



December 2021

Victims of Crime Assistance League (Hunter) NSW

**Australian Government
Attorney-General's Department**

**Improving the Competency
and Accountability
of Family Report Writers**

Prepared By

Kerrie Thompson: CEO Victim Support Unit
Sophie Wheeler: Victim Support Specialist

Level 1/432 Hunter Street
Newcastle NSW 2300
PH: 02 4926 2711
admin@vocal.org.au
www.vocal.org.au

About VOCAL

Victims of Crime Assistance League Hunter NSW (VOCAL) is an Incorporated Charity organisation that supports men, women and children who are victim-survivors of any crime type throughout NSW. For the past 30 years we have been providing information, guidance and support to individuals and families who have been impacted by crime. We act in a consultative capacity to State and Federal governments on matters pertaining to victims' rights.

VOCAL's Victim Support Unit receives funding from NSW Department of Communities and Justice (Victims Services) to provide a free service to victims of crime in NSW's Hunter Region. Support is individualized to the specific needs of each survivor and includes physical, psychological and socioeconomic support and assistance.

VOCAL works with both female and male victims of family violence. In the context of family violence and parenting matters, women present with significantly different experiences and risk issues to that of men. Recognizing the gendered nature of domestic and family violence, our submission refers to women and children as victim-survivors, and men as perpetrators of family violence.

The Federal Circuit and Family Court of Australia (the Court) reports that approximately 80% of Family Law cases allege at least one major risk factor, including child abuse, family violence, substance misuse and mental health issues¹. Given this recent statistic, it is not unreasonable to expect that all report writing professionals have the skills to work with the complexities such as trauma, family violence and child sexual abuse.

This submission aims to summarise relevant research that should underpin how report writers operate and will identify specific examples and patterns within report writing that do not align with evidence based principles. For the purpose of this submission, we will refer to family consultants, report writers and expert witnesses as "report writing professionals".

Key Recommendations

1. Mandated training for all report writing professionals employed by the Court, specifically in the areas of trauma, family violence and sexual abuse and the limitations of State/Territory child protection processes.
2. The *Australian Standards of Practice for Family Assessments and Reporting* (The Standards) be reviewed to include specific information on trauma informed practice, with reference to trauma informed practice and trauma informed report writing.

¹ Federal Circuit and Family Court of Australia, [Media Release: New Court Initiatives Help Uncover Higher Prevalence of Family Violence and Other Risks](#), 2021.

3. When litigants provide consent, interviews should be audio recorded by report writing professionals and placed on file at the Court in the event that a formal complaint is made.
4. The Association of Family and Conciliation should not be the training body of report writing professionals. Training must be linked to registered bodies within relevant professions.
5. Social workers are not qualified to write these reports and due to the significant weight put on these evaluations/ diversity of issues that can be presented to the court they need to be clinical Psych with 5 years' experience.

Question 4: Competencies and Skills

Essential and Core Competency: Trauma informed practice

Report writing professionals have an obligation to be competent with knowledge and skills in trauma informed perspectives. This includes understanding how trauma behaviours manifest individually, for example with different coping behaviours, as well as the physical and psychological impact of long term trauma on both adults and children.

Children who have, and continue to, experience abuse from a parent can present with a myriad of reactions, ranging from being overly agreeable without complete understanding, to anxiety. The National Child Traumatic Stress Network reports that the trauma reactions of children who witness family violence can include sleep disturbances, tantrums, aggression and that the child "may try to imitate the parent who has been abusive, or act out violent scenes during their play".² In practice, responses from family consultants relating to children and trauma behaviours can be inconsistent. If report writing professionals are uneducated in area of child trauma behaviours, information provided to the court to aid decision making may be inaccurate and ill-informed.

"I would expect teenagers to imitate an abusive parent's behavior but not younger children".

-2019, Family Consultant giving evidence in Newcastle Federal Circuit Court.

Reports of child related trauma behaviours resultant of contact with the abusive parent are often minimized and dismissed by reporting writing professionals. There is a prevalence of blame towards the protective parent, ultimately shifting the child safety responsibilities from the perpetrator to the victim-survivor, enabling the abuse to continue.

² The National Child Traumatic Stress Network, [Managing Challenging Behaviour of Children Living with Domestic Violence](#), 2014.

