

Introduction

Help Family Law formally Advocating for you Health & Privacy information (AHPI) is an Australian wide organisation that supports parents in separation and the system in general.

Help Family Law (AHPI) started two years ago assisting parents who had received an inaccurate, incomplete and mis-leading family or expert report. We are not lawyers but advocates who work within the duties and responsibilities of the family and expert report writers as medical practitioners who have codes, guidelines and Act's that govern their practice.

At Help Family Law we forensically assess hundreds of family and expert reports and it is our understanding that we are the only organisation that is currently providing this service in Australia.

Help Family Law provide forensic assessments of the family and expert reports which can be used in Court to defend the report but can also be used to make the report writer accountable, although as further outlined in the submission this is usually unattainable.

We believe that the family and expert report writers are proceeding unchecked and to this aim we have spoken to the Attorney General of Australia, State and Federal Politicians in regards to Family Violence training, qualifications and experience required by the family and expert report writers.

We have spoken to AHPRA, RANZCP and various organisations and associations, in our work to try to change the way family and expert report writers have been involved in the Court system.

We have worked with Bravehearts and were featured in the submission to the Prime Minister of Australia, Australian Paralegal Foundation and many other organisations who are also looking to change the current system.

Given that Help Family Law has spent two years trying to get the message across regarding the practices of the family and expert report writers to no avail, Help Family Law will be releasing this month a new web site that will provide parents information via, videos, forums, blogs and downloadable pages to provide parents knowledge so that they can best prepare themselves when dealing with family and expert report writers and the system in general.

To inspire system transformation

*Support parents and children to achieve
immediate and lasting change in their lives.*

Parliamentary inquiry into a better family law system to support and protect those affected by family violence

Submitted by: Help Family Law

Terms of Reference

The Committee will inquire into and report on how the federal family law system should be improved to better protect people affected by family violence. The inquiry will consider:

1. how the family law system can more quickly and effectively ensure the safety of people who are or may be affected by family violence, including by:
 - a. facilitating the early identification of and response to family violence; and
 - b. considering the legal and non-legal support services required to support the early identification of and response to family violence;
2. the making of consent orders where there are allegations or findings of family violence, having regard to the legislative and regulatory frameworks, and whether these frameworks can be improved to better support the safety of family members, as well as other arrangements which may be put in place as alternative or complementary measures;
3. the effectiveness of arrangements which are in place in the family courts, and the family law system more broadly, to support families before the courts where one or more party is self represented, and where there are allegations or findings of family violence;
4. how the family law system can better support people who have been subjected to family violence recover financially, including the extent to which family violence should be taken into account in the making of property division orders;
5. how the capacity of all family law professionals—including judges, lawyers, registrars, family dispute resolution practitioners and family report writers—can be strengthened in relation to matters concerning family violence; and
6. the potential for a national approach for the administration and enforcement of intervention orders for personal protection, however described.

Response to Terms of Reference

No.1 -how the family law system can more quickly and effectively ensure the safety of people who are or may be affected by family violence, including by:
a. facilitating the early identification of and response to family violence; and
b. considering the legal and non-legal support services required to support the early identification of and response to family violence;

At Help Family Law, we hear from hundreds of clients who constantly raise Family Violence issues only to be have the issue dismissed out of hand or they have no proof to back their claims and therefore issues of family violence are dismissed or downplayed.

To assist in early identification of matters that involve Family Violence requires professionals and or judicial staff having the appropriate level of training.

With young children, Family Violence can be identified at school as they most likely will talk to their teacher or even their class mates. School teachers should have Family Violence training and a support system to report potential issues of Family Violence and a trained counsellor can be brought in to undertake further assessments of the risk of family violence.

The reporting of involvement of schools/counsellors should be provided by way of documented evidence to support claims of Family Violence. All too often professionals who become involved in Family Violence matters will not provide written documents and do not want to become involved in any court matter and it therefore falls on the untrained parent to try and prove there is Family Violence which creates further stress on the parent.

In our experience most Courts, family and expert report writers do not believe there is Family Violence unless the parent provides proof. This is difficult as most professionals do not wish to be involved in Court matters.

I have personally read letters written by children at the school or with professionals which clearly identify Family Violence yet they were not reported as the school or other professional did not deem it to be Family Violence, due to influence by one parent or other professionals not wanting to be involved.

Children often tell their teacher that they don't wish to see one parent as they are scared. In many cases nothing is done and this goes unchecked. If a parent tells a family or expert report writer that this had occurred they are not believed due to lack of evidence and even though the family or expert report writer can contact the school or other professionals such as counsellors and family therapist on most occasions in our experience they do not.

Recommendation 1

Help Family Law recommends that schools and other professionals document all conversations where the children raise concerns about living with one parent, Family Violence, Child Abuse and Trauma and in all cases seek further assistance for the child.

