

Good Practice Resource for Domestic and Family Violence Court Support Workers

Background

On 28 February 2015, the Premier received the report of the Special Taskforce on Domestic and Family Violence in Queensland, *Not Now, Not Ever: Putting an end to domestic and family violence in Queensland*.

The report made 140 recommendations based on the insights gathered from five months of engagement with communities and individuals. The recommendations set the vision and direction for Queensland's strategy to end domestic and family violence and ensure those affected have access to safety and support.

In response to Recommendation 125 of the *Not Now, Not Ever* report, the Queensland Government committed to working closely with community and legal stakeholders to develop a formal position description and guidelines for court support workers.

Development/Consultation Process

The Department of Child Safety, Youth and Women has developed a position description and guidelines for court support workers who provide support to aggrieved and/or respondent persons in civil domestic and family violence proceedings.

The content has been informed by consultation with service providers funded to provide domestic and family violence court support, domestic and family violence peak bodies and networks, legal stakeholders and other Queensland Government departments.

The position description and guidelines have also been aligned with the *Practice Standards for Working with Women Affected by Domestic and Family Violence* and the *Department of Child Safety, Youth and Women's Domestic and Family Violence Support Services Investment Specification*.

Purpose

The position description and guidelines are outlined in this document and intended to be used by service providers funded to provide court support in civil domestic and family violence proceedings as a **good practice resource**, with the intent to achieve greater consistency across the state.

Further Information

For any further information in relation to the position description and guidelines outlined in this document, please contact the Office for Women and Violence Prevention on (07) 3097 6116 or email Violence_Prevention_Team@csyw.qld.gov.au.

Position Description

About the Role

The role of a Court Support Worker is to provide information, support and assistance to either an aggrieved or respondent (depending on your role) in civil proceedings under the *Domestic and Family Violence Protection Act 2012* in a Magistrates Court in Queensland. Your role as a Court Support Worker is to be administered in accordance with the principle of the *Domestic and Family Violence Protection Act 2012* that the safety, protection and wellbeing of people who fear or experience domestic violence, including children, is paramount.

Your role as a court support worker does not include the provision of legal advice.

Your work will be founded on the principle of inclusion and you will strive to provide court support services in a fair and equitable manner, as appropriate in accordance with the level of identified risk. You understand that particular groups experience disadvantage when accessing the legal system and that they may require more specialised support or assistance in order to receive an equitable level of service.

You will ensure the client is supported in their access to the justice system, including providing assistance to initiate proceedings, to access relevant services, to support their understanding of the court process, and to ensure they understand the court outcomes, including any conditions of a Domestic Violence Order and the effect and implications of a Domestic Violence Order.

Working with an aggrieved person, you will focus on promoting their safety, and their children's safety, by providing practical and emotional support throughout the process of obtaining or varying a domestic violence order. This may include ensuring the aggrieved has information needed to make informed decisions about their own safety and that of any children or associates through seeking additional conditions required for their protection and the protection of others.

Working with a respondent, you will focus on ensuring the respondent is informed and aware of the meaning of an application under the *Domestic and Family Violence Protection Act 2012*, the court process and the options available to them; that they understand the meaning of domestic and family violence within the meaning of the Act and the implications of a contravention of a domestic violence order in terms of their behaviour towards the aggrieved person, and anyone else named on the order.

Key Responsibilities

- Provide assistance and support to clients accessing the Court in a civil proceeding under the *Domestic and Family Violence Protection Act 2012*, ensuring that the safety of an aggrieved is the core priority in all decision-making and service provision.
- Ensure services are provided in a manner that is open, respectful, non-judgemental and accessible to persons regardless of family circumstances, personal and relationship characteristics, backgrounds, abilities and capacities, and needs.
- Provide culturally competent services to Aboriginal and Torres Strait Islander clients.

- Provide services to clients from a culturally and linguistically diverse (CALD) background that take account of cultural and linguistic needs, including, where appropriate, arranging an interpreter or advocating for an interpreter.
- Complete risk assessments and safety planning with aggrieved persons in accordance with best practice principles as appropriate, including safety at court.
- Provide guidance to aggrieved persons in the preparation of applications for a protection order or a variation of an existing order.
- Support clients by providing information regarding relevant court protocols explaining the conditions of domestic violence orders and providing information regarding their implications, including the implication of a contravention of an order and what an Intervention Order requires a respondent to do.
- Liaise with court based stakeholders, registry staff, and police and advocate on behalf of clients to ensure coordination of services within the court including client's access to legal advice.
- Provide information about other available support services (such as specialist DFV services, perpetrator interventions and other victim support programs as relevant), assist with referral and advocacy and where possible, liaise with clients following court appearances.
- Work in collaboration and maintain positive working relationships with other court stakeholders including court staff, police, legal representatives and other relevant service providers on behalf of clients.

