

Young People's Legal Rights Centre (Youthlaw) submission to the Royal Commission into Family Violence 27 May 2015

About Youthlaw:

- Youthlaw is a specialist state wide community legal centre located in the Melbourne CBD. We employ 5 lawyers, a senior policy officer, the Director and finance officer.
- We are located in the Melbourne CBD within Frontyard Youth Services, a co-location of youth services with a focus on young people at risk of or homeless. At Frontyard we provide a daily drop in legal clinic.
- In addition we have a range of services that connect with young people across Victoria through partnerships with frontline youth services including our skype service and have a phone and online 'Ask a Lawyer' service.
- We target our services to vulnerable and marginalised young people across Victoria in recognition of their high unmet legal need. We also train up, resource and provide secondary consultations with those who work with these young people.
- Our areas of legal expertise cover most areas of law relating to vulnerable young people. We do not provide on-going family law assistance however we do provide initial advice mainly in regard to family violence related family law situations. We also advise many young people in regard intervention orders and as victims of sexual and other criminal abuse.
- In 2013/14 we assisted 2,018 young people. 740 came in to our Frontyard clinic. 87 were assisted through our Skype service. We provided court representation to 167 young people. All Frontyard clients are initially assessed by the youth workers on reception.
- We advocate for systemic changes in regard to the legal system, laws, policies, practices and public services that impact on young people. A key focus of our advocacy over the past 3 years has been drawing attention to smarter and more effective responses to youth offending including provision of services young people require to address their needs and divert them away from the criminal justice system.

About Frontyard Youth Services and their data on family violence:

- Frontyard Youth Services is located in the Melbourne CBD and is a co-location of youth services with a focus on young people that are homeless or at risk of homelessness.
- The entry platform (youth worker reception) is funded by Melbourne City Mission. And the City of Melbourne as a response to youth homelessness.
- In 2014 Frontyard assisted 1817 young people under 25 for the 1st time. In addition there were 6,430 repeat visits by previous clients.
- Most were between 17 and 22 but spanned between 12 to 25 years of age.
- There were almost equal numbers of young men and women
- On initial screening 53% of young women and 47% of young men reported experiencing family violence. This % was higher when they were fully assessed.
- 20% indicated they were currently at risk of violence
- 87% sort assistance to find housing
- 40% had no contact with their family
- Only a third were still in school

- 19% had been in state care/foster care
- Frontyard has observed an increasing number of young men presenting as perpetrators of family violence having become homeless as a consequence police taking out an Intervention Order against them. Their assessment however revealed that many had also been victims themselves or exposed to abusive family members. Many of these young men also had an intellectual disability or were on the disability spectrum and their families had not received support to address their disabilities.
- The data also suggests an overrepresentation of young people from Aboriginal and Torres Strait Islander (ATSI) background and born outside Australia.
- Frontyard has observed an increasing number of young women born in Africa leaving home due to violence. They often indicate violence has occurred due to cultural differences and perpetrated by an older brother or uncle. Many of these young women also experience violence or are estranged from their family after becoming pregnant.

In preparation for this submission

- We undertook 3 weeks of interviewing our clients about their experience of family violence and the service system.
- We have drawn on client data from Frontyard and Youthlaw.
- We consulted with Frontyard staff, our own staff and with other key youth organisations including the Youth Affairs Council of Victoria (YACVIC), Headspace and the Youth Support and Advocacy Service (YSAS).
- Previous to this submission we consulted generalist community centres about their contact with and knowledge of young parents for a review of family law by Victoria Legal Aid. We have drawn on relevant contributions.