Recommendation 2

Family and expert report writers must contact the child's teachers/ centre workers, school principal and other professionals such as counsellors, family therapist, school Chaplain or counsellor, psychologist, medical practitioner or other that the children have had an involvement with and if a parents requests that it should occur, when conducting a family or expert report.

In the case of the Parent reporting Family Violence this too has it problems. Many parents seek assistance from many wonderful Family Violence centre's or phone help lines. In most cases the parent is advised to distance themselves from the abuser, such as not to engage in conversation via phone, email or text and if conversation is required to conduct this in a business like manner and not to respond to aggressive conversation.

They are further advised to move changeovers to a location such as a park, McDonalds or Police station and not to the home for safety and to have a second person with you at changeovers.

The problem with the advice provided by Family Violence centre's is when attending Court or Family assessments, the abuser can demonstrate that they do not perpetrate Family Violence as there has been no incidence of recent Family Violence, due to the Family Violence victim removing themselves from the abuser.

I don't know what the answer is. Many of my clients have stated they would have rather be physically and emotionally abused if it meant that the Court and family and expert report writers believed the abuse and the children would not be spending time with the abuser or worst case scenario, placed in the abuses full time care as the Court believe that the allegations of abuse were due to a mental health illness.

If Family Violence support centre's have the required training in family violence, child abuse, childhood trauma and alignment but the schools, counsellors, family therapist, psychologist, Court and family and expert report Writers do not, then this system is not consistent and the victims of Family Violence are not being heard or believed.

It would be devastating to have to advise a victim of Family Violence to do nothing in order to be believed in Court.

Recommendation 3

Help Family Law recommend that unless the Family Violence abuser has undertaken courses or sought assistance with written documentation, if there is a history of Family Violence such as AVO's, intervention orders, Police or Child Services involvement and the Family Violence is no longer occurring due to the victim's efforts then it should be assumed that the Family Violence would still occur.

*The world is a dangerous place for a child,
not because of those who do evil,
but because of those who look on and do
nothing.*

2 -the making of consent orders where there are allegations or findings of family violence, having regard to the legislative and regulatory frameworks, and whether these frameworks can be improved to better support the safety of family members, as well as other arrangements which may be put in place as alternative or complementary measures;

When a Family Violence victim first goes to Court they believe that the system is there to protect them and believe them, many of our clients would testify that is not the case.

From the first moment a Family Violence victim attends Court the issues of Family Violence is either lessened or not believed and the abusers who is controlling, charismatic, manipulative, domineering and in many cases narcissistic, is believed.

The Judge usually orders a family or expert report and an ICL to be appointed especially if Family Violence is raised or the parties are self represented.

The real issue for a victim of Family Violence begins when they attend upon the Family Consultant or Expert Report writer as they are not required to have any specific training, experience or knowledge in the area of Family Violence, Child Abuse or Trauma. If the report writers do not believe that there is any Family Violence the Family Violence victim is then under extreme pressure to make their case.

In our experience the ICL will follow all recommendations of the family or expert report and the abuser sits back and continues their abuse via the system.

The final trial is scheduled and even though the Family Violence victim has documentation, alternative reports and supporting witness's they will be pressured to sign consent orders as the alternative is the underlining threat that they may lose their children all together if there is a trial.

In many of our clients cases their own lawyer is also applying pressure as in our experience family and expert report writers are rarely forensically cross examined on the stand for example whether their qualifications include Family Violence training, knowledge and experience and whether their report meets the Court and their Medical Practitioners guidelines and codes.

As family and expert report writers are held in such high regard in the Court system, in many cases Lawyers don't wish to place themselves in a bad light if they cross examine the report writers too vigorously on the stand, and therefore the report writers go unchecked.

The Family Violence victim who is emotionally exhausted, is then pressured to sign final consent orders vowing they will come back to Court when they have more evidence.

In all of the cases, unless the new evidence is overwhelming, which is determined by the Court, the Court sites a case that occurred in 1979, 'Rice v Asplund'. If this occurs the new Court case will only be opened if you meet the Courts bench mark which is interpretative, and again in our experience the Courts uphold the family and expert report writer and to challenge them even with new evidence is difficult.

Where parties agree to consent orders and where there are findings of Family Violence the courts should make "interim consent orders", ensuring the protection of the victim and should also make interim orders that the perpetrator is supported with appropriate professional support services such as attending family violence programs and/or receiving counselling. The matter should then be re-heard after a period of time, ie six or twelve months and documented evidence provided by the professional support providers of the risks involved of the perpetrator continuing their previous behaviour.

In most cases, even though there are recommendations made for either party or the children to see professionals or attend programs without a further Court date the appointments will not be made and no change is made.

Recommendation 4

Help Family Law recommends that consent orders should not be allowed during the pressure applied at Court. Consent orders must be made in a round table environment similar to mediation, without any pressure to agree to the consent orders.

Recommendation 5

Help Family Law recommends the consent order process must be done prior to the final trial and that both parties if required should be able to have support people available and the Court to appoint a mediator/registrar to conduct the session and the ICL is not allowed to be part of the consent order process.

