



Women's Domestic Violence
Court Advocacy Service NSW Inc

Submission to the Australian Law Reform Commission's Issues Paper on Review of the Family Law System

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Introduction

The Women's Domestic Violence Court Advocacy Services of NSW (WDVCAS NSW) appreciate the opportunity to provide a submission into the Australian Law Reform Commission's Review of the Family Law System. Within this submission WDVCAS NSW will address eight questions which intersect with our work, the majority of which is in the local court system in NSW.

WDVCAS NSW supports and endorses the full submissions and recommendations of the Women's Legal Services Australia and the Australian Violence Against Women Alliance.

WDVCAS NSW make a general recommendation for an overall increase in funding to the family law system, including the funding of legal assistance services providers, specialist social support services such as the Family Advocacy Support Service (FASS), family consultants, judicial officers and ongoing, comprehensive training in domestic and family violence, cultural competency and trauma informed care for those working in the family law system (as outlined further in Questions 41 and 42).

About WDVCAS NSW

The Women's Domestic Violence Court Advocacy Services NSW (WDVCAS NSW) is the peak, state-wide organisation representing the 29 individual WDVCAS services across New South Wales, who support women and their children who are experiencing domestic or family violence. The WDVCAS services support women who are seeking legal protection from domestic violence in the local and district courts. We currently support women at 117 local courts in NSW. WDVCAS also support women and children at risk of harm or serious harm who are referred directly from police following an incident of domestic or family violence regardless of legal intervention.

WDVCAS NSW supports better outcomes for women and children by identifying and advocating on domestic and family violence issues within social, political and legal contexts. WDVCAS NSW operates from a human rights and feminist perspective to support better outcomes for women and children experiencing domestic and family violence; identifying and advocating on these issues within social, political and legal contexts. WDVCAS NSW works in the community and with media to increase awareness about domestic and family violence and to improve policy and practice. Our activities include advocacy, support for our members, policy development, lobbying, representation at government forums, information dissemination and media consultation. We are funded by Legal Aid NSW's Women's Domestic Violence Court Advocacy Program and by our members.



Question 2. What principles should guide any redevelopment of the family law system?

WDVCAS NSW believe that the current principles underpinning the family law system are outdated and should be revised. The safety and wellbeing of the child should be acknowledged to be of the highest importance and prioritised over some current principles such as the preservation of the family unit. The current emphasis on marriage and the preservation of the family unit is not up to date with contemporary understandings of what constitutes a healthy family. In line with this shift in principles, the family law system must alter the presumption that both parents have equal rights to care for a child in favour of an approach which centres the safety and wellbeing of the child. Major reforms will require adopting a principle that changes cannot be done without funding and that there must be a commitment to ensuring sustainable, adequate and long-term resourcing. Any reforms to the family law system should not come on the expense of the already under-resourced system and family violence sector.

Any alterations to the guiding principles should centre the safety and wellbeing of the child in all decisions made by the family court, including a thorough understanding of the impact of domestic violence on children. This includes the principle that courts are trauma informed, with a thorough understanding of the mental health and emotional safety of children as well as their physical safety. A thorough understanding of trauma confirms that children are not merely witnesses to domestic and family violence, but face significant impacts including physical injury, risk of death, long term mental health issues and attachment issues (Holt, Buckley and Whelan, 2008). For example, a man's fathering cannot be seen as separate to his use of violence in the family. The child's right to be safe is more important than the abusive parent's right to have shared custody of the child.

The principle of being child centered should also be adopted in order to increase the participation and agency of children. This must be followed through with training, resourcing and support services to ensure that the courts can work sensitively to holistically address the care needs of children.

WDVCAS NSW believe that the safety of the mother is frequently tied to the safety for the child. In the experience of WDVCAS and NSW Family and Support Service (FASS) workers, family courts often participate in mother blaming, which can be detrimental to the safety and wellbeing of the child. *No way to live-Women's Experiences in Negotiating the Family Law System in the Context of Domestic Violence* (2010) by Lesley Laing offers an excellent resource which details lived experiences of mother blaming and the impacts upon the family. See Questions 41 and 42 for further recommendations about the training needs of family law court staff.

WDVCAS NSW endorse Women's Legal Services Australia's five step plan, *Safety First in Family Law*, which aims to create a family law system that keeps women and children safe and supports them to financially recover from family violence and separation. The recommended steps are as follows:

- **Step 1** Develop a specialist response for domestic violence cases in family courts.
- **Step 2** Reduce trauma and support those who are most at risk of future violence and death.



