

Submission form for Family Law Legal Aid Services Review Consultation and Options Paper

This form has been prepared to assist you to respond to Victoria Legal Aid's Consultation and Options Paper on the Family Law Legal Aid Services Review.

You may use this form to make a submission. You do not have to make a submission on every proposal and question. The Consultation and Options Paper provides details about each of the options.

We are committed to a structured, transparent and accountable consultation that enables everyone to access the Consultation and Options Paper and the submissions in response.

Please email your submission to familylawreview@vla.vic.gov.au.

Publication of submissions

All submissions received will be published on the VLA website after the close of the submission period.

If you do not want your submission published, please contact us on the email address above to discuss further.

Submissions are due by **Monday 16 February 2015**.

Name/organisation: Young People's Legal Rights Centre (Youthlaw)

Contact details: Megan King, megan@youthlaw.asn.au, 9611 2433

Date: 16 February 2015

Submission form

Overall comments

Response:

We have prepared a brief response to your *Family Law Legal Aid Services Review: Consultation and Options Paper*.

Youthlaw has provided legal services over the past 12 years to young people under 25 and to adults seeking to assist young people. We target our services to vulnerable and marginalised young people.

Youthlaw currently has a very limited family law casework practice but do provide legal information and initial advice about family law.

Our Youthlaw Online service is a service that uses skype, phone and site visits to assist young people and workers at 9 youth services across Victoria. We receive a higher number of family law enquiries through this service than our other services.

In regard to family law we have observed:

- Young parents similar to other young people rarely seek legal advice directly from a lawyer. If they seek help they do so through those they know such as family, friends and workers at services they attend. We are referred family law enquiries largely through non-legal service partnerships with services that target vulnerable young people and support services including housing and Centrelink.
- Young parents who obtain family law advice are often put off by the delivery of the service. They report being overwhelmed by the information, the legalese, the options and short duration of interviews. They often have self esteem issues. Unless they are given time and encouragement that are unlikely to provide adequate detail and may minimise their situation. They are easily put off by authority and institutional responses. If they do not experience the law positively initially they often form the view that it's not worth seeking help in the future.
- CLCs we have consulted with about their family law services indicate their concern (and often regional stakeholders such as police) about the significant problem of domestic violence evident in young parent's relationships. The flip side is that domestic violence services such as family violence duty lawyer services are a strong referral point for young parents to obtain family law advice.
- In our experience and other CLCs (eg Peninsula and Hume Riverina CLC) young parents overwhelmingly present with interrelated legal problems such as debt, fines, and issues with Centrelink, tenancy and domestic violence.

- Young parents often have physical access barriers. They usually don't have a car and public transport is often limited. The easiest place to get to is often on a train or bus line and not the quicker linear journey by car.
- Our experience is that a referral for a young person (particularly those who are vulnerable) needs to be supported and warm. For example, we find that young people are reluctant to attend a service they haven't been to before. We also find that in order for a young person to use our Skype service they usually require an initial phone call or a call from a worker who has the young person with them to build trust and confidence.
- In general young people find the legal system hard to navigate – referral pathways are not clear, eligibility criteria can be confusing and a young person may “bounce” around from several services before giving up on finding legal assistance. It is known in the youth sector that young people have a very high drop out rate when referred externally to another service. For young people one stop integrated services work well, as do drop in services and services that are immediately accessible (e.g. by phone).
- In our experience civil and family law services for young people require innovative outreach – e.g. via non-legal youth services and services that are attended by young people. Possibilities include youth services, maternal child health nurses, Centrelink offices, Youth foyers, youth refuges, housing services etc.).
- At Youthlaw a high number of family law enquiries are from young people (usually in their mid teenage years) who seek advice about whether they can change their parents parenting arrangements (eg. I don't want to go to the other parent anymore). This is often in the context of abuse of some sort or for other reasons to do with their well-being. These enquires seem rarely to be based on whim. We believe there is growing legitimate legal debate about the role and voice of children in family law. One option might be for legal services (including VLA) and FRCs to explore ways children and young people might be better heard using FRCs. Already many FRCS provide child inclusive practice to increase the capacity of parents to understand the needs of their children. Perhaps young people could initiate discussion of family parenting arrangements at an FRC.
- To prepare this response we requested information from CLCs providing substantial family law services about their assistance to young people under 25. The data we received was limited and hard to compare or correlate. In general CLCs reported the number of young parents they assist is relatively low to very low. We would be interested in what VLA data indicates about uptake of VLA family law services by young parents. We would suggest that collection and analysis of CLC and VLA data could be helpful to plan future services.