3.-the effectiveness of arrangements which are in place in the family courts, and the family law system more broadly, to support families before the courts where one or more party is self represented, and where there are allegations or findings of family violence;

In my opinion to be self-represented before the court is very perilous particularly if the other party has legal representation and, there is an Independent Children's Lawyer appointed. There is little support given to self-representatives in the court system, you are mostly in the hands of the Judge.

Outside of the courtroom you are isolated and can feel very much alone. Inside the courtroom if you are self-represented and up against a Lawyer and Independent Children's Lawyer you get spoken to last by the Judge which leaves you feeling like your being ganged up upon. I have been told by many client's that what they have to say is given little if any weighting even if you raise allegations of Family Violence.

I have personally seen Independent Children's Lawyers discussing details of the case with the Lawyer for one party and will exclude talking with the self-representative altogether. I have been witness to further cases where the ICL and the other parties lawyer sat together at lunch while the self-representative sat alone.

There is little to no information provided to the self represented prior to the Court case although at Help Family Law we are working hard to change this, as our new web site will have several videos and provide real information prior to people attending Court.

Currently in many Court cases, allegations of mental health or illness is raised by the abuser as a way of being counterintuitive. Once the issue has been raised unless the self representative has already completed a mental health assessment or in some cases even if they have, the Court will order one or both of the parties to attend upon a Court appointed single expert report writer.

Most if not all experts have no training in Family Violence and/or aligning behaviour or narcissistic disorders. If you are self represented you really have no idea what to expect when attending an assessment and little to no information regarding the assessment in general. If a self represented receives a bad report it is almost impossible to counteract the report in Court as in our experience most Judges uphold the opinion of the expert and see the self-representative as complaining and whining simply as they don't like the report, which can also minimise the Family Violence.

It should be clearly explained to a self representative what is involved in a family and expert report. The options for a self representative when attending a report and when

receiving a report should also be clearly explained.

It should also be clearly explained that the Family and Expert Report writers have little to no training, knowledge or experience or expected to do so by the Court, in Family Violence, Child Abuse or Trauma. Most have no training, knowledge or understanding of alignment or narcissistic disorders.

The only way currently to defend if you have received a bad family report is to cross examine on the stand – this is explained further in section 5.

If a Family Violence victims as a self represented only option is to cross examine what I have heard called ‘God’s of the Court’ the family or expert report writers, then I believe they have lost before the matter has been heard.

My clients have provided many accounts of times that they have tried to cross examine the family or expert report writer and the Judge has stopped or not allowed various questions or the report writer has stated again and again ‘well that’s my opinion’.

Recommendation 6

Help Family law recommend that a self represented should be allowed to cross examine a family or expert report writer on the stand without Judicial interference and the report writer must answer the questions in line with their code, guidelines and Acts.

Recommendation 7

Help Family Law recommend that if a parent is accused of a mental health condition then the Court should allow sufficient time for that parent to seek testing and examination from their chosen psychologist or psychiatrist which includes their full medical history and that must be done prior to any family or expert report undertaken.

Never Apologise to others for their misunderstanding of who you are.

No. 5 -how the capacity of all family law professionals—including judges, lawyers, registrars, family dispute resolution practitioners and family report writers—can be strengthened in relation to matters concerning family violence;

There is a clear gap in the family law system which urgently needs addressing by this inquiry relating to all family law professionals which is causing untold damage to the families involved.

The conduct of family assessments and the subsequent development of family reports play a critical role in decision making of judicial officers when dealing with family law disputes that are before the court.

Currently the Court system uses 'Australian Standards of Practice for Family Assessments and Reporting – February 2015.

On page 2 of this document under the heading "Introduction" it states these Standards aim to provide good practice in conducting and reporting in full family assessments by **social workers** and **psychologists** in family law matters.

The critical gap missing is these standards do not apply to **psychiatrists** who are used extensively by the court to write family assessments/family reports and expert reports. Therefore psychiatrists are not bound by standards developed by judicial officers of the court.

Another critical gap in the current standards is they only apply to full family assessments, they do not apply to child inclusive conferences. Child Inclusive Conferences require parents and children to be interviewed by **social workers** and **psychologists** in family law matters just like a family report yet are not bound by the Australian Standards of Practice for Family Assessments and Reporting – February 2015.

Recommendation 8

Help Family Law recommends that the Australian Standards of Practice for Family Assessments and Reporting include social workers, psychologist and psychiatrist and family, child inclusive and expert reports.

In the Australian Standards of Practice for Family Assessments and Reporting – February 2015 under the heading "Definition and purpose of family assessments it states;

"Family assessments should include assessment of any risk factors identified in a matter. Where there are concerns about family violence, a specialised family violence assessment should be included in the assessment and the report".

This is another critical gap as the standards don't explain what a specialised family violence assessment is or should consider.

