a copy of the domestic and family violence order or application. Consider if a Notice of Abuse or Family Violence [Form 4] is needed.

1.5 Take appropriate precautions for the client's safety

Practice points:

- Ensure the client will not see their ex-partner at your office.
- Always ensure there are no identifying documents/files left in view or accessible to the other parties at any time.
- Consider the logistics of getting your client to and from your office and court, and accompany them if necessary.
- Ensure clients use separate exits and arrive/leave at staggered intervals during a family law conference.
- Accompany your client to a conference or meet them at an independent place so they are not waiting to start a conference with their ex-partner.
- Ask for a separate room during a family law conference.
- Do not give out a client's address or that of their relatives or friends without their permission.
- Do not give out refuge contact telephone numbers or street address.
- If it is not safe to call a client at home, ensure this is recorded on the file.
- Let a court know well in advance about arrangements that may need to be made to keep your client safe at the court. Do this in writing if necessary.
- Familiarise yourself with the court safety procedures and protocols.
- If your client threatens the other party's safety or that of their solicitor, consider telephoning the other solicitor and when in doubt contact the Queensland Law Society's Lawcare for expert advice.

1.6 Take appropriate precautions for your own safety

Practice points:

- If you are seeing a client away from the office, arrange to call the office when you arrive and at another time such as when you are leaving.
- If you are working at a Legal Aid Queensland office, know where the distress buttons are in the conference and interview rooms.
- If you are working at a Legal Aid Queensland office and a physical incident occurs, complete a workplace health and safety incident report, notify Legal Aid Queensland and make a file note.
- If a client threatens you, notify Legal Aid Queensland or appropriate authorities or a colleague and make a file note.

2. Violence is a crime whether it occurs in public or in private

2.1 Give clients appropriate information about legal options to address domestic and family violence

Practice points:

- Tell clients domestic and family violence is a crime, whether it happened in public or in private.
- Give clients accurate and realistic information about their options to address the domestic and family violence.
- Make the distinction between the civil and criminal ramifications of a domestic and family violence order and explain this fully to the client.
- Assist the client to make a complaint to the police.
- Be aware of referral options for support services

Refer:

- Tell the client how to apply for a domestic and family violence order under the *Domestic and Family Violence Protection Act 1989* or make a complaint to the police under the *Criminal Code 1899*.

3. Actively involve clients in assessing their own legal needs and making decisions about their future

3.1 During the initial interview fully inform clients of the legal process

Practice points:

- Send a letter in plain English explaining the process when inviting a client to attend an interview.
- Provide appropriate written material to the client at the initial interview so they have something to take away and read.
- Always let the client make-up their own mind and provide them with enough information to assist them to make-up their own mind.

3.2 Do not put pressure on a client to agree to conditions in a conference if an agreement would jeopardise their safety and continue the domestic and family violence

Practice points:

- Do not pressure the client to make a decision in a conference or when organising a conference.
- Ensure clients understand they have the right not to agree to resolve the matter in a conference.
- Accept the client's decision even if this means there is no resolution.
- Raise all issues if you think it will help.
- Ensure the client has a full understanding of the agreement's terms and implications.
- Reality test agreements to ensure that

they are workable. Place agreements in context, ask the client to think of possible scenarios to ensure they fully understand the agreement's possible ramifications.

3.3 When self-assessing a legal aid application, do not grant aid for a conference when there are domestic and family violence allegations

Practice points:

- Legal Aid Queensland's guidelines exclude conferences as an option where domestic and family violence is an issue and "where the power imbalance between the victim and the perpetrator is so great that the victim will be unable to negotiate effectively, even with the assistance of a solicitor".
- Ensure you ask the client about their ability to negotiate when you are discussing applying for aid.

