

Family Advocacy and Support Services referrals

This service operates out of the family law courts at Brisbane, Townsville and Cairns. It can provide face-to-face legal and/or social support help for urgent family law or social support problems where family violence is an issue.

Family violence

Family violence must be an issue for it to be referred to the FASS. Family violence may be apparent from your discussions with the client, but if it isn't, the following questions could be asked. If the client responds 'yes' to two of these questions, then this satisfies the FASS family violence requirement.

- Are you currently fearful of the other person or people involved in your case?
- Has anyone involved in your case ever threatened to kill or harm you or your children?
- Has anyone involved in your case ever physically harmed or sexually abused you or your children?
- Is a current domestic violence protection order in place between the people in your case?
- Are you unable to make your own decisions about your case because you feel controlled by a person or people involved in your case?
- Are you unable to speak freely in the presence of the other person or people involved in your case?
- Has there been any physical, emotional or psychological harm between anyone involved in your case?

What is an urgent legal issue?

For urgent matters, action needs to be taken immediately or within the next 72 hours. These matters cannot wait for a legal aid application outcome, or for the client to get legal advice or help elsewhere.

Examples include:

A child is about to be taken out of the country without parental consent.

Factors indicating urgency:

- The child's passport is being held by the person with the child.
- The time the person leaving the country is unknown, or is believed to be within the next 72 hours.
- The person taking the child has connections to overseas countries.
- The person taking the child intends to permanently relocate them.
- They are travelling to a non-Hague Convention country.

A child has just been taken from their primary carer, the other person will not return the child and there is a reasonable risk of harm to the client or child.

OR

A person has breached parenting orders and there is a reasonable risk of harm to the client or child.

Factors indicating urgency:

- The child usually spends no time, supervised or very limited day time with the person who has the child.
- The person with the child is not known to them (eg an estranged parent).

- The client is concerned for the child’s safety while with the other person due to:
 - illegal drug use
 - regular excessive alcohol consumption
 - untreated or severe mental health issues
 - family violence, including previous harm to the child
 - disability (impacting ability to care for child)
 - previous or current child safety involvement
 - previous history of violent or sexual offences against children.

A very young child, a child with a disability or a child with special medical needs has just been taken from their primary carer and the other person won’t return the child.

Factors indicating urgency:

- The child is being exclusively breastfed.
- The child is under 2 (the younger the child the higher the risk).
- The child has special medical needs and the person with the child doesn’t have the proper medications or skills to be able to treat the child.
- The child has been diagnosed with a disability needing special care that cannot be provided by the person with the child.

A client needs urgent financial support.

Factors indicating urgency:

- The client has no access to money (eg the other person has withdrawn all money from bank accounts).
- The client has no accommodation.
- The client cannot get Centrelink benefits.
- The client cannot work or find work.
- The client is solely responsible for children in their care.
- The client does not have any family or friends to support them.

Assets of a marital or defacto relationship are about to be transferred, sold or disposed of without the client’s consent or by court order.

Factors indicating urgency:

- The property is not in joint names.
- The house has been listed for sale, is under offer or is under contract.
- The car being used by the client has been listed for sale.

There is an imminent court date for an urgently listed matter (time abridged stamp or short time between filing date and court date given) where the client is the respondent.

Factors indicating urgency:

- The client was served within the last week.
- The court date is within the next week.
- The client disagrees with the orders being sought and if made may have a detrimental or unfavourable outcome for the client or present safety risks for the client or child.

Support worker

Examples of situations where a support worker may be able to help if there is a family law issue:

- There are concerns about the client’s personal safety.
- The client appears distressed and needs support about a family law issue (usual procedures should be followed for emergency situations including threats of self-harm or threats to harm other people).
- The client needs numerous or complex referrals.
- The client appears unable to self-refer to relevant services and needs help to be linked to services such as housing, food or domestic violence services.
- The client needs information about applying for a domestic violence protection order.