There is currently no guidelines to what the 'specialised family violence assessment' should include. It is unclear how a social worker, psychologist or psychiatrist with no Family Violence training, knowledge or experience could conduct this assessment.

I am aware at a recent conference a well known family report writer stated that unless she was provided with clear documentation of Family Violence then she does not believe it occurred. It is well known that most if not all Family Violence victims don't speak out and rarely report it to authorities therefore there will be no documentation.

Recommendation 9

Help Family Law recommend that a Specialised Family Violence Assessment is established and only undertaken by family and expert report writers with specialised Family Violence training, specialised practical knowledge and specialised practical experience.

In the Australian Standards of Practice for Family Assessments and Reporting – February 2015 under 6(e) it states family assessors must have detailed knowledge and understanding of the nature, dynamics, cycle, impact and relevance of family violence and conduct assessments, as per the Family Court of Australia and Federal Court of Australia *Family Violence Best Practice Principles – edition 3.1 (2013)* and the Family Violence Policy of the Family Court of Western Australia.

There are several gaps in this area;

1. which body ensures the family assessor has detailed knowledge and understanding of the nature, dynamics, cycle, impact and relevance of family violence and conduct assessments, as per the Family Court of Australia and Federal Court of Australia *Family Violence Best Practice Principles – edition 3.1 (2013)* and the Family Violence Policy of the Family Court of Western Australia.
2. The family assessor does not have to do any specialised training or is required to do any on-going training in family violence.

I have simply read hundreds of family or expert reports and in all cases the report writers do not demonstrate any knowledge or understanding of Family Violence at all. It is quite clear that these report writers are proceeding unchecked.

The Professional bodies

In the Victorian Royal Commission on Family Violence submission by The Royal Australian & New Zealand College of Psychiatrist (RANZCP) they state in part that 'There is NO provision currently for mental health professionals to obtain specialised Family Violence focused training in any of the following fora: Continuous Professional Development, Clinical approach to possible victims and perpetrators in psychiatric services'.

It further states in part; "There is a lack of Family Violence education at all levels of medical and psychiatry training that is hindering optimal engagement with the complex issue of Family Violence".

RANZCP in their recommendations call on the Office of the Chief Psychiatrist to formulate policy, initiate training and setting up of trauma informed services for victims of Family Violence.

I have spoken at length with the Office of the Chief Psychiatrist and at the time of the conversations they did not believe that it is their responsibility to initiate and determine the appropriate training for family or expert report writer within the Court system.

This is a similar scenario for the psychologist and social workers associations.

Again this pattern is forming that no organisation is willing to take responsibility for the training of family or expert report writers.

Recommendation 10

Help Family Law recommends that RANZCP, the Australian Psychologist Association (APS) and the Australian Association of Social workers (AASW) implement new standards for persons conducting family or expert reports to include specialised Family Violence training, specialised practical knowledge and specialised practical experience.

Qualification & Training

In the Australian Standards of Practice for Family Assessments and Reporting – February 2015 section 2 (b) states;

‘As an expert witness, family assessors **should** have appropriate training, qualifications and experience to assess the impact and effects (both short and long terms) of family violence or abuse, or exposure to family violence or abuse, mental health problems and drug or alcohol misuse on the children and any party to the proceedings’.

This is another critical failing in my opinion. Any expert witness undertaking a family assessment **must** have the appropriate training, qualifications and experience to assess the impact and effects (both short and long terms) of family violence or abuse. The standards must remove the word “exposure” to family violence or abuse as being sufficient to write a family assessment.

Recommendation 11

Help Family Law recommends that the Australian Standards of Practice for Family Assessments and Reporting replace section 2 (b) with

An expert witness or family assessors must have specialised practical training minim 2 years, knowledge and experience in Family Violence, Child Abuse and Trauma, and relevant practical experience in the field of mental health problems, drugs and alcohol and alignment behaviours.

I believe the most critical failing in family assessments undertaken by experts is the family assessment is based upon what the assessor hears, observes and deduces from interviews, observations and other sources such as reading or reviewing affidavits and subpoena material. Therefore assessments are open to what the assessor believes is relevant to the matter. The assessments are not recorded therefore the assessor is reliant solely on their note taking ability to correctly and accurately document the relevant matters pertaining to the case.

At Help Family Law we read hundreds of family assessments and in each and every family assessment there are numerous mistakes made by the report writer. Clients advise that the report writer has incorrectly attributed comments to the wrong person, interpreted comments made in a way to make the person look bad or ignored family violence issues raised by the parties altogether or downplayed their impact. Parents and children who are interviewed with medical conditions such as expressive language issues can make statements to the assessor which can impact upon the recommendations made by the assessor which the assessor has no experience with whatsoever.

A large percentage of clients have expressed concerns the assessor pressured them during family assessments to agree with the assessors views and questions were expressed in an aggressive manner or put forward in a biased fashion.