4. It is important to work collaboratively with other services that support clients who have been affected by domestic and family violence

4.1 When giving legal information to clients also provide information about services that could address their other needs and those of their children

Practice points:

- Ensure you have know or can find out about appropriate non-legal support and referral services and ensure this information is provided to the client, eg regional domestic and family violence services, refuges, sexual assault services, children's contact centres, Legal Aid Queensland database.
- If in doubt, contact a relevant Legal Aid Queensland specialist unit such as Women's Legal Aid, the domestic violence unit, family lawyers and the

social work team.

4.2 *When preparing a client's case, ensure there is appropriate liaison with the client's support networks*

Practice points:

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

5. **All clients should be treated with respect**

5.1 *Do not be judgemental in your response when interviewing clients and hearing their experience of domestic and family violence*

Practice points:

- Listen, respond respectfully and behave sensitively when clarifying or asking for further details of alleged abuse or domestic and family violence or cultural practices.

5.2 *Make reasonable attempts to locate evidence to support a client's allegations of domestic and family violence when representing a client at court.*

Practice points:

- Collect appropriate police reports, medical reports and statements from possible witnesses.
- Ensure you know each court's processes.
- When organising specialist reports check the background and experience of the people you engage.

6. **Legal Aid Queensland services should be accessible and equitably delivered to all clients affected by domestic and family violence**

6.1 *When preparing for a conference or a court hearing, ensure cultural issues are addressed*

Practice points:

- Do not make assumptions about a client based on their cultural background.
- If relevant, contact established migrant/refugee welfare services for cultural information or for support for a client, such as the Immigrant Women's Support Service (IWSS).
- Use the internet to get current international evidence on the political and social situation in other countries eg country reports.
- Contact established Indigenous welfare services for information about culture and for support for the client.
- Trained interpreters should be offered if you believe language is an issue.
- Legal Aid Queensland will fund interpreters.
- Always check that a client from a non-English-speaking background is comfortable to proceed without an interpreter, even if they have declined one on a previous occasion. Attempt to make the necessary arrangements so the conference can proceed, such as organising a telephone interpreter.
- If possible, use separate interpreters if both parties to a dispute are from non-English-speaking backgrounds, especially during shuttle conferences.
- Try to get an interpreter of the same gender as the client and check whether the client has any preference.
- Try to use the same interpreter every

time.

- Allocate extra time in an interview if there will be an interpreter.
- Remember, domestic and family violence has an impact whatever the case involved.
- Where appropriate, try to talk with other people involved in the case such as doctors, health professionals, caseworkers and carers and where necessary apply for aid for a specialist report.

7. **Develop & maintain your knowledge of the social context of domestic and family violence including power, control and gender**

7.1 *Have a knowledge of the relevant sociological, psychological and political perspectives explaining domestic and family violence in the home*

Practice points:

- Ensure you are informed about the current theoretical perspectives on domestic and family violence against women and children.
- Attend relevant professional development opportunities to keep your knowledge base current.
- Engage report writers and professionals that have a knowledge of the current sociological, psychological and political perspectives explaining domestic and family violence in the home where there are domestic violence allegations.

* *Clients are all parties to a dispute.*

Notes

Working with clients* who have experienced sexual violence

Best practice guidelines for lawyers

1. Clients' emotional safety is paramount.

1.1 Take appropriate precautions for the client's emotional and physical safety

Practice Points

- Allocate sufficient time for your initial interview to develop a rapport with the client.
- Be aware of the trauma of sexual violence and the subsequent emotional safety needs. Make sure your interactions with your clients are sensitive to their experiences of sexual violence. For example:
 - o Ensure the interview room is client-friendly
 - o Ask the client if they prefer the door open or closed
 - o Allow the client to sit where they feel safe.
- Be aware of the definition of sexual violence, the behaviours it encompasses and the likely impact on the client. Sexual violence includes behaviours ranging from sexual harassment and unwanted touching, to rape, sexual torture and ritual abuse. The impact on the client will depend not only on the form of the sexual violence but also on other variables such as age, psychological make up, support levels, relationship with the perpetrator etc.
- Validate the client's feelings and experience when helping them identify the impact of sexual violence. Make sure you acknowledge and are empathetic to the client's needs and there are no judgements made regarding their experience.
- Discussing the case may cause the client to re-live the sexual violence

and become distressed.