Key observations:

1. Support services for young people such as those with a focus on homelessness, substance abuse, mental health are seeing young people every day who are traumatised by childhood experiences seeking help for homelessness and are self medicating with drugs, self-harming and have significant mental health issues. The experience of these services and increasingly the research suggests that childhood trauma can be due to neglect and abuse by family parents distinct from family violence however there is a high overlap (up to 60%) with family violence.¹
2. Youth services are observing significant numbers of young people disengaging from school some as early as 10 years of age.² Research indicates a high correlation

¹ Children, young people and domestic violence, Australian Domestic and Family Violence Clearinghouse Issues paper 2 (2000) by Dr Lesley Laing cites research findings (page 16) that 'Child abuse and domestic violence co -exist in between 30 and 60% of cases. This paper cites a number of other research papers and suggests more research is required.

See also Young Australians and Domestic Violence Australian Institute of Criminology ,paper No. 195 (February 2009) by David Indermaur

² See Youth Support and Advocacy Service (YSAS) annual snapshots and Frontyard data.

between school disengagement and experiences of family violence. Research also indicates a window of 3 months before there is a high risk of long term homelessness.³ The Federal youth program Reconnect and the recently defunded program Youth Connections has worked with schools to identify and assist at risk young people. As with so many programs they are inadequately funded and/or have limited capacity to service the large regions they are allocated. Such programs are an important part of the service system to identify and respond to family violence.

3. Family violence is clearly a contributing factor to young people being at risk of /or experiencing homelessness.⁴ For example in 2014, 59.8% of young people seeking accommodation at Frontyard identified family violence as a cause of their homelessness. Community legal centres are also observing a growing phenomenon of 'couch surfing' (staying with extended family and other families) in outer urban growth areas. A current study in the Wyndham area suggests this occurs for some time but eventuates into periods of homelessness. Young people who are couch surfing identify family violence as a key reason for leaving home.⁵
4. Youth service data and experience also strongly suggests family violence is a significant factor to young people developing serious substance abuse and mental health problems.⁶

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⁴ *The Cost of Youth Homelessness in Australia.* (2015)

- Conducted to better understand the experience, impact and support needs of homeless youth, Swinburne University of Technology, in partnership with University of Western Australia, Charles Sturt University, Salvation Army, Mission Australia and Anglicare NSW South and West, and ACT, led this landmark research project.
- Close to 400 young Australians participated in this study and were tracked over three consecutive years to obtain these findings.
- The study found that 63% of homeless youth surveyed had been placed in some form of out of home care by the time they had turned 18.
- There was a strong link between early experiences of family violence and homelessness later in life, with 39% of homeless youth reporting that that police had come to their house because of violence between parents on one or more occasions.

⁵ *An Invisible Demographic – Youth and the Law in Melbourne's West* (June 2012) by Shorna Moore, Wyndham Legal service (Victoria Law Foundation Report). The Wyndham Legal service is currently undertaking an action research project on couch surfing.

⁶ See The YSAS and Turning Point joint *Snapshot 2014: Young people in Victorian Youth Alcohol and other drug services*:

- Surveyed drug and alcohol workers throughout Victoria about their clients.
- Of the 1,000 young people reported on in this snapshot, 2/3rds had experienced neglect, physical, emotional or sexual abuse or had been a victim of crime.

Also note Frontyard data (2014) that 30% of all young people seeking help were assessed as having drug and alcohol issues. 41% were assessed as having mental health issues

Headspace Victoria has indicated interest in collecting data on family violence and is currently upgrading their reporting. They currently ask 'young people Do you have a problem at home'. They