At Help Family Law we strongly support the video recording of all assessments be it a full family assessment or a child inclusive conference.

The video recording can then be requested by each of the parties and the assessor will be held to a higher standard which must apply given the level of responsibility placed upon the assessor by the courts.

Recommendation 12

Help Family Law recommends that all family or expert assessment or any assessment which involves parent/s or children assessed or questions be video taped with sound and a unedited copy provided to the parent/s promptly following the assessment.

At Help Family Law we conduct forensic assessment on the family and experts report writer addressing both their duty to the Court, their compliance with the Australian Standards and their codes of conduct and guidelines as medical practitioners.

In all the reports we assess it is clear that the report writers do not possess the training, qualification and knowledge that we believe at Help Family Law they should possess. This is compounded as in most cases you are ordered to attend these appointments.

I have been involved in several Court cases where although the parent demonstrated that the report writer did not possess any training, knowledge or qualification in Family Violence, Child Abuse or Trauma they still had to attend upon this report writer, and their evidence although compelling, as it included documentation of inappropriate conduct, the Judge dismissed their findings in favour of the report writer.

Recommendation 13

Help Family Law recommends that you should not be ordered to attend any family or expert report writer without full understanding of their qualifications and assessment abilities, this must be provided by the Court prior to the appointment. If a parent wished to access further information and it is requested by the parent it must be provided by the family or expert report writer prior to the assessment.

Recommendation 14

Help Family Law recommend that if you can provide to the Court sufficient reason why you should not attend the appointed family or expert report writer such as lack of training, knowledge or experience or further evidence, the Court must provide another consultant for you to attend upon using the same process as recommendation 13.

Court appointed Family Consultants

The Court directly appoints Family Consultants to work at the Court to undertake family reports and child inclusive reports. In a recent job placement for a Family Consultant to work at the Parramatta Courts NSW, it is alarming that the consultant in the position description is not required to have any training, knowledge or experience in Family Violence, Child Abuse or Trauma. In fact Family Violence is not included at any stage in the position description.

The mandatory qualifications include; A recognised degree in social work and eligibility for membership of the Australian Association of Social workers or a degree in psychology with general registration with the Psychology Board of Australia and 5 years post-graduate experience, working with families and children. It further states a desirable qualification is a current driver's licence.

It is not a requirement to have any Family Violence training or in fact any knowledge or experience within the Family Violence area. This information is unknown to most parents until after the family report has been conducted and provided.

If you wish to complain about a family consultant as they only have to have eligibility for membership to the Australian Association of Social Workers you cannot make a complaint to the Association. The only other option to make a complaint is directly to the Courts.

I have read several complaint letter's from my clients and the response from the Courts. In nearly all cases the letter from the Courts state that the complaint will be addressed but if you wish to complain regarding a family consultant it is via cross examination.

As previously stated, the family consultant and more so the consultant that works directly for the Court is held in a positive light and to cross examine, particularly if you are a Family Violence victim is almost impossible, as you are the one who is complaining about a well regarded family consultant, which makes the case that you complain about everything which may include the perceived Family Violence?.

In a letter Help Family Law received from the Federal Circuit Court it states: The work and conduct of a court-appointed expert witness can be challenged in a courtroom hearing, where the expert witness can be cross-examined and opposing viewpoints put forward. Indeed this is the only avenue for raising objections to the content, methodology, or conclusion reached, in the work of expert witnesses.

With the work that Help Family Law undertakes, although it can forensically assess the family report undertaken directly by a Court employed assessor, once assessed it can be provided to the Court to assist with our clients matter, it cannot be used to further complain to the medical authorities due to the protection the Court provides to the family consultant.

Recommendation 15

Help Family law recommend that the position description for all family consultants employed by the Court are to include specialised Family Violence training, specialised practical knowledge and experience in Family Violence, Child Abuse and Trauma.

Recommendation 16

Help Family Law recommends that that all family consultants must be a member of their association and can be subject to the same actions as a private family consultant in regards to their codes, guidelines and Act's that apply to medical practitioners and afforded no protection via the Courts.

Recommendation 17

Help Family Law recommends that all family consultant employed by the Court must provide their qualification and training to the parents prior to the appointment.

Recommendation 18

Help Family Law recommend that all family consultants employed by the Court must undertake specialised Family Violence, Child Abuse and Trauma training ongoing as provided by a registered training provider.

Independent Children's Lawyers (ICL)

Independent Children's Lawyers are appointed by the Courts to represent the children's best interests and are often appointed where there is one or both parties being self represented and the matter is regarded as complex or high conflict.

To become an Independent Children's Lawyer requires you to be a family lawyer for a minimum of 5 years and have undertaken family law cases which involved an Independent Children's Lawyers. As of the date in writing this submission it is unclear if Independent Children's Lawyers are required to undertake ongoing training in family violence and or what level of training is required in family violence.