"I told the family consultant about my experience with family violence, coercive control and repeated, non-consensual sexual violence during my marriage. The family consultant's report questioned why I had taken so long to access family violence counselling. I feel I have no right of reply to this report, despite the family consultant knowing I am a single mother who works full time with 2 young children who have diagnosed behavioural issues".

Mother, NSW, 2021

"My children have suffered a lot from witnessing family violence. Since separation, I have accessed NSW Victims Support Scheme counselling for them. The family consultant's report said "the mother has organized victims of crime counselling to occur for the children...despite no evidence of a crime being committed against the children". How does someone in this position not understand the impact that family violence has on children?

Mother, NSW, 2021

The above disclosures from victim-survivors are evident that current practice is in contradiction to the Safe and Together Model training that the Court relies on. The model talks about shifting or 'pivoting' the practitioner's attention away from assessing the protective parent as the source of the risk or safety concerns and to instead focus on the actions or behaviour of the perpetrator as the source of risk to the child/ren and functioning of the family'.³ Trauma informed practice is not evident within the Family Court system, and urgent change is required to ensure report writing professionals are qualified in identifying and understanding trauma and risk.

Essential and Core Competency: Family Violence

"I felt that the report writer dismissed my disclosures of family violence and did not want to hear about my experiences...they said I was "telling untrue stories" to manipulate the family law process. I have always wanted my children to have a relationship with their father, but all the facts must be considered and my children need to be safe."

Mother, Hunter

It is the experience of many victim-survivors that trauma and family violence is minimized by report writing professionals. Since court processes place onus of substantiation of abuse primarily onto mothers, the gendered bias and stereotype that women make false allegations of abuse to "win" custody is damaging and without purpose. Victim-survivor feedback is that unless there is physical evidence and a criminal conviction of domestic violence offences, the victim-survivor's experiences of abuse are typically dismissed by report writing professionals which suggested a significant gap in knowledge regarding basic principles of family violence.

³ : Tracey De Simone & Susan Heward-Belle (2020) Evidencing better child protection practice: why representations of domestic violence matter, *Current Issues in Criminal Justice*, 32:4, 403-419, DOI: 10.1080/10345329.2020.1840957

Section 4AB(3)(4) of the Family Law Act 1975 identifies that child exposure to violence (either by primary or secondary victimization) is an acknowledged form of family violence and therefore a reportable offence⁴. Yet in practice, there remains a focus on prioritizing the rights of the abusive parent over child safety. Victim-survivors report they felt powerless and helpless when disclosing their experiences of family violence to report writing professionals, and they felt an overwhelming sense of not being believed, not taken seriously and that ultimately their experiences of violence have no relevance or influence in the report writing process.

"The Family Consultant said to me:

These allegations you've made of family violence – they are just allegations. It's your word against his. He is a professional and this could have a serious impact on his career.

- Mother, Hunter Region, 2020

Victim-survivors report that during interviews, report writing professionals make bold statements and recommendations about what is in the best interest of the child, without having full comprehension of the child's behaviors, trauma reactions and post-separation family violence risk.

"On the advice of my solicitor, I applied for sole parental responsibility. The family consultant questioned me at length about why I was wanting sole PR, saying "Sole PR is usually reserved for parents who physically or sexually assault their children, not for cases like yours". I told her that my application to the court included a notice of risk and evidence of physical domestic violence towards myself and my children, but she was dismissive in what I was saying and didn't believe me".

- Mother, Hunter Region, 2020

Despite the child saying they are scared of the abusive parent, that they do not want to spend long periods of time with the abusive parent, or do not want to stay overnight with the abusive parent, report writing professionals *still* recommend the child has regular physical contact with the abusive parent. The message to child victim-survivors is inconsistent with State Child Protection processes and is disempowering. Many disclosures are ignored, minimized, trivialized and dismissed by report writing professionals. The Australian Institute of Family Studies⁵ (2018) reports that in relation to family consultants and report writers, of those children and young people who could recall engaging with these professionals...half indicated that their views were not acknowledged. In the same study, it was reported that there was a perceived inaction on the part of family law system professionals, particularly in response to safety concerns raised by children and young people⁶. Current practice is still dismissive of children's views, experiences and disclosures, suggesting that report writers are not aware of or using evidence based practice concepts arising from relevant research.

⁴ Family Law Act 1975.