Comments from CLCs about young parents included the following:

- Police and other stakeholders in rural region are very concerned about the high number of young parents they are in contact with who are experiencing domestic violence situation.
- Many CLCs find that there is a high referral of young parents to their family law services through family violence services such as duty lawyer services.
- LAFDRs in FRCs and the Family Law Legal Service at RDM have been found to be particularly appropriate for very young parents.

Access and Intake

Option 1: Better promote existing Legal Help and duty lawyer services and actively expand outreach.

Response:

- In regional areas young people we have assisted (most often mothers under 20 years old) have accessed legal services with encouragement from local worker and it is often the first time they have sought legal advice for long running family law problems. In general they experience difficulty accessing legal assistance or receive limited assistance that does not adequately resolve their issues. The result is often that the young person 'gives up' and seeks no further legal assistance. Expanded duty lawyer services, legal aid grants for private lawyers in remote locations and expanded outreach would all improve this situation.
- We agree that outreach is important. Many young parents live far from Victoria Legal Aid, community legal centres and private family lawyers that will take on legally aided or pro bono work.
- Our experience with vulnerable young parents is that outreach to them is best conducted in partnership with local services and established to enable warm referral and secondary consultations for the workers at the service.
- In our Youthlaw Online (Skype) service we will be shortly trialling a development in our outreach to assist young parents. This will take place in Seymour and will bring together all the services that can assist young parents seeking family law advice. This will include an FRC, a private lawyer, Youthlaw and the Bridge Youth service. The aim of the meeting is to develop relationships, an understanding of what each other can provide and agreement on referral pathways. VLA Help and VLA family law services will also be consulted.
- For vulnerable young parents we would recommend an entry point to initial basic family law information that is easily accessible and without eligibility and screening barriers. Our experience is that young people often require assistance to navigate the legal system as much as information about the law. CLCs and FRCs where available and regional VLA offices are well placed to provide this. This might require attention to providing training to about the law and referral pathways to ensure a high quality frontline of entry point family law services.
- This review has been a good opportunity for Youthlaw to consider our service provision in this area. We would be keen explore with VLA opportunities to enhance assistance and better pathways for vulnerable young parents to obtain family law services. In our conversations with a number of CLCs (many regional) there was also keen interest in us working together to improve connection with this cohort.
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Option 2: Develop a family law screening tool for community and support workers.

- Our experience is that screening tools are an effective way to increase referrals from community and support workers. Training workers about common legal issues is also very effective as it heightens worker awareness and prompts referral.
- In our experience Family Relationship Centres provide valuable family law screening. The FRCs have staged levels of assessment and screening that trigger appropriate referral at a number of stages. The staff are trained to be familiar with family law and communicate basic family law information well and appropriate to the situation. FRCs are also trained to undertake on-going risk assessment for family violence and appropriate referral to legal services, courts and police depending on the situation.

Option 3: Develop referral or other tools for lawyers to support better identification of relevant non-legal services for clients and better referral of clients to these services where appropriate.

We agree. In our opinion lawyers providing legal services to those who are vulnerable and disadvantaged need to be encouraged to provide a more holistic service response including referral to non-legal services and supports. At Youthlaw we recognise the importance of non-legal referrals. The services we refer to are often underfunded and changing in nature and eligibility criteria. It is a challenge to keep referrals up to date but is important because otherwise clients may be referred to an inappropriate service or bounced from service to service with the risk of eventually giving up.