5. Young people being exposed to family violence in their childhood family rarely seek help or disclose the abuse. Child Protection services are increasingly intervening in family violence situations however there are a large number of families where this does not occur. Clients we interviewed repeatedly raised that they did not disclose their experience of family violence. The reasons given for this included that they were too scared of the perpetrator(s), scared about the legal repercussions for their family, or that they faced cultural barriers. However, reflecting on what might have helped many said they also did not know who could help them and most would have liked someone that could talk to such as a school counsellor.
6. Youthlaw receives a high number of calls from older siblings concerned about younger siblings still in the home being abused by a parent. Our online service receives queries from a generally younger cohort than those who call or physically attend our clinic. A high number of queries are about family violence including sexual abuse and wanting to know what they can do about it. Online and phone services seem to be a safer option as they can allow for anonymity.
7. Even when young people leave their home they do not always disclose their exposure to family violence. Our interviews suggest to us that for many it is because they have not been asked about it or they don't know that they can get help. We also observe in the youth service sector and even in our own service that services do not ask about family violence. Increasingly they are doing so (eg. Frontyard) and the data are revealing very high numbers have been exposed to family violence.⁷
8. From our experience of working closely with the youth service sector over 12 years we observe that services to assist young people about family violence are inadequate or largely non-existent. Youth services such as those at Frontyard refer young women escaping partner violence to the Safe Steps service. They also refer young people to drug and alcohol services or Headspace (mental health service) for counselling or low cost counselling services such as those provided by students at a local university. Some services refer young people to a local GP to access Medicare funded mental health counselling however it is well recognised that the vulnerable young people we see are unlikely to attend the GP or the appointments with psychologists.
9. The current family violence service system is very adult and female/victim focused. These services are not accessible to or not always appropriate for young people, particularly young men who are often both victims and perpetrators.

will be an interesting source of data as they see a broader spectrum of young people from very disadvantaged to middle class.

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10. Young people in outer urban and rural and regional areas face additional barriers to accessing appropriate services such as physical isolation, transport, lack of financial means, few locally available services and concerns about confidentiality.
11. Authorities are now more actively intervening in family violence through police intervention that results in a child protection notification. At the point of child protection intervention in a family violence situation there is opportunity to work with and support children and young people in their own right and separate from the family unit in regard to their exposure to family violence. A number of clients we interviewed were critical of child protection workers failing to speak and listen to them separately to their parents (including perceived protective parents). Youthlaw is currently negotiating with Victoria Legal Aid to provide a child protection legal practice for children and young people which would aim to provide strong separate representation for children and young people involved and link them with support services.
12. In the Children's Court young perpetrators (usually male) are appearing as respondents to intervention orders and/or charged with offences relating to family violence against family members, partners and violence against other young people. Legal practitioners in the youth legal assistance sector are aware that many if not most of the young men appearing have a history of childhood abuse or neglect and/or family violence. This point in the system offers an opportunity to work with these men. Victoria Legal Aid has considerable experience with these applications and would be most appropriate to suggest service system improvements.
13. Young people experience family violence in their own intimate and personal relationships. Particularly in outer urban and regional areas police and legal centres are reporting high numbers appearing before the Magistrates' Courts for intervention orders in regard to partner violence (usually police initiated). Community legal centres also observe that once these proceedings are complete young people do not appear to access services they are referred to. All Magistrate Courts have duty lawyers to assist applicants and respondents however support workers are not available at all courts. This is an opportunity missed to provide services and support young people at the time of their court appearance. Investment at this stage of a young person's life has the potential of impacting on future relationships and children.
14. Young parents are also appearing at Magistrates' courts throughout Victoria in regard to intervention orders being initiated by police usually against the male partner. Feedback from clients of our outreach legal services (which comprises a high number of young parents) suggests they often have very low self esteem, find legal proceedings confusing and advice too dense and short. Most give up seeking further assistance such as family law advice and family violence assistance. The repercussions can be continuing to be threatened and controlled by their ex partner and agreeing to child contact arrangements that are not safe for their children.⁸ Many of these young parents (whether victim or perpetrator in regard to the proceedings) have themselves been exposed to family violence or neglect as a child. Community legal centres report that young parents attending intervention

⁸ Youthlaw submission to Victoria Legal Aid Family Law Legal Aid Services Review 2015

<https://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/family-law-legal-aid-services-review>

proceedings at court do not appear to seek assistance from the broader service system with a very low uptake of family law services and domestic violence services. Some Family Relationship Centres are reporting success in engaging these young parents. The impact of young parents experiencing family violence is not only of concern in regard to them as individuals but also their children and multiple future relationships. We would suggest that Magistrates Court IVO proceedings present a great opportunity to engage with young people about family violence and actively support them to obtain assistance they need. Youthlaw will shortly be trialling in the Seymour region facilitating relationships between key stakeholders such as the local youth services, the Family Relationship Centre in Broadmeadows, private and legal assistance family lawyers and family violence services with the aim of ensuring clear referral pathways and actively assisting young parents to get the support and services they need. In the North –East the Hume Riverina Legal Service has applied for funding for a dedicated worker to facilitate services in the region to work together to support young people experiencing family violence to access legal assistance and non-legal services.