⁵ Australian Institute of Family Studies (2018) Final Report: *Children and young people in separated families: Family law system experiences and needs.*

⁶ Australian Institute of Family Studies (2018) Final Report: *Children and young people in separated families: Family law system experiences and needs.*

Post Separation Abuse

“My sister and I were interviewed by a court appointed Psychiatrist. They asked a lot of questions about violence in the home, but dad was sitting in the office right behind us and we were too scared to say what he does to us and mum”.

– child, age 14, Hunter Region NSW

VOCAL’s work in post separation abuse provides significant insight into systemic gaps in State and Federal responses when it comes to family violence, child protection and custody orders.

Research indicates that the time of separation is an amplified period of danger for victim-survivors⁷. Victim-survivors report abuse escalation through way of harassment, intimidation, stalking, verbal abuse, financial abuse, emotional blackmail, restricting child support, litigation abuse, and can escalate to homicide. Perpetrators of violence can also create fear in children and disrupt the emotional bond between the child and the protective parent. This can occur through degrading messages to children, manipulation, isolation and intimidation. Post separation abuse can have a powerful impact on children’s mental health and wellbeing where children themselves are coercively controlled and forced into choosing the more powerful parent over the other- thus aligning with the perpetrator. These forms of violence and control are pertinent in the context of family law and post separation and serve to further re-traumatisation of mothers and their children.

Many victim-survivors are reluctant to report to police for a number of reasons, including fear of retaliation, fear of not being believed and fear of giving evidence in criminal court. For those who do report post separation abuse, many are met with police inaction and told to contact a family law solicitor for more effective intervention. This experience leads to a mistrust in Police, yet may be perceived during court processes as the victim’s failure to keep a child safe.

The family consultant I had told me I was lying about the domestic violence myself and my children suffered. She said “You’re lying. If it was that bad, you would have reported it to police”.

- Mother, 2018, Hunter Region NSW

For report writing professionals to be trauma and violence informed, they must consider a perspective that the perpetrators of violence are responsible for the responses of the victim and child witnesses and that this responsibility is not shared with the survivor⁸. Professionals who have an in-depth understanding of post separation abuse also understand the limitations that State ADVO and child protection systems have in protecting victim-survivors of family violence, especially coercive control and sexual violence.

⁷ Douglas, H. (2017). *Legal Systems Abuse and Coercive Control*.

⁸ NSW Communities and Justice (2017) *The Safe and Together Model. Home Truths: rethinking our approach to family violence*.

Frontline State based agencies are proactive with interventions and protective measures when engaging with victim-survivors. The Family Court appears resistant to moving past the desired 'shared parenting' agreement. Many report writing professionals do not align with current research and practice, and chastise women for following the advice of solicitors, psychologists and support agencies.

In the report, the Family Consultant criticized me because I preferred to communicate with my abusive ex-husband via email, as opposed to face to face communication. Support agencies, my counsellor and solicitor had all encouraged me to limit face to face contact because of my level of fear of him, and because of his ongoing manipulation and aggression towards me. The family consultant did not agree with this, stating that she did not believe my ex-husband was manipulative or controlling.

- Mother, 2018, Hunter Region NSW

Rathus et al.⁹ argue that international research shows that the report writers may only focus on physical violence (if evidence or convictions of physical violence have been established) and may minimise or ignore reports of coercive control. This suggests there is a need for assessment practices and training for report writing professionals to understand the dynamics and impacts of coercive control on adult and child victim-survivors.

Essential and Core Competency: understanding the intersection of family violence, child protection and Family Law

Current practice shows that when victim-survivors make a formal report of abuse against their child, the State response from police and child protection should be to assist protective parents to keep the child safe and limit physical contact with the abusive parent. At a time when mothers are handling an array of complex issues and are likely experiencing the impacts of trauma themselves, they are often asked to complete a set of tasks to keep themselves and their children safe.¹⁰ For example, the onus of responsibility is instead placed on victim-survivors who are encouraged to install CCTV, keep a journal detailing abuse, remain engaged with support services, and to report to police while parenting the child through trauma and separation. The perpetrator's abusive behaviors remain unaddressed and under monitored, minimizing their accountability.