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- **Step 3** Intervene early and provide effective legal help for the most disadvantaged.
- **Step 4** Support women and children to financially recover from domestic violence.
- **Step 5** Strengthen the understanding of all family law professionals on domestic violence and trauma.

Details of problems in the family law system and proposed actions for each step are available at <https://safetyinfamilylaw.org.au/the-solutions/>.

Question 3. In what ways could access to information about family law and family law related services, including family violence services, be improved?

WDVCAS NSW support the Family Advocacy Support Service (FASS) and recommend that the services are well resourced and implemented at every family law court across Australia. FASS services increase access and support to people who have experienced violence involved in family law matters, including a legal and social support element. It would be beneficial if the services were further resourced to include a case management component which would provide more comprehensive support for families who have experienced violence to achieve safety and improved access to justice. Furthermore, there is a need for a similar or connected service which is specifically aimed at supporting and informing children involved in the family court of the process, their rights, obligations and options. FASS services across Australia are currently being independently evaluated, with the report providing comprehensive data detailing the value of FASS services due to be released in mid 2018. Paragraph 52 of the ALRC issues paper recommends the implementation of a service/worker to provide navigational assistance to families currently engaged in family law proceedings. This is a worthwhile proposal but does raise concerns in relation to accessibility and consistency of contact, particularly for families in remote and regional locations. Any service to provide this assistance must be implemented equitably nationwide. Expanding FASS to a nationwide service would be a more efficient option than establishing a new service altogether. It is also important that if FASS is to be expanded, legal assistance service providers are also additionally resourced to provide legal representation for FASS clients.

WDVCAS NSW recommend implementing a prosecutors' clinic in the family law system, modeled on the clinics held in local courts for female victims of domestic and family violence in NSW. Police prosecutors, Police and domestic violence support services in the local court jurisdiction in NSW hold Prosecutor Clinics ahead of hearings. At these clinics women are provided with information about the court process and the law, as well as access to the WDVCAS support workers. The clinics can serve to reduce anxiety, support women to feel more prepared for their matter and manage expectations about the possible outcomes. The FASS service could replicate this model within the family law system if provided with the resources and cooperation from the registry. The preparatory session could also cover court layout and security features. This would also create another avenue for parties affected by family violence to connect with support services.

WDVCAS NSW clients can currently access free information and legal advice about family law at many



local courts in NSW through a partnership with the Domestic Violence Panel Scheme at Legal Aid and WDVCAS. It would be highly beneficial for all women at a local court level to have access to legal advice and information about family law through the resourcing of the Domestic Violence Panel Scheme to be available at all of the 117 courts where a WDVCAS support service is available. Support and advice at this early stage can lead to women being safer and more prepared for family court proceedings.

There is a need for more information about family law proceedings and processes which is free and easily accessible. Paragraph 57 of the ALRC issues paper discusses the use of technology to assist families navigating the family law system. An app compatible with all smartphones that provides updates on family law matters would be a valuable resource and could be a portal for managing appointments and court dates, recording breaches and incidents, accessing information and support in relation to family violence and could be equipped with security features (for example, 000 quick dial, court maps, parking information, security alert if feeling unsafe and 24 hour counselling hotline details). Apps such as 'Daisy' and 'Aurora' provide domestic violence and personal safety information, however an app specifically for family law matters targeted at all clients would be highly beneficial. There could also be a related app for young people and children. The app could be available in multiple languages to improve the access of people from non-english speaking backgrounds.

Information provided on the family court website and in family law registries must be accessible and easy to access, including versions in Easy English and in a variety of community languages. Clients who have experienced violence or abuse find the court process traumatic, an experience which is compounded by clients not knowing what to expect when they come to court. For example, FASS workers have supported clients who attend court not knowing that they may be required to negotiate consent orders with the offending parents and/or his legal representatives. This has lead women to appease the non-offending parent (even where there are safety concerns) as to not look unreasonable or uncooperative when the matter returned to court. It is essential that people are provided with thorough, clear information so that they can make informed decisions. Resources such as flowcharts outlining step-by-step what to expect in court, from the initial filing through to receiving a decision in plain English with infographics would be highly beneficial. Resources should also be available for litigants who have to deal with multiple systems such as family law and child protection or family and migration law.