- Ensure you have access to a support worker or that the client has a support person with them, for example, a sexual assault worker, a counsellor, or if necessary a Legal Aid Queensland or Women's Legal Aid social worker.

2. Violence is a crime whether it occurs in public or in private.

2.1 Give clients appropriate information about legal options

Practice Points

- Tell clients any violence is a crime whether it happened in public or in private.
- Some clients may not recognise rape/sex as an act of "violence".
- Give clients accurate and realistic information about their options and the legal process.
- 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 leave?".
- Be aware of referral options for support services.
- If the relationship is ongoing and sexual assault has occurred within a spousal, dating, family or informal care relationship, the client should be informed about how to apply for a domestic and family violence order under the *Domestic and Family Violence Protection Act 1989*.

3. Actively involve clients in assessing their own legal needs and making

decisions about their future.

3.1 Fully inform clients about the legal process and how to apply for criminal injuries compensation

Practice Points

- Send a letter in plain English explaining the process.
- Set expectations about the legal process and the matter's preparation, ie what is going to happen, time for questions and provide a realistic time frame for the matter's completion.
- Do not make promises you can not keep. Remember when a person is sexually abused/assaulted, trust is a big issue.
- Always let the client make-up their own mind and provide them with enough information to assist them to make an informed decision. Resources are available from a number of services assisting women (See Section 8 for website addresses for resources).
- Encourage communication with the client at an early stage and encourage participation and communication with a support person.

4. It is important to work collaboratively with other services that support clients who have been affected by sexual violence.

4.1 When giving legal information to clients, also provide information about services that will address their other needs.

Practice Points

- Ensure you know or can find out about appropriate non-legal support and referral services and ensure this information is provided to the

client, for example, sexual assault counselling services (including culturally appropriate counselling services), medical services, women's refuges, Legal Aid Queensland database.

- If in doubt, contact a relevant Legal Aid Queensland specialist unit, such as Women's Legal Aid, the social work team, or the domestic and family violence unit.

4.2 When preparing a client's case, ensure there is appropriate liaison with the client's support networks.

Practice Points

- Identify the support mechanisms the client has or does not have.
- If a client is seeing a counsellor or health professional, consider asking them for a report if the client agrees, if it will assist the case and not breach their privacy.
- Tell the client what will happen with information collected about them. Explain you will be getting reports from various sources that will be served on the other party and presented before the court.
- Check with the client about whether there is any information they do not want disclosed.
- If possible and appropriate, make arrangements for a sexual assault support worker or counsellor to sit with the client when they are giving instructions or when they are appearing in court. (This may not always be possible so do not raise the client's expectations.)

5. All clients should be treated with respect

5.1 Do not be judgmental, inappropriate, insensitive, or inattentive when interviewing a client and hearing about their experience of violence

Practice Points

- Listen, respond respectfully and behave sensitively when clarifying or asking for further information about alleged domestic and family violence or cultural practices.
- Ask the client if they prefer a female or male solicitor.
- Ask the client if they prefer a female or male interpreter (if relevant and possible to arrange).
- If the client is angry or depressed, validate the client's feelings and respond with genuine concern and clarify/restate the interview's purpose.

6. Legal Aid Queensland's services should be accessible and equitably delivered to all clients affected by violence.

6.1 When preparing for court hearings, ensure cultural, sexuality and disability issues are addressed.

Practice Points

- Do not make assumptions about a client based on their cultural background, sexual preference or disability.
- Contact established migrant/refugee sexual assault services for cultural information and/or support for the client, such as Immigrant Women's Support Service (IWSS) if relevant.
- Access the internet to collect current international evidence on political and social situations in other countries relevant to the sexual violence.

Continued...