⁹ Rathus et al. (2019) *"It's like standing on a beach, holding your children's hands, and having a tsunami just coming towards you": Intimate Partner Violence and "expert" assessments in Australian Family Law.*

⁹ NSW Communities and Justice (2017) *The Safe and Together Model. Home Truths: rethinking our approach to family violence.*

¹⁰ NSW Communities and Justice (2017) *The Safe and Together Model. Home Truths: rethinking our approach to family violence.*

My child was approved for counselling under the NSW Victims Services Support Scheme. She had witnessed violence against me and was subjected to verbal and emotional abuse from her father that included put downs, name calling and denigration. The family consultant reprimanded me for me seeing the same psychologist as my daughter. I told her that our sessions are separate, but the family consultant was still very critical of my decision. It appeared to me that the family consultant was dismissing my psychologists' professional judgement, which I thought was odd.

- Mother, 2021, Hunter Region NSW

In the Federal jurisdiction, it is commonly reported that report writing professionals routinely place greater weight on the abuser's parental rights over child safety. Despite being required to assess the evidence on a balance of probability, the risk to children and to protective parent's increases when court personnel only place weight on a criminal conviction or a substantiated child protection report. If there are unsubstantiated reports, or no criminal charges, the victim-survivor's disclosures of abuse are routinely disregarded. This fails to acknowledge the perpetrator's abusive behavioural patterns and does not follow best practice principles when assessing risk.

Most perpetrators of violence against children (both domestic violence and sexual abuse) are men, and indeed they will feel a loss of control as the mother instills protective measures and boundaries to keep her children safe from ongoing risk. When report writing professionals label protective parents as 'alienating' the child from the other parent, the end result is one of unpredictability and risk. Protective parents are instructed by the State to keep the child away from the alleged perpetrator, while the Federal Courts insist the child has regular contact with their abuser, with the majority of victim-survivors being directly ordered to facilitate contact between the child and abusive parent, regardless of the child's wishes. The Federal response effectively relieves men of their accountability for their violence and the impact it has on their partner, children and family functioning¹¹.

Training recommendations include:

- Competency based training through Blue Knot Foundation, including
- Training and resources provided by Bessel Van Der Kolk, MD and Janina Fisher PhD, specifically on the impact of trauma on children.
- Comprehensive training of the intricate dynamics of family violence
- Emerging Minds – The Impact of Trauma on the Child
- Australian Childhood Foundation training
- Trauma informed report writing¹²

¹¹ NSW Communities and Justice (2017) *The Safe and Together Model. Home Truths: rethinking our approach to family violence.*

¹² Tracey De Simone & Susan Heward-Belle (2020) *Evidencing better child protection practice: why representations of domestic violence matter.*

SPECIALISED Competency: Responding to Sexual abuse allegations

Over many years VOCAL has reported that amongst report writing professionals there remains a strong bias against mothers who disclose or report allegations of child sexual abuse. VOCAL has observed that this occurs to such an extent that solicitors advise protective parents not to include sexual abuse allegations in their affidavit as it increases the risk of them losing custody of their children.

Findings from the Royal Commission into Institutional Abuse showed that ‘disclosure is rarely a one-off event, and is a process. Victims will disclose in different ways to different people...and may be verbal or non-verbal, accidental or intentional, partial or complete’.¹³ Given the sensitive nature of disclosing abuse, and the fear and uncertainty that young people experience when having to discuss sexual violence, it is not uncommon for young people to disclose sexual violence to a trained counsellor over a longer period of time, as opposed to disclosing to police in a once off interview. However, it is our experience that unless there is a substantiated report from child protection, report writing professionals dismiss allegations of sexual violence and assume that the protective parent is seeking to alienate the perpetrator as a form of punishment.

I documented and followed the advice from Police, Family and Community Services and my family law solicitor who told me to take my child to a sexual assault counsellor. However, the report writer said because I had done this I was “doctor shopping” and subjecting my child to systems abuse. She appeared very unhappy that my child was seeing a counsellor.