15. It is well established in the youth sector that young people, and particularly vulnerable youth do not readily seek services they need and that they have a very high drop out and low attendance when referred to external or appointment based services. Young people tend to seek services from those they trust including caseworkers, family and teachers.⁹ In regard to seeking legal assistance we know that young people rarely directly seek assistance. We factor this into the design and location of our services including co-location and integration with other youth services and outreach methods that connect with vulnerable groups of young people. Any family violence services for young people need to be designed carefully with this in mind.
16. The recent Legal Australia Wide (LAW) Survey¹⁰ found that young people aged between 15-24 years are 2.4 times more likely to experience a legal problem when compared with older age groups, yet are less likely to seek advice from professionals for their legal problem. It is a great concern that young people experiencing family violence are not receiving the legal assistance they require. An obvious way for this to occur would be by substantially increasing the funding of community legal centres.
17. Increasingly it is being recognised that a significant factor in the early lives of high repeat youth offenders is neglect and physical abuse including family violence.¹¹ At the points of being cautioned, diverted, charged and convicted these are opportunities to identify a family violence history and provide appropriate assistance and for the courts to divert/sentence accordingly. Currently there are few diversion programs available to the Children's court and consequently little assessment is taking place when young people are appearing before the Children's Court. A pilot funded via the Children's Court is currently underway at courts in 3 metro and 1 rural region sites but no on-going or increased funding commitment has been given by the state government beyond the pilots that will finish in mid 2016. The pilots will be

⁹ Mission Australia Annual surveys : <https://www.missionaustralia.com.au/what-we-do/research-evaluation/youth-survey>

¹⁰ Legal Australia-wide survey: Legal need in Australia (2012) (Vol. 8). Law and Justice Foundation Coumarelos C., Macourt, D., People, J., McDonald, H. M., Wei, Z., Iriana, R., & Ramsey, S.

¹¹ See for example Inquiry into Strategies to Prevent High Volume Offending by Young People Report (2009) The Drugs and Crime Prevention Committee, Parliament of Victoria

evaluated. State wide youth diversion programs offer the opportunity for identification of family violence and assistance to be provided.

18. In the adult criminal justice system young people and other adults are able to access the Court Integrated Services Program (CISP). This program established in 2006 provides an assessment to identify underlying issues (mental health, housing etc). The program is held out as an early assessment and diversion program and provides for IVO parties to be referred. In reality it assists people with multiple offences or criminal history and is used to support bail applications. This program is only available in some of the major courts. The program is also reliant on the availability of services they refer to. Community legal centres support the expansion of this program to all courts and increased funding so that it is available and used from first offence to multiple offence situations. We also support increased funding to services they refer to. An expanded and adequately funded CISP offers the opportunity for identification of family violence and referral to assistance to be provided.
19. There is evidence that in regional areas, there are higher reported incidences of family violence compared with metropolitan areas. There are also additional barriers that victims experience in getting legal help in rural and regional areas, such as geographic and social isolation, and lack of services.¹² The Hume Riverina Legal Service (based in Wodonga) report high numbers of family violence incidents in the region including a high number involving young people and young parents. In a recent submission they observed that “Young people in regional communities are particularly vulnerable when family violence occurs. By nature, family violence is an offence which can leave victims feeling disempowered, and for young people, this could be the first encounter with the legal system and / or police. The volatile and unhealthy relationship may be new, and the young person may lack the knowledge of what constitutes a “normal and safe relationship”.¹³

