

Family Law - Changeover & Visiting Services

The following letter was received from Legal Aid and Family Services, Attorney-General's Dept, Canberra

I am writing to advise you of the role and responsibilities of the changeover and visiting services contracted through Legal Aid and Family Services (LAFS) in the Attorney-General's Department, and to seek your assistance in passing this information on to those working in the family law area so that these new services can function as effectively as possible.

Selected community based organisations have been contracted to provide changeover and visiting services commencing in 1995-96. A list of the services is attached.* These services are for the children of separated/divorced parents, and therefore will be of interest to your members.

The changeover and visiting services provide safe havens for the transfer of children between separated parents, and promote safe and appropriate interaction between the visiting parent and the child during visits. The services are targeted towards families who cannot safely manage their own changeover and visiting, because of high levels of conflict, or other difficulties. Services are not intended for instances where the primary issue is state government involvement under child protection legislation.

Organisations are required to enter into an agreement with the Federal Government in respect of their rights and responsibilities. They are also required to comply with guidelines which address issues such as safety for all parties, to comply with standards of service delivery developed by the Australian and New Zealand Children's Access Services (ANZACAS), and to be affiliated with one of the three peak bodies associated with the provision of services under the Family Services Program (Relationships Australia, Centacare, and Family Services Australia).

At a recent national meeting, service co-ordinators identified their concern that there is, as yet, limited understanding of the role and capacity of changeover and visiting services among key people in the family law system, including lawyers, legal aid commissions, courts etc. This

has resulted in some inappropriate or unrealistic expectations of, or referrals to, the services. Discussions highlighted the perception of most services that referrers do not always consider or understand the necessity for thorough screening and assessment. In some cases, orders have been sought and made specifying that a changeover/visiting service will be provided by a specific service, without any prior consultation and agreement with the service. Such orders have not always been appropriate in terms of the changeover/visiting service's capacity to manage the contact.

Changeover/visiting services have a responsibility to provide a safe environment for all users and their staff, and the agency's ability to provide a safe service needs to be considered, in all cases, prior to acceptance of any referrals. Services must conduct their own intake and assessment procedures, and have the final say on whether a case can be accepted. To ensure the safety of all concerned, referrers or lawyers need to consult the changeover services before a case is referred or a specific court order is sought, to allow the changeover/visiting service to assess the risk component and suitability of the referred case.

The quality of the intake process is a critical factor in the success of the service. The process includes:

- assessment of the nature and extent of any risk and identification of supervision needs;
- obtaining copies of current court orders (including restricted contact/violence orders);
- assessment of whether the service has the capacity and resources (including security arrangements) to provide for the type of supervision which is required; and
- assessment of the welfare/interests of the child.

Assessment of what is in the best interests of the child, and when contact is safe, involves parents, the child/ren, the courts, lawyers etc. LAFS have been working co-operatively with the changeover/visiting services, ANZCAS, and particularly with the Family Court of

Australia to increase understanding of the special role and capacity of changeover/visiting services. As most of the services are new in their operations, and are still developing appropriate protocols and procedures, it is critical that outside bodies are still aware of the issues facing services, and facilitate processes by adequate consultation and by developing a good understanding of changeover services.

It should be noted that there are only nine funded services across the country, and demand is likely to exceed the capacity of services to respond. Changeover/visiting services have only limited places and cannot accept all referred cases. In these instances, acceptance of cases will depend on the capacity of the agency to provide suitable services in terms of resources including level of supervision required, and the special priorities of the agency in respect of client intake such as special needs groups.

I hope this information will be useful for your organisation, and that practice will reflect an understanding of the need to ensure the safety of all parties through proper screening and assessment before changeover/visiting is arranged. I am confident that changeover/visiting services will be successful in achieving their objectives, given time and with the appropriate support of other organisations and practitioners working in the family law field. I would appreciate your passing this information on to your members who have an interest in this area. Should you have any queries on this matter, the contact officer is Ms Susan Bennett, Director of Mediation, tel 06 250 563.

Margaret Browne
First Assistant Secretary

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Details for other states are available from the Law Society.