- Mother, 2019, Hunter Region
NSW

It remains problematic when report writing professionals label matters involving sexual violence against children as “high conflict” cases and “parental alienation”, and this is an area we recommend undergo review and specialized training. The term ‘high conflict’ is commonly used in court setting for matters that are unable to reach an agreement. Yet in reality - high conflict cases are situational; the power is more balanced and neither adult is particularly fearful of each other. Fidler et al. (2008) states that, in high conflict situations, the balance of power is roughly equal and parents do not have to make safety-based decisions, whereas in situations of domestic violence, power is unequal and safety-based decisions are required.¹⁴ In high conflict families, safety planning is not the focus during the assessment of custody arrangements, whereas safety planning is a priority in families where men are violent towards women (Fidler et al., 2008)¹⁵

Labelling a case as high conflict when there are allegations of family violence, or sexual abuse, detracts and minimizes the safety issues and risk to children. Our data indicates that cases labeled as “high conflict” by the Family Court present with a long history of abusive behaviours that involve physical,

¹³ Commonwealth of Australia (2017) *Royal Commission into Institutional Response to Child Sexual Abuse. Final Report – Identifying and disclosing child sexual abuse.*

¹⁴ Archer-Kuhn, B. (2018) Domestic violence and high conflict are not the same: a gendered analysis. *Journal of Social Welfare and Family Law.*

¹⁵ Archer-Kuhn, B. (2018) Domestic violence and high conflict are not the same: a gendered analysis. *Journal of Social Welfare and Family Law.*

sexual, financial and psychological violence. However, if mothers are hesitant or reluctant to send their children to fathers who have been abusive to themselves or the children, in the family law system they are often accused of alienating the children from their fathers.¹⁶

Training and education provided to family court professionals fails to identify and understand the complexities of children reporting sexual violence and the protective measures parents put in place after leaving an abusive relationship. For example, the Association of Family and Conciliation Courts (Australian Chapter) hosted a 3-day conference and presented information on parental alienation in the context of family violence and sexual abuse, which included:

*“in some cases, the primary cause of the child resisting contact is alienating parental behaviours; most often children will be alienated as a result of the influence of the parent with primary care, who is usually the mother”.*¹⁷

*“in some more severe cases of alienation, sometimes the only effective response is to award sole care to the rejected parent and suspend or supervise contact with the alienating parent”*¹⁸.

Unfortunately, for many protective parents they have lost custody of their children when following advice from the State’s protection agencies. While gender bias in any part of the judicial system is troubling, victim blaming and assumptions that mother’s make false allegation of child sexual abuse are particularly harmful in custody cases. Such beliefs (that women lie about violence) align with the perpetrators abusive behaviours, prioritizing their relationship with the child over the child’s fundamental right to safe from physical, psychological and sexual harm.

“While I was married, my child disclosed sexual violence from my husband which I reported to police. After I left my husband, he started custody proceedings. The expert witness for our case had no specialised training in trauma or child sexual abuse. They were a general psychologist who worked with “family conflict. She recommended that my child live with his father and the Judge agreed.”

– Mother, 2020, Hunter Region, NSW

The attainment of identified core skills and competence must be mandated. This will ensure that report writing professionals are equipped with up to date training and research relating to the core competencies required to undertake their role.

Each profession has separate rules and regulations relating to CPD requirements. Given the unique skill set required of report writing professionals, we believe there should be specific requirements for anyone submitting reports to the family court on child custody matters. It is essential that the quality of

¹⁶ Rathus et al. (2019) *“It’s like standing on a beach, holding your children’s hands, and having a tsunami just coming towards you”*: Intimate Partner Violence and “expert” assessments in Australian Family Law.

¹⁷ Association of Family and Conciliation Courts (Australian Chapter) (2018). *Alienation? Myths, complexities and possibilities*.

¹⁸ Association of Family and Conciliation Courts (Australian Chapter) (2018). *Alienation? Myths, complexities and possibilities*.

information provided in reports is improved. Trauma, cultural awareness, family violence, sexual abuse, mental health and substance use are areas of competencies that report writing professionals must be proficient in. Having an expert witness write a report on a child sexual abuse matter when they have no qualifications or training in that area is unethical. Report writers should be expected to participate in refresher training to gain knowledge of current research and there should be review process in place to ensure their principles underpin up to date concepts that are evidence based.

Question 7: Requiring and demonstrating competencies

There are many elements to consider when commenting on the overall effectiveness of the current professional development requirements for report writers. However, given the consistency of specific concerns expressed by various victim-survivors, it would seem that improvements in professional conduct and the quality of reports is required.