It is essential that specific plans are implemented to improve the access of Aboriginal and Torres Strait Islander clients and culturally and linguistically diverse clients to the family law court. Courts and tribunals should engage at least one Aboriginal and Torres Strait Islander liaison officer for every family law court who can liaise with Aboriginal clients and community about a range of issues including the accessibility of the court and family law resources. Courts should introduce accessibility plans for the Aboriginal community and actively recruit employees from Aboriginal backgrounds. Similarly, courts and tribunals should engage Cultural Liaison Officers, establish Cultural Diversity Committees, introduce multicultural plans, and actively recruit employees from migrant and refugee backgrounds.

Question 13. What improvements could be made to the physical design of the family courts to make them more accessible and responsive to the needs of clients, particularly for clients who have security concerns for their children or themselves?

From our work in local courts across NSW for more than 20 years, WDVCAS NSW know the importance of a safe court environment to achieving justice. WDVCAS support clients from allocated Safe Rooms in most courts across NSW. Safe Rooms are an important way for women to safely participate in the justice system. For Safe Rooms to be most effective, it is important that they are well equipped including large enough facilities for all women and children attending to access the room, toilets, tea and coffee facilities, security cameras and a children's play area. It is important that security staff are available to handle security issues arising near the Safe Room, and to escort clients to and from the Safe Room and when accessing bathrooms where they are not inside Safe Rooms. It is also important that the Safe Room is located in an appropriate and safe part of the court, for example, they should not be adjoining an area that alleged perpetrators may access, such as a Legal Aid duty office. The possibility of being faced with the offending parent while at court causes significant anxiety for clients, creates opportunities for intimidation and coercion and re-traumatisation.

Case Study: *As there is no access to toilets in the Safe Room at Wollongong Family Court, Susanne* and her 3 year old daughter Ellie had to exit the registry in order to access the toilet on the ground floor of the building. FASS organised security to escort them. Upon leaving the bathroom, Ellie's father was waiting outside the toilet. Ellie became distraught at being faced with her violent father. The father took photos of the upset child and posted it on social media with disparaging comments about Susanne.*

It is essential that physical and emotional safety is paramount in the design and function of family court facilities. In order to achieve this court facilities can improved in the following ways:

- Spaces for co-located services such as FASS in the court. Access to services such as FASS increase the safety of people who have experienced violence and ensure safety plans can be made for families at risk of harm. Workers are skilled to ensure that there is a safety plan and networked within the court to implement it successfully.
- Available rooms and AVL facilities to facilitate the separation of clients where there has been a history of violence.
- Adequate security, staffing and equipment, including the availability of security staff who have a thorough understanding of interpersonal violence who have capacity to assist with clients coming into and exiting the court and accessing facilities such as toilets, smoking areas and Safe Rooms. For example, in Inverell Local Court for two recent criminal Hearings support, staff were able to utilise an additional security staff member around the DV Safe Room and toilets, which prevented perpetrators and their extended family waiting around these areas and attempting to contact and harass clients. This intimidating behaviour had been previously noticed at the court when security were unavailable.



- Separate entrance and exits for applicants and respondents. Shared entrance and exit spaces are frequently spaces where women and children unintentionally meet abusive family members. It is important that alternative entrances and exits are built into the design of court facilities. If separate entrances to court facilities are made available, the timing of arrivals and departures would still need to be planned to ensure the accessibility and safety of all parties. WDV CAS NSW are also in support of innovative approaches which remove the security checks from the entrance of courts such as roving security.

Case Study: Lee* arrived at Wollongong Family Court registry with her 12 year old son Ai. There is only one entrance for people accessing the family law registry, and Lee saw Ai's step-father when entering the building. When Ai saw his step-father, who had used significant violence towards him and his mother, he soiled himself. Lee and Ai met with the FASS worker to calm them both and try to ground and regulate their emotions after being faced with the offending parent. Lee was terrified to leave court, afraid that Ai's step-father would be waiting for her by her car or that he would follow her home after court. Although FASS tried to organise security to escort Lee to her car, there were none available.

It is important that family law court buildings are accessible to a wide range of people in order to provide more equitable access to justice for all family law court clients. Of particular concern is accessibility for people with disability, Aboriginal and Torres Strait Islander peoples, children and young people. To improve access for these client groups, WDV CAS NSW recommends:

- Culturally appropriate design, to increase the support for Aboriginal clients. This may include Aboriginal artwork, Aboriginal and Torres Strait Islander flags, and access to outdoor spaces such as courtyards. Local Aboriginal groups and the court's Aboriginal liaison officer should be consulted in the inclusion of design features which will help Aboriginal clients to feel more comfortable in the space.
- Child-friendly spaces where children can play, hang out and feel comfortable and safe when they are waiting at the court. This includes child-friendly facilities in Safe Rooms.
- Fully accessible court facilities for persons with a range of disabilities. It is important that not only wheelchair access be considered, but the needs of people with a range of other disabilities such as mental illness, cognitive disability, visual impairment and hearing impairment. There are a range of disability advocacy organisations who can be consulted to ensure that the facilities are designed well to meet the communities' access needs.