Option 3: Enhance intake opportunities at Magistrates Courts for clients with family law legal need.

We agree that Magistrates Courts offer an opportunity to provide family law advice such as to people attending in regard to obtaining or responding to an IVO. Feedback from CLCs is that young parents who might otherwise not seek family law advice will do so in the context of attending court for an IVO. In our view it is important that services at court allow sufficient time and attention to ensure a good experience for a young parent and high quality referral be provided to other services, or where possible some continuity or connected assistance be provided.

Vulnerable Clients

Option 8: Deliver training on related areas of law to family law practitioners, so that they can better assist clients and provide appropriate advice and referrals.

We support the provision of this training to VLA lawyer, CLC lawyers and private lawyers undertaking legal aid work. This training would provide opportunity to include emphasis and training on referrals to non-legal service and pathways for other legal issues.

Early intervention

Option 9: Develop and deliver an education program for non-legal support workers to assist clients to identify pathways for resolution of family law matters.

We agree. We would favour simple informative information that explains the basic principles of family law and pathways rather than more detailed procedural training. We understand the Women's Legal Service has developed excellent clear simple education resources about family law. FRCs now also have considerable experience and expertise in communicating family law to parents attending their information sessions

Option 11: Provide more outreach services at points of early contact for clients.
We agree

Option 12: Re-introduce an advice and negotiation grant for limited matters.
We agree

Option 15: Conduct a thorough examination of the value of VLA trialling a new legal service at one or more Family Relationship Centres including an evaluation of previous pilots of legal assistance to clients of FRCs and review of current new service arrangements.

Response:

We are of the view that there would be great value in examining and reviewing legal service provision through FRCs. In general CLCs we have spoken view FRC/CLC partnerships as very productive and a very good way to provide legal services. From our discussions with CLCs and FRCs there seems to be a lot of opportunity to strengthen and build family law service provision through these centres. Many CLCs have spoken about the difficulties encountered when VLA withdrew legal assistance. Prior to this VLA and CLCs were able to provide advice to both parties. Since the withdrawal some CLCs and FRCs have been able to provide advice to both parties through 2 x CLCs being involved.

In discussions with CLCs there is clearly some concern about particular FRCs and how much they embrace being part of a family law service system. We think this could be addressed through training, communication and broader service system partnership conversations. Some CLCs we have spoken to speak of an early tension between the CLC and FRC –usually it seems about their role and our role, and that over time this has disappeared and they have very good and creative working relationships. We understand that Women's Legal Service has undertaken much work (training, working with etc) with FRCs, RDM and Family Mediation centres and that this has been very productive.

We would suggest that part of any review and examination include some clarity and service mapping in regard to what RDM and FRC services provide. In our experience both these services offer different but complimentary services. Both are extremely valuable. It would be good to be clear about what they offer, who they service and they way they do this.

In our experience and from feedback from CLCs, FRCs are being used by young parents and having very good outcomes. FRCs have a lot to offer young parents including easy access , parenting courses, flexibility to include or mediate between other family members and the support, information and referral provided by FDRPs during the intake assessment and mediation stages. Young parents can attend these centres a number of times as they develop their parenting relationship and agreements can adapt to their changing circumstances.

- We have also had very good feedback about RDM for young parents particularly for those who are in violent relationships or have strong and complicated pressures from family members.
- We also support the use of LAFDRs in FRCs assist young parents to mediate. Feedback from CLCs including WLS is that LAFDRs have been particularly helpful for young parents. We would support increased training and support to CLCs and FRCs to provide LAFDR.
- In our view Family Relationship Centres provide an excellent locally based accessible service for separating parents and pathways to the legal assistance they require. The centres provide enough legal information for most parents attending to make agreements and get on with their lives without further family law intervention.
- We understand that VLA no longer provides legal advice to FRC clients. We would strongly support either reintroduction of this service or funding of other legal services (eg. CLCs) to conduct this service for the other party.