In the pursuit to providing accurate information regarding the training of an ICL, I approached Legal Aid and the National ICL website. I was advised that unless I am an ICL or wish to become an ICL I am not allowed to be provided with the training information or explained what the training involves.

I am unclear what exact training is provided to an ICL in regards to Family Violence, Child Abuse or Trauma, and what training is provided in order for a Lawyer (ICL) to speak to children who have suffered Family Violence, Child Abuse or Trauma when many medical professionals such as psychologist, psychiatrist or social workers cannot identify Family Violence.

In the ICL guidelines 2013 it states in section 6.7 that the ICL should satisfy themselves that the report writer has the appropriate qualifications and experience to conduct the assessment, prepare the report and give evidence for the particular case.

It is clear from all the reports and report writers qualifications read by Help Family Law that the ICL's are not for-filling their duty to the Court under their guidelines. As already stated by RANZCP where by psychiatrists have no training in Family Violence, so how can an ICL satisfy themselves that a psychiatrist has the qualifications and experience to undertake and assessment on a victim of Family Violence?.

Of concern is Independent Children's Lawyers use only "guidelines" – as a minimum there should be a "standard" that must apply. Further to this, we point out the

wording that Independent Children's Lawyers "should" satisfy themselves is inadequate and "must" should be mandatory.

Recommendation 19

Help Family Law recommend that the Guidelines for the Independent Children's Lawyer be changed to the Standards for the Independent Children's Lawyers.

Recommendation 20

Help Family Law recommend that section 6.7 of the guidelines should state;

That the ICL must confirm that the report writer has specialised Family Violence training, specialised practical knowledge and experience in Family Violence, Child Abuse and Trauma, prior to appointing the report writer.

Of further concern is the level of responsibility and powers Independent Children's Lawyer's have. They have the power to appoint an assessor as they see appropriate, I have never seen a report where the Independent Children's Lawyers have put in place terms of reference for the assessor to follow.

In many of Help Family Law cases it is noted that the ICL will often continually use the same report writer when commissioning reports regardless of the issues in the case. This would indeed show a bias by the ICL towards what should be an independent report writer.

I believe it is also a conflict of interest when an ICL continually recommends the same report writer in not only the cases where they are acting as an ICL but also the cases where they are a Lawyer representing their own client's interests.

Independent Children's Lawyers can also use their powers to interview children outside of an assessment. The discussions that take place are confidential and where there is concerns raised about family violence the parties have no knowledge of the Independent Children's Lawyers specialised training or knowledge in family violence.

I would surmise that if children involved have learning difficulties or medical conditions and are interviewed by the Independent Children's Lawyer, does the Independent Children's Lawyer have the necessary qualifications, specialised training to accurately assess the children in the first instance?.

In many of my client's cases that involve family violence, the Independent Children's Lawyer will insist of interviewing the children of the parents and only for a brief period of approximately 15-20 minutes.

In many instances my clients have raised issues whereby Independent Children's Lawyer's have appointed assessors in which there is an obvious conflict of interest, ie having a relationship or a financial business interest together.

It is my opinion the role of the Independent Children's Lawyer is redundant and only causes angst and uncertainty in most matters that I have been involved with or reviewed. In many instances the role of an Independent Children's Lawyer is

primarily an administrative role which would be better handled by the court administration.

Recommendation 21

Help Family Law recommends that the ICL's do not interview or speak to the children or have any contact or involvement with the children.

Recommendation 22

Help Family Law recommends that all Independent Children's Lawyers are removed from all Court matters and the Court provides a register to conduct the admin process that is normally provided by the ICL.

Legal Aid

In all of Australia, Legal Aid can, if you meet their requirements pay the cost of the family or expert report writer.

I contacted Legal Aid in hopes that we could work together in regards to the issues we at Help Family Law face everyday due to the family and expert report writers having no training in Family Violence, Child Abuse or Trauma.

I received a letter from Victorian Legal Aid which stated that they are not willing at this time to establish a complaints process for 'experts' or instituting a list of preferred experts and they haven't received many complaints regarding 'experts'.

It is fortuitous that Legal Aid don't receive complaints as they don't have a complaints process, so there is simply no where, or no one to complain to.

As Legal Aid is government funded and they are funding family and expert reports essentially the government is paying for Family Violence victims to attend upon report writers who can and do recommend reduced access or removal of children due to a lack of knowledge, understanding, expertise and training in Family Violence.

It is the governments responsibility to ensure all Australians feel safe, yet tax payers dollars are funding the untrained report writers and directly placing victims and children in harms way, due to the lack of understand by the report writers towards Family Violence.

Recommendation 23

Help Family Law recommends that Legal Aid immediately institute a complaints process for report writer

Recommendation 24

Help Family law recommend that Legal Aid implement a preferred experts list and all experts on that list must have a minimum of 2 years specialised training, specialised practical knowledge and specialised practical experience in Family Violence, Child Abuse and Trauma and continued specialised training in Family Violence, Child Abuse and Trauma.