Question 23. How can parties who have experienced family violence or abuse be better supported at court?

A safe, risk-responsive, and less adversarial approach to family law matters is essential in supporting



victim/survivors in family court processes. Parties who have experienced family violence or abuse can be better supported at court through the resourcing of the Family Advocacy Support Service (FASS) and the implementation of FASS services across Australia. FASS shows the importance of embedding specialist family violence workers and free legal advice in the family courts so as to provide easier access to support for parties who have experienced family violence. FASS could be further improved by the resourcing the services to case manage clients and offer them more comprehensive support. The two case studies below demonstrate the vital importance of FASS legal and social support services to vulnerable clients who have experienced domestic violence.

Case Study: *Amy* accessed the FASS service at Parramatta seeking legal advice before court proceedings were initiated. This was the first time she had disclosed to a service the domestic violence she was experiencing. Amy sought legal advice as she was considering leaving the relationship and wanted to know her rights about taking the children with her. After receiving advice from a FASS duty solicitor, Amy was referred to the FASS social support worker. Amy shared her safety concerns and the impact on her wellbeing. The FASS social support worker completed the Safety Assessment Tool (DVSAT) and assisted Amy in forming a safety plan and a plan to leave the relationship, equipping her with the information and resources she needed. The FASS social support worker continued to call Amy to follow up on her safety and current circumstances. A couple of weeks later, Amy had left the family home to live with her parents and needed financial assistance. She explained that her ex-partner was still harassed her. The FASS worker assisted Amy in making a report to the police, obtaining a protection order, meeting with a Centrelink social worker, and applying for financial assistance through Victim Services.*

FASS Case Study 2: *Julia* (21) had been in a relationship with Tim (46) since she was 16. Julia had been physically and psychologically abused by Tim throughout their relationship but had never reported the abuse. When FASS met Julia she had fled the home she shared with Tim and her two-year-old son the night before. Julia was terrified because she had been forced to flee without her son and was worried about his safety and her own. Julia had gone to the police that morning, the police had told her to go to Legal Aid to see a lawyer. Legal Aid referred her to FASS. The FASS duty lawyer spoke to Julia about how she could recover the child safely through the Federal Circuit Court and how to obtain and ADVO for her and her son's protection. While the duty lawyer prepared documents to recover the child through the court and make attempts to discuss the matter with police, the FASS social support worker completed a DVSAT with Julia, discussed safety planning, connected her with Centrelink to arrange a crisis payment and phoned Links2Home to arrange emergency housing. The social support worker provided crisis counselling and attended the police station to assist Julia to make a statement. Once the Recovery Order was made, the duty lawyer discussed the matter with police and highlighted to them the need to obtain and ADVO to protect Julia. The police arranged for the recovery order to be executed, ADVO to be served and ex-partner to be arrested for assault charges that evening. The child was recovered safely. Julia was referred to the Safety Action Meeting by the support worker where her housing and ongoing safety needs would be addressed.*

FASS or other legal support services must be adequately funded to ensure that clients receive legal advice and representation, with a priority for matters involving family violence and or child abuse. Additional funding is needed for family law and family violence duty services; specialist women's legal services and programs; and specialist Aboriginal and Torres Strait Islander controlled legal service providers (including Family Violence Prevention Legal Services and Aboriginal and Torres Strait Islander Legal Services).

Women's Domestic Violence Court Advocacy Services (WDVCAS) could provide thorough support services to female victims of domestic and family violence if we were funded to provide case management in family law cases. In NSW, FASS services are managed by WDVCAS services and thus able to provide clients a thorough support service across the court jurisdictions. This could be funded as a trial in NSW and upon successful evaluation, the model could be resourced and rolled out across the country.