Capabilities

- Demonstrated understanding of the dynamics and complexities of domestic and family violence and the range of available service system responses.
- Demonstrated experience in conducting risk assessments and (where relevant) safety planning and providing appropriate information and referral options, including access to family law and child protection assistance.
- Demonstrated understanding of the intersection of the family law, child protection and domestic and family violence legal systems
- Demonstrated understanding of the domestic and family violence service system and trauma informed practices.
- Strong ability to identify vulnerability and work in a non-judgemental way with people from a range of diverse backgrounds.
- Strong communication and interpersonal skills with an ability to communicate and negotiate clearly and confidently and to tailor communication style according to the audience.
- Demonstrated ability to work autonomously yet also develop and maintain strong relationships to work in collaboration with other stakeholders within the broader court system.

Guidelines

The Court Support Worker is a role predominantly undertaken by workers employed by funded domestic and family violence services.

An essential requirement of the Court Support Worker role is an understanding of the nature and impact of domestic and family violence. This includes the gendered nature of the issue and how it impacts on safety. A Court Support Worker will have at the core of their practice, the notion that domestic and family violence may occur in various contexts (in intimate personal relationships, in family relationships, or in informal care relationships). The common base for domestic and family violence is the unequal power relationship between the perpetrator and the person who has experienced domestic violence.

The following points provide **good practice guidance** on the activities of the Court Support Worker role.

Depending on whether the Court Support Worker is working with an aggrieved or a respondent, not all points will be applicable to all Court Support Workers.

Liaison with court registry staff and others in relation to safety and court processes

- liaising with court registry staff about court lists and any identified safety issues or particular support requirements
- liaising with court registrars, other court staff and police prosecutors about safety concerns for aggrieved persons prior to, during and post court
- ensuring personal awareness of court safety procedures and protocols including security features (e.g. security buttons, locks on doors, positioning within room, notifying security staff)
- assessing aggrieved safety and helping determine levels of risk in relation to the court process; including assisting in the completion of court Safety Forms in circumstances where it is assessed that clients are at a heightened risk
- where accessible, helping administer the operation of a 'safe room' or other 'safe place' for aggrieved persons at the court, to ensure confidentiality and privacy
- providing information to the court about desirable safety provisions for an aggrieved during a court mention

Information provision to parties about applications and protection orders

- assisting with applications for effective protection orders through providing information to aggrieved persons (for example, assisting the applicant to apply for extra conditions that may be required or to amend an application)
- ensuring that the application accurately reflects the aggrieved person's situation and takes their particular safety needs and any specific vulnerabilities into account
- assessing the related protection needs of any children or other potential named persons, and whether these are considered in the application
- providing information to aggrieved persons of what the order means in practice, what would constitute a breach, and how to notify police if it is breached
- helping the aggrieved or respondent person understand the process of seeking a variation or revocation of the order
- providing information to respondents to ensure their understanding of the application, in the interests of protection of the aggrieved person
- providing information to respondents of what the conditions of the order mean in practice and the implications of any breach

Providing support to aggrieved persons in relation to safety and court processes

- providing information to aggrieved persons about the court process and noting any specific needs to support their participation
- making aggrieved persons aware of safety risks they may not have considered, for example in relation to the use of technology, including mobile phones to abuse or intimidate them
- assisting the aggrieved to apply for special consideration when it is assessed that an aggrieved person would be too emotionally unsafe to be present in court at the same time as the respondent
- helping aggrieved persons with immediate safety planning post-court

Assisting with liaison with legal representatives

- supporting the aggrieved or respondent person's access to and communication with duty lawyers and other court support
- supporting aggrieved persons who are not legally represented, when a respondent's lawyer seeks to speak with the aggrieved and/or a court requests that the parties attempt to reach a resolution

Information provision to the Court

- at the Magistrate's discretion, assisting the court with specialist domestic and family violence information and/or with communication with the relevant parties where practical
- advocating for the need for an interpreter where required and assisting with the use of interpreters

Providing advocacy and support, as appropriate

- making referrals of aggrieved persons to relevant support services
- providing information to respondents regarding how to access perpetrator interventions programs, especially if an Intervention Order has been issued
- ensuring respondents are aware of how to contact other services related to meeting the requirements of the protection order

Being part of an integrated system for responding to domestic and family violence

- forming positive working relationships with court registrars, other court staff and police prosecutors
- liaising about safety protocols for each courthouse
- assisting with referrals to the High Risk Team (where available) for cases with heightened risk factors
- liaising regularly with court registry officers and others to consider the court processes in relation to domestic and family violence matters and any improvements that can be made
- participating in local domestic and family violence service system networks