Working with clients* who have experienced sexual violence

Best practice guidelines for lawyers...continued

- Contact gay and lesbian welfare organisations for information and/or appropriate support, if relevant.
- Contact established Indigenous sexual assault services or welfare services for information about culture and/or support for the client, such as Murrigunyah Aboriginal and Torres Strait Islander Corporation for Women, if relevant.
- Contact a service assisting women with disabilities, such as WWILD- SVP (Working alongside Women with Intellectual and Learning Disabilities – Sexual Violence Prevention) for information and/or support for the client, if relevant.
- If a client has a disability, check out how that might impact on them giving instructions, understanding legal advice and coping with the court process.
- Trained interpreters should be offered if you believe language is an issue.
- Legal Aid Queensland will fund interpreters.
- Check out with the client whether the interpreter is appropriate or not. In some small community groups, there may be issues about maintaining the client's confidentiality and the interpreter being associated with all the parties involved.
- Check to see if a client from a non-English-speaking background is comfortable to proceed without an interpreter. Organise a telephone interpreter if required.
- Consider asking for an interpreter of the same gender as the client. Check whether the client has any gender preference for the interpreter.

- Ensure the client feels comfortable with the interpreter and that there are no gender, religious, political, or privacy concerns. Ensure the interpreter speaks the same first language or dialect as the client.
- Make every effort to have the same interpreter for each interview if the client agrees with this.
- Allow double time for the interview if you are using an interpreter.
- Do not assume all people respond to sexual violence in the same way. Be aware of the impact of culture, religion, education, socio-economic background, refugee experiences, etc. Seek information from appropriate sources to assist you in this regard. For example, a woman from a particular south-east Asian background may smile while recounting her experience of being raped. This is a culturally appropriate behaviour for overcoming embarrassment and for maintaining self-esteem and dignity. However, it can be interpreted by those in the legal system as an indication of the diminished significance of the rape. (Hunt, L. 'Issues for Women from Culturally and Linguistically Diverse Backgrounds', unpublished paper presented at Legal and Practice Issues Forum convened by the Sexual Assault Service Southport 1998)

7. Develop and maintain your knowledge of the social context of violence including issues of power, control and gender.

7.1 *Be informed of the relevant sociological, cultural, psychological and political perspectives explaining sexual violence in all its contexts.*

Practice Points

- Ensure you are informed about current theoretical perspectives on violence against women and children.
 - Attend relevant professional development opportunities to maintain current knowledge.
 - Engage other relevant professionals to write reports to assist the client's case, eg sociologists, social workers, psychologists, counsellors, etc.
- ### 8. Develop and maintain knowledge of resources about sexual violence and services available to assist clients.
- 8.1 *The following are some sources of information available on the internet.*
- Brisbane Rape and Incest Survivors Support Centre (BRISSC) has fact sheets and online resources - www.briscc.com.au
 - Gold Coast Sexual Assault Support Service has information on myths and facts, statistics, resources, and information for survivors of sexual assault. - www.stopsexualviolence.com
 - Immigrant Women's Support Service (IWSS) has publications, resources and forum papers – www.iwss.org.au

- The Centre Against Sexual Violence Inc (CASV) has info sheets for adult survivors of sexual assault, survivors of childhood sexual assault and those supporting survivors of sexual assault – www.connectqld.org.au/casv
- WWILD-SVP (Working alongside Women with Intellectual and Learning Disabilities – Sexual Violence Prevention) has specific resources about working with women with an intellectual and learning disability – <http://cwpp.slq.qld.gov.au/wwild/>
- Queensland Health has some resources and information sheets online, including for indigenous women, and information on services – www.health.qld.gov.au/violence/sexual
- The Domestic Violence & Incest Resource Centre website has a range of info sheets, booklets and other publications – www.dvirc.org.au
- The Australian Centre for the Study of Sexual Assault has research papers, articles and other publications online – www.aifs.gov.au/acssa

Links from these websites to others are also useful.

Notes