As detailed in Question 3, WDVCAS NSW recommend implementing a prosecutors' clinic in the Family Court system, modeled on the clinics held in local courts for female victims of domestic and family violence in NSW. Police prosecutors, Police and domestic violence support services in the local court jurisdiction in NSW hold Prosecutor Clinics ahead of hearings. At these clinics, women are provided with information about the court process and the law, as well as access to the WDVCAS support workers. The clinics can serve to reduce anxiety, support women to feel more prepared for their matter and manage expectations about the possible outcomes. The FASS service could replicate this model within the family law system if provided with the resources and cooperation from the registry. The preparatory session could also cover Court layout and security features. This would also create another avenue for parties affected by family violence to connect with support services.

There is a need for appropriately designed alternative dispute resolution processes for families with a history of domestic and family violence to reduce the potential for re-traumatisation. An alternative process should offer a well-supported and safe mediation process, with expert lawyers and mediators' who thoroughly understand the dynamics and risks involved with families experiencing domestic and family violence. As the system currently stands, both parties present to court and are often instructed to come to an arrangement that day before consent orders are made. This process requires a more trauma-informed approach where parties have experienced domestic and/or family violence, as they are often negotiating from a disadvantaged position due to economic, psychologically and physically oppressive forces. For example, FASS have supported women who felt that they were not given adequate time to contemplate what they were agreeing to and how it might affect their children or place them at risk of harm. These negotiations can leave women feeling powerless and agreeing to unsafe conditions for their children.



Question 32. What changes should be made to reduce the need for families to engage with more than one court to address safety concerns for children?

There is a need for Police responses and local court services to be improved so that children are afforded the highest possible safety immediately following a report of violence. Police, magistrates and prosecutors must ensure that ADVOs cover children as afforded by the legislation. It is important to ensure that the most appropriate ADVO conditions are sought from the outset to reduce the number of conflicting orders where family law takes precedence. WDV CAS frequently experience that Police cannot charge a defendant with breaches of an ADVO due to family law orders that are in place that allow the behaviour that has led to the breach. ADVO conditions should be considered within the context of the family law proceedings and encompassed in decision making that may place the safety of the protected persons at risk. Support services which are funded to support clients across the jurisdictions could help clients to understand and advocate for the ideal conditions. Furthermore, local courts must to adhere to practice note directions to complete ADVO matters within 3 months where there are children involved to ensure the safety of children. For example, there is currently more than a three month wait time in the NSW Macarthur area, with February matters listed for hearing in September.

There is a strong need for training of Police general duties officers, police prosecutors and local court magistrates to ensure that they understand their role and the separate jurisdictions of the family court and local/district courts. In the experience of WDV CAS, women can be seen as vexatious by Police and concerns for the wellbeing of children not taken seriously, particularly where family court proceedings are underway. Adequate training and leadership is needed within Police to ensure that reports violence and of ADVO breaches are not dismissed because Police are aware there are Family Law Court Orders or proceedings underway.

***Case Study:** Fiona* and her three children were protected by an ADVO, which prohibited the father of her children and ex-partner from contacting her, except in relation to the care of their children. They currently had an agreement in writing made at the local court that the father could have access every Sunday with his mother at her house. Fiona approached the Police as the abusive father would not cease to contact her, for example sending 100+ messages in one night beginning with questions about contact with the children, but also including references to her new partner and threats of violence. The Police were unwilling to act upon the breach saying that it would be dealt with in upcoming family law proceedings. This lack of action from the Police left Fiona and her children feeling unsafe and at risk of further harm from the father.*

Question 41. What core competencies should be expected of professionals who work in the family law system? What measures are needed to ensure that family law system professionals have and maintain these competencies?

All professionals who work in the family law system must be thoroughly trained in domestic and family



violence, child sexual abuse and the impact of abuse on children. Training on domestic and family violence should include all forms of abuse, including systems abuse such as perpetrators utilising the family law system to continue abuse towards the family, effects on family functioning and family ecology and the effect of violence on non-offending partner's parenting. Domestic and family violence, sexual abuse and trauma training for family law professionals should be consistent nation-wide, and be mandatory, for example, a mandatory inclusion in the CPD requirements for lawyers working in family law. Without this knowledge the non-offending parent is often assessed without appropriate context and emphasis on the offending parent's pattern of perpetration. For example, a situation where the non-offending parent is experiencing housing instability, loss of income and PTSD symptoms should not be seen to be separate from the violence that caused these circumstances. Viewing these issues outside of the context of family violence leads to assessments and decisions that can place children at risk of harm at further risk.

