

Family Law Alert

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Child Responsive Program - A Recent Initiative of the Family Court

As part of the ongoing package to make the family law system and courts more accessible and less adversarial, the Child Responsive Program (CRP) has been introduced. The program is a further initiative arising out of the recent changes to the Family Law Act

Does it apply to you?

As the name suggests, the program is to assist in child matters filed in the Family Court of Australia. The aim is for parents and children to work with the Family Consultants employed by the court to provide child focused intervention. This intervention is designed to assist resolve disputes or at the very least, narrow down and more precisely determine the issues.

These interventions are designed primarily to assist the parties in dispute, but also to help the Judge should the matter proceed to trial.

How does it work?

Before choosing to participate in the CRP, you must have consulted a lawyer. You would have been advised to attend Family Dispute Resolution (mediation/counselling) and if that is unsuccessful, given instructions to a lawyer to commence proceedings in the Family Court.

Upon the filing of your court material and your matter being assigned its first Trial date in the Less Adversarial Trial system, the parties and children will be directed, if appropriate, to attend upon a Family Consultant and asked to participate in the program.

There are three phases

- (i) pre trial
- (ii) trial
- (iii) post trial

The Family Consultant is involved at each stage but each and any of these stages are not confidential and the discussions/interactions can be reported back to the Judge in court.

As the process is very inclusive of children, it is more suitable for school age children. If the children are too young to be involved, they may be observed with their parents in play like situations. One of the principles of the program is to include children to allow them to demonstrate or express their feelings on being part of the family and how the conflict of separation impacts on them. It is an opportunity for parents to listen and learn how their children are feeling. By doing so, parents report that they are able to refocus their energy on the needs of their children.

Step 1: Intake and Assessment Interview

At the beginning the Family Consultant will engage with the parties and explain the process. A requirement is that all parties must be willing to participate in the program. The role of the Family Consultant will be to assess any risk factors and obtain history and information from the parties.

Step 2: Child and Family Conference

If all factors, for example, risk/safety of the child, are satisfactory to the Family Consultant, the children will be included in the conference. The children are always interviewed separately, except if deemed too young.

Step 3: Selective Settlement Meeting

Through the help of the consultant, if the parents feel more capable of agreeing about the issues and perhaps resolving the matter without the need for trial, a settlement meeting will be held with your legal representatives. This will result in signed consent orders, but of course this will not occur in all cases.

Step 4: First day of Less Adversarial Trial

If the parties are unable to agree and the matter proceeds to trial, the Family Consultant will be called to give evidence on the process the family has undertaken during the Child Responsive Program. In addition to evidence, the Judge may request that the Family Consultant prepare a more detailed family report. This would require the Family Consultant holding further sessions with the family both individually and together. This report is then submitted as evidence to the Judge. The Judge can also ask the Family Consultant to report on various other specific matters.

Of interest, the Judge can also order that the Family Consultant remain involved after the matter has finished. For example, to assist the family understand the ramifications of the order made and their obligations and requirements under it and further to refer, if necessary, the family to other service providers in the community. This is to ensure the smooth transition of the family into perhaps new and differing circumstances.

If a family successfully moves through the process and avoids a trial, it reduces time and money spent in litigation and hopefully empowers parents to make the important decisions about their children and reduce the stress on all involved, particularly the children.

If you wish to discuss the Child Responsive Program or require further information please do not hesitate to call us on (07) 3223 6424.