Defend in Court

Once a family or expert report has been written it is extremely hard to defend. Many Family Violence victims then go to another family or expert report writer (usually with the appropriate training) to get a second opinion in regards to the matter. The difficulty is firstly finding a psychologist or psychiatrist that wishes to be involved in Court matters, as most if they are not already in the field, they don't wish to be and secondly the report will be at a considerable cost and usually long waiting lists.

In my experience most Courts will not accept the new report as it is not from one of their known family or expert report writers.

In one of my clients Court matters they provided 5 additional reports to the court both from psychologist and psychiatrist showing years of Family Violence training and knowledge, yet the 5 additional reports were given little weighting against the Court appointed report writer.

Recommendation 25

Help Family Law recommend that all reports provided to the Court are given the same weighting regardless who conducted and provided the report.

Recommendation 26

Help Family Law also recommend that if a family or expert report writer has greater specific training, qualification, knowledge and experience in Family Violence, Child Abuse or Trauma then that report should carry more weighting than that of a family or expert report writer without that training.

Recommendation 27

Help Family Law recommend that forensic assessments provided by Help Family Law or others are given weighting by the Court as clearly we can identify the failings of the report writer both as their duty to the Court but also their responsibility as a medical practitioner.

Complaints Process

It is also my opinion the appointment of all family or expert report writers should be undertaken by a regulatory body and they should oversee the appointment and ongoing training compliance to ensure a higher standard is applied and maintained, particularly relating to cases where family violence is alleged.

I believe that the family and expert report writers are going unchecked due to the fact they are both medical practitioners who are bound by various codes, guidelines and Act's and also Court appointed experts who are bound by the Family Law Act and other codes and guidelines, therefore there is no governing body that can deal with complaints that cover all fields.

In order to protect Family Violence victims a regulation body must be established to investigate and resolve complaints raised against family and report writers and have the necessary powers to take action if a family or expert report writer has failed in their duties both as a medical practitioner and Court appointed expert.

If you have a family or expert report undertaken and you wish to make a complaint regarding the report and or the conduct of the assessor at this stage there is no one body to facilitate the handling of these complaints.

Recommendation 28

Help Family Law recommends that a Regulation Body be established to oversee the appointment and ongoing training of family and expert report writers to ensure that the current family and report writers meet the requirements of minimum of 2 years specialised training, specialised practical knowledge and specialised practical experience in Family Violence, Child Abuse and Trauma and continued specialised training in Family Violence, Child Abuse and Trauma. They meet their requirements under the codes, guidelines and Act's that govern a medical practitioner and their duty to the Court the Standards and the Family Law Act.

Recommendation 29

Help Family Law recommends that the Regulation Body investigate and resolve all complaints raised against family or expert report writers and have the necessary powers to take action which can include removal or change of the report and or removal of the report writer from their appointment.

You can write a complaint to the Court but as there is no court complaint process you are told the best way to deal with your complaint is to cross-examine the assessor on the stand in court.

If you make a complaint to the Social Worker's Association or the Australian Psychology Association or RANZCP, in most cases they refer your complaint back to the court, ie cross-examine the assessor on the stand or refer your complaint onto the Australian Health Practitioners Regulation Agency (AHPRA). In nearly every case AHPRA advise you that the best remedy is to cross-examine the assessor on the stand or have it dealt with by the Court.

The Attorney General has advised Help Family Law in writing, the correct body to deal with these complaints is AHPRA.

The Federal Circuit Court of Australia also stated that AHPRA is the correct body to investigate the conduct of the family or expert report writer.

In a letter a client received from AHPRA it states; The board decided not to investigate these issues (that the report writer did not abide by the required regulations and codes when preparing and writing a report for the court). The forum for you to challenge the opinions or to raise issues about errors in the report is through the Family Court system. It was for the Family Court to decide whether or not to accept the opinions and the alleged errors in the report.

In the Good Medical Practice Code of Conduct in 8.7 and 8.8 it clearly outlines all the responsibilities of a family or expert report writer.

In all the family or expert reports that Help Family Law assess it is clear the report writer has provided opinions beyond their knowledge particularly Family Violence knowledge. In all the hundreds of reports we have assessed at no stage does a family or expert report writer explain that they do not have the training in Family Violence.

In most of the family or expert reports that Help Family Law assess there are numerous errors. Most of the errors could have been verified or accurately documented but due to a lack of knowledge by the family or expert report writer the report is grossly inaccurate, incomplete and misleading.

AHPRA set the continued professional development for all medical practitioners, yet this does not included any training. A medical practitioner could simply attend or sign into a Conference, Peer review activities, Practice Development and Self-guided learning, total of 50 Hours per year for a psychiatrist and 30 hours per year for a psychologist and social workers.