Recommendations

1. All primary and secondary students are provided with evidence based and substantial curriculum content that teaches and promotes respectful relationships and challenges sexism and attitudes that contribute to family violence. This would include all religious schools and take a human rights approach to equality.
2. In the short-term public schools are funded to employ adequate numbers of school counsellors, psychologists and student well-being staff, knowledgeable and skilled in identifying and addressing family violence to enable all students to have ready access to their services

¹² See for example

- Women Services Network, ‘Domestic Violence in Regional Australia’. *A literature review prepared for the Commonwealth Department of transport and Regional Services* (2000);
- Coverdale, Richard. "Postcode justice: Rural and regional disadvantage in the administration of the law." *Deakin L. Rev.* 16 (2011);
- George, A., & Harris, B. (2014). *Landscapes of violence: women surviving family violence in regional and rural Victoria*.

¹³ Hume Riverina Legal Service submission to the Legal Services Board 2015

3. In the long term schools are adequately supported with provision of, or access to, high quality services to support children, young people and their families address family violence.
4. To prevent long term psychological consequences of family violence there must be a large injection of funding into youth appropriate therapeutic services for young people who have experienced family violence. These services need to be accessible and flexible (eg salaried psychologists not sessional & allowing a degree of drop in, and integrated with other youth services). We recommend a starting point would be availability of therapeutic services through youth services that currently support vulnerable young people presenting with homelessness, substance abuse and mental health issues.
5. Funding of a highly publicised online and phone service specifically for young people experiencing family violence – both for perpetrators and victims, and addressing the needs of those currently experiencing family violence and exposed to family violence in their childhood. This could be met by development of and increased funding to the current 1800 Respect, or the DVRC or a new service. If it was a development of an existing service it would need a youth specific portal on the website and in our view needs to be available to all young people whether currently define as a victim or perpetrator. Information on the site needs to be clear and relevant.
6. Increased funding to current services for those escaping family violence including Safe Steps, refuges and outreach services, to address the shortage of available beds, waiting times for assistance and waiting time to get through to Safe Steps.
7. We strongly recommend establishing a number of youth specific family violence services. A starting point could be a number of services located together with current frontline services that support vulnerable young people presenting with homelessness, substance abuse and mental health issues (such as Frontyard, Youth Support Advocacy Service and Headspace) . Such services could include therapeutic services referred to in 4 above. These services should be fully integrated with the online/phone service (see 5 above) and other family violence services (eg Safe Steps).
8. Assessment to screen for family violence at the following system points , and provision of, or referral to, family violence services for both youth perpetrators and victims at these key points of opportunity:
 - a. Perpetrators and victims presenting to youth services
 - b. At the point of child protection intervention
 - c. At the point of Intervention orders being heard in the Children's Court
 - d. At the point of cautions/ diversion/ charges/convictions for criminal offences
 - e. Young people at Magistrates' courts for Intervention order hearings
 - f. Young parents separating and attending the Federal Magistrates' court for family violence related applications
 - g. Young people attending pre –natal , post natal and maternal health services
9. All youth services to be trained to conduct assessment and to be required to collect uniform data on family violence.
10. Funding of regional youth family violence positions (such as the Hume Riverina Legal Service example in 14 above) to facilitate building service and stakeholder

relationships to produce more effective entry points and referral pathways for young parents experiencing family violence, using a 'no wrong doors' approach actively linking and wrapping services around young people (both perpetrators and victims). Examples of services and stakeholders that might be engaged include youth mental health and substance abuse services, courts and police, Family Relationship Centres, health services, legal services, maternal health workers and youth services.

11. The need for further examination of how young people are impacted by family violence and how they experience the service sector.
12. Funding to community legal centres to provide more accessible and comprehensive legal assistance to young people and their families (victims and perpetrators) experiencing family violence.
13. Increased funding for housing options for young people including refuges and supported housing.
14. Increased funding of youth homelessness, mental health and substance abuse services.
15. Increased funding to the Federal funded Reconnect program and funding restored to the Youth Connections program.