Professionals should be trained in methods to apply a child centered approach, child welfare and the impacts of trauma on the brain and childhood development. Violence against women should not be viewed as separate from harm to children. It is important that family law court professionals understand how women experiencing violence are navigating multiple systems, for example the family law system, child protection system and domestic violence services. These different systems place different requirements and expectations on women that often collide and contradict. For example, within the child protection system, women are judged by their ability to protect their children from violence however the family law court may have ordered them to take their children to see the father despite safety concerns and to ignore a court order would result in contravention. To 'fail to protect' could result in the mother having her children taken away by Family and Community Services, resulting in a 'catch 22' situation. (See: *The Three Planet Model: Towards an Understanding of Contradictions in Approaches to Women and Children's Safety in Contexts of Domestic Violence*, Hester, 2010).

All professionals should be trained in cultural competency and cultural safety. This is particularly necessary due to the large number of Aboriginal children currently in out of home care and the history of stolen generations in Australia. Professionals must be able to understand Aboriginal communities, kinship ties, family violence and the effects of intergenerational trauma. All practitioners should also be trained and able to competently work with clients of a culturally and linguistically diverse background (including working with interpreters) and work with clients from LGBTIQ communities.

Appropriate interpreters must be readily available to people needing them in all languages and dialects including AUSLAN. Interpreters must be trained in domestic and family violence and trauma informed care. Although interpreters are bound to their code of conduct to be impartial and professional, WDVCAS have experienced interpreters in the local courts offering women advice, judging them and shaming them for example, saying that they should be ashamed for leaving their husband. It is essential that interpreters are trained not only to act professionally within their role, but to understand the dynamics of domestic and family violence so that they are equipped to interpret on these matters. We refer you to the Recommended National Standards for Working with Interpreters in Courts and Tribunals



developed by the Judicial Council on Cultural Diversity (2017).

The Family Law Pathways Network is an important initiative which promotes the professional development of professionals in the family law system however it requires additional resourcing, particularly in regional and rural areas. Family Law Pathways Network members in NSW have experienced funding cuts in the last 12 months and future funding is uncertain.

As recommended by the final report of the Senate Inquiry into Domestic Violence in Australia (2015), the introduction of a formal, mandatory accreditation scheme is necessary which equips family report writers with the skills to understand and work with victims of violence and trauma, ensuring decisions are better informed, safer and more appropriate. Accreditation for single experts in family law proceedings which are commissioned privately is also necessary. Both family report writers and single experts should additionally be accredited with respect to cultural competency in working with Aboriginal and Torres Strait Islander families, refugee and migrant families and LGBTIQ families.

Question 42. What core competencies should be expected of judicial officers who exercise family law jurisdiction? What measures are needed to ensure that judicial officers have and maintain these competencies?

“The need is clear: judicial education specific to domestic violence is necessary to support victims and minimise re-victimisation through ensuring positive experiences and outcomes in the courtroom” (Wakefield & Taylor, 2015, p. 31). Improved judicial education on domestic and family violence is supported not only by WDVCS NSW, but also by a number of leading specialist organisations, including the United Nations Entity for Gender Equality and the Empowerment of Women, the Australian Law Reform Commission (Family Violence, 2010) and the Australian Women Against Violence Alliance (2017). Judicial education was specifically noted in recommendation number 216 of the Victorian Royal Commission into Family Violence Report (2016), which highlighted the need for a comprehensive domestic and family violence learning and development program for all court staff, to be implemented Australia-wide. In addition to an improved court environment and process, judicial officers who are trained in the dynamics of domestic and family violence could provide safer and more thorough justice outcomes for victim-survivors of domestic and family violence.

While the principle of judicial independence may be perceived as limiting the scope for education that seeks to change the views of judges and magistrates towards domestic and family violence, and sexual assault, training that deepens judicial officers' understanding of the dynamics and impacts of these types of violence will, in fact, strengthen judicial independence by countering commonly believed myths about domestic violence that currently favour defendants in these matters (Wakefield & Taylor, 2015). Furthermore, many judicial officers acknowledge that they require further education on the complex topic of domestic and family violence (Wakefield & Taylor, 2015). Training could involve a train-the-trainer model, to acknowledge prior knowledge of some judicial officers and could be tiered to cater for



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prior knowledge levels. Alternatively, judicial education could start prior to being appointed to the family court and appointments could require expertise in family law and family violence.

Additionally, judicial officers should be trained in cultural competency, trauma-informed practice and the impacts of family violence on children and their attachment relationships. The principle of being child centered must be followed through with training to ensure that the courts can work sensitively to holistically address the care needs of children.

***The names and identifying details of all case studies have been changed for the safety of the clients.**