The consultation paper¹⁹ makes reference to the Australian Standards of Practice for Family Assessment and Reporting (The Standards)²⁰. The consultation paper states “According to the Standards, family report writers should have appropriate training, qualifications and experience to ...interview parents about sensitive and emotional family issues in a trauma informed way”²¹. Upon review of the Standards document, there is no reference to ‘trauma’ or ‘trauma informed’ interviewing or practice. We recommend the Standards be reviewed and updated to include trauma informed practice information, as a matter of urgency.

Trauma informed practice includes understanding how to write reports in a trauma informed way. VOCAL advocates this to be a required competency of all report writing professionals, and in doing so will improve the quality of reports being submitted to the court. Interviews and reports are not being conducted from a trauma informed perspective. Bias come though strongly in reports, as one victim-survivor disclosed:

“Words in the report that described the father included ‘considerate willing, focused, polite, concerned, consistent and calm.’

Words describing me included ‘annoyed, refused, aggravated, resisting, could not articulate, disagreed and asserts’.

Mother, Hunter Region, 2018

¹⁹ Australian Government Attorney-General’s Department (2021) *Improving the competency and accountability of family report writers. Consultation paper.*

²⁰ Federal Circuit and Family Court of Australia (2015) *Australian Standards of Practice for Family Assessments and Reporting.*

²¹ Australian Government Attorney-General’s Department (2021) *Improving the competency and accountability of family report writers. Consultation paper. Page 9.*

The lack of legislative or regulatory requirements specifying required qualifications or accreditations for report writers is deeply concerning. Many litigants are ordered by the Court to pay for family reports in excess of \$10,000 and we believe it is unethical for the Court to use report writing professionals who are not competently trained in the areas of that they are paid to make assessments on. We believe there is a strong need for an independent audit of family reports to ensure quality assurance and for consistency and transparency in practice. This is especially relevant when the Court has received a complaint about a report writing professional.

We are in support of a public register where report writing professionals are required to outline their qualifications, recent training and area of expertise and strongly advocates that the attainment of identified core competencies including refresher training and provisions for critical analysis and supervision of practices be mandated for all report writing professionals.

Question 14: Complaints mechanism

The current complaints process for report writing professionals is limited which indicates that report writers who have a significant amount of influence hold little accountability for their recommendations. Professional bodies such as the Australian Social Work Association, The Australian Psychological Society and the Royal Australian and New Zealand College of Psychiatrists are unable to act on complaints about a member who is employed by the Family Court to write reports due to Section 121 of the Family Law Act²². The Australian Medical Board and HCCC are also unable to intervene in the complaints process of a report writing professional and direct complaints to lodge a complaint with the Family Court. We note that cross examination of the report writer is available to litigants who have issues with the content of the report, however it is the experience of many victim-survivors that solicitors do not cross examine the report writer (regardless of the litigant's specific instructions to do so). It is our experience that solicitors advise victim-survivors to lodge a complaint *after* court proceedings have been finalized.

The 2017 Parliamentary Inquiry into the Family Law System reported a recommendation to the Attorney General that pursues legislation and policy reform to abolish private family Consultants with family consultants to be only engaged and administered by the Court itself.²³ Current practice is that a senior practitioner reviews complaints that are made about family consultants, however we advocate for a process that is overseen by an independent body. This will improve transparency, removes organizational bias and instills confidence in litigants and the general public.

²² Australian Association of Social Workers (2014) *Complaints relating to social workers and the Family Court of Australian and the Federal Circuit Court of Australia*.

²³ Parliament of the Commonwealth of Australian (2017) *A better family law system to support and protect those affected by family violence*.

Question 9: The need for quality assurance mechanism for family report writers

VOCAL has long since advocated for people attending an interview with a report writing professional to be given the option to have a support person present. The option of having a support person is provided in various other interviews, including child protection interviews and police statements. For many years we have received feedback from both mothers and fathers who have attended family court interviews, insisting the information written in the report was not what they had said in the interview. There must be an improvement on quality assurance for report writers, and having a third party as an observer to the interview provides both reassurance and emotional support to the litigant, and allows for professional transparency. Having professional feedback from a supervisor may also allow them to the opportunity to critically reflect on their work after being observed, similar to many other professional expectations.

In addition, VOCAL strongly advocates that, with the approval of litigant's, interviews conducted by report writing professionals be audio recorded and filed with the Court in the event that a formal complaint is lodged about the standard of report, ethical or professional misconduct. It is our belief that this mechanism will improve quality assurance and instill public confidence in the Family Court's ability to be transparent in practice.

