

Working with clients* 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.
- Try to use the same interpreter every time.

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

6.1 *When making an assessment of the issues for children in violent families ensure that you have 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 clients and children including knowledge of the inter-relationship between spousal abuse and child abuse.
- Consider the impact of current and past domestic and family violence on parenting and a client's psychological state.
- Ensure you are informed about the current theoretical perspectives on the impact of abuse and witnessing domestic and family violence and include this in the report.
- Attend relevant professional development opportunities to keep your knowledge base current.

* Clients are all parties to a dispute.