In my experience AHPRA can take anywhere from 15 months to 2 years or more to investigate a matter. AHPRA investigates and applies weighting to cases that place people in harms way. If a family or expert report writer cannot identify Family Violence, Child Abuse or Trauma and recommends that the child spend time or is

placed permanently with their abuser, that is directly placing the children in harms way, whom should be protected.

Legal Aid have no complains process, the Court and Attorney General state that it is AHPRA's responsibility, the associations and RANZCP state that it is AHPRA's responsibility yet AHPRA state that if the report is inaccurate and the parent has raised issues with the conduct or the report writers duty with their codes or guidelines then that is the responsibility of the parent to cross examine in the Court.

The Court system has no understanding of the codes of conduct and the guidelines of the report writers to the Medical Board or the associations or RANZCP and most Family Violence victims cannot cross-examine the report writer on the stand as they are considered untouchable within the Court system.

Diagnosis

In many of the family or expert reports that are assessed or read by Help Family Law the family or expert report writer either makes a diagnosis or makes the inference that their could be a diagnosis; for example a social worker states in a report that the parent may have a borderline personality disorder.

Many of these diagnosis are made as the abuser has convinced the family or expert report writer that the Family Violence victim has a mental illness or is unstable. Many abusers are masters of the deferral of blame from themselves with the 'look over here' approach and unfortunately many family or expert report writers believe the abuser.

In nearly all of the cases where a diagnosis has been made or inferred the family or expert report writer has not seen the full parents medical records and has only seen the parent for a limited time - approximately 45min to 1 hour, and only for one assessment.

In the Diagnostic and Statistical Manual of Mental Disorders (DSM) in all cases of the diagnosis which are written in the family or experts reports should only been made with a full understanding of the parents full medical history and after seeing the parent on several occasions and in many cases includes psychological testing.

When a Family Violence victim receives a report that states they have a diagnosis of a mental illness it can cause catastrophic consequences for the victim such as;

- Further denigration from the abuser - calling them insane, sick and unstable;
- The Court takes a view that you are unable to care for your children;
- It is harder to challenge the report in Court – particularly if self represented;

- Unless challenged the diagnosis will remain on your medical history for life.

In many of my clients cases when they receive a diagnosis from a family or expert report to prove that there is nothing wrong, they then see a psychologist for testing or a psychiatrist over several sessions and in all cases the diagnosis are proven false.

On many occasions even though the parent has provided documentation such as testing results and reports from counsellors, family therapist or psychologists which document the parents history for many years in a lot of cases that information is discounted, belittled or not provided to the court.

Recommendation 30

Help Family Law recommend that no diagnosis or inference of a diagnosis can be made during a family or expert report.

Recommendation 31

Help Family Law recommend that if the family or expert report writer believes that a parent may have a mental health condition that the report is not finalised until the parent is able to seek testing and examination from their chosen psychologist or psychiatrist which includes their full medical history, and the family or expert report is completed once the full diagnosis (or no diagnosis) is provided.

Recommendation 32

Help Family Law recommend that only psychologist and psychiatrist can make an inference of a diagnosis following the DSM guidelines, if a social worker believes on founded evidence not just here-say, that the parent may have a mental health condition then they recommend that the parent should seek testing and examination from their chosen psychologist or psychiatrist which includes their full medical history, and the family report is completed once the full diagnosis (or no diagnosis) is provided.

Recommendation 33

Help Family Law recommend that the information provided by a parent demonstrating their good mental health must be included in the family or expert report and the report writer cannot provide an alternative diagnosis.

Cost of Reports

The cost of having a family assessment ordered can cause severe financial hardship. Currently there is a set fee for this service, only if Legal Aid are involved. If Legal Aid are not involved then the fee is set by the assessor with no regard for the financial circumstances of the parties involved.

Clients whom I have assisted who have had Family assessments have advised they have paid anywhere from \$3,000 to \$32,000

for a single family assessment. This is outrageous and needs urgent attention to rectify and set standard fee's that are affordable.

In many cases the cost of the report is disproportional to the training received by the report writer such as; a social worker charging \$6,000 for a family report when a psychiatrist charges \$3000 for a expert report, both take the same time and both provide a report of similar length and content.

The Court conducts no financial assessment to determine if you can afford a report and in many cases if one party has the financial means to pay for the report then they will pay for the entire report, which in many of our clients cases has indeed showed a bias toward the person paying the report.

At Help Family Law the client pays only \$275 for us to assess the report which usually takes 4-5 hours.

Recommendation 34

Help Family Law recommend that the cost of the family or expert reports is determined by the regulation body identifying the type of report –family or expert, the time taken to provide the report, and the qualification of the family or expert report writer.

Recommendation 35

Help Family Law recommend that the Courts cannot order a parent to pay for a family report until full financials in affidavit are provided to the Court to determined the parent/s paying capacity.

Conduct

The most alarming and concerning are comments that are provided to Help Family Law regarding the conduct of the family and expert report writer.

In all to many cases our clients, particularly Family Violence victims report that the family or expert report writers have been abusive