Swan Family Lawyers (2021) writes that family reports completed for the Family Court are subject to a quality assurance process where they are read by a Senior Family Constant or Regional Coordinator prior to their release. This enables a check by a highly experienced professional supervisor to ensure that the report meets the requirements of the order for the assessment and is of an appropriate professional quality.²⁴ In practice, the differences in quality assurance requirements between in house and regulation 7 report writers is staggering. To improve quality assurance, we recommend that regulation 7 report writers be mandated to comply with the quality assurance regulations the same as in-house report writers, specifically with regards to mandatory training, reviews and audits. This will improve the quality of reports, and closer monitoring will ensure that updated research is being applied.

"The family consultant's report had the wrong names of my children, a different parent name was listed and there was information in the report that was not relevant, ie mentioning 'daughters' when I have sons. During the second report, he was more interested in discussing his old work colleagues and people he knew that currently worked at my employment organisation. Both of his reports were full of poor grammar and spelling mistakes, so I don't believe he was educated for the position of assessing and reporting on the safety of my children.

– Mother, 2020, Hunter Region, NSW

²⁴ Swan Family Lawyers (2021) *Family Assessments*.

Conclusion

Australian and international research shows that significant periods of contact are frequently awarded to domestically violent men through family courts²⁵. VOCAL advocates for mandated training for all report writing professionals employed by the Court, and training must be updated to include trauma informed practices, family violence and post separation abuse training and specialized training for report writing professionals assessing matters that involved child sexual abuse allegations. We hope to see a more rigorous audit process of reports, safeguards in place to protect litigants from unethical and uneducated practice, and a more thorough mechanism for complaints.

²⁵ Rathus et al. (2019) *“It’s like standing on a beach, holding your children’s hands, and having a tsunami just coming towards you”*: Intimate Partner Violence and “expert” assessments in Australian Family Law.

References:

- Association of Family and Conciliation Courts (Australian Chapter) [Alienation? Myths, Complexities and Possibilities](#), 2018.
- Australian Association of Social Workers, [Complaints Relating to Social Workers and the Family Court of Australian and the Federal Circuit Court of Australia](#), 2014.
- Australian Government Attorney-General's Department, [Improving the Competency and Accountability of Family Report Writers Consultation Paper](#), 2021.
- Australian Institute of Family Studies, [Final Report: Children and Young People in Separated Families: Family Law System Experiences and Needs](#), 2018.
- B Archer-Kuhn, [Domestic Violence and High Conflict Are Not The Same: A Gendered Analysis](#), Journal of Social Welfare and Family Law, 2018.
- Commonwealth of Australia, [Royal Commission Into Institutional Response to Child Sexual Abuse. Final Report – Identifying and Disclosing Child Sexual Abuse](#), 2017.
- Family Law Act 1975.*
- Rathus, Z., Jeffries, S., Menih, H, and Field, R. It's like Standing on a Beach, holding your Children's Hands, and Having a Tsunami Just Coming Towards You: Intimate Partner Violence and "Expert" Assessments in Australian Family Law. <https://www.tandfonline.com/doi/abs/10.1080/15564886.2019.1580646> 2019.
- Federal Circuit and Family Court of Australia, [Australian Standards of Practice for Family Assessments and Reporting](#), 2015.
- Federal Circuit and Family Court of Australia, [Media Release: New Court Initiatives Help Uncover Higher Prevalence of Family Violence and Other Risks](#), 2021.
- H Douglas, [Legal Systems Abuse and Coercive Control](#), 2017.
- The National Child Traumatic Stress Network, [Managing Challenging Behaviour of Children Living with Domestic Violence](#), 2014.
- NSW Communities and Justice, [The Safe and Together Model. Home Truths: Rethinking Our Approach to Family Violence](#), 2017.
- Parliament of the Commonwealth of Australian (2017) [A Better Family Law System to Support and Protect Those Affected by Family Violence](#), 2017.
- Swan Family Lawyers, [Family Assessments](#), 2021

Tracey De Simone & Susan Heward-Belle (2020) Evidencing better child protection practice: why representations of domestic violence matter, *Current Issues in Criminal Justice*, 32:4, 403-419, DOI: 10.1080/10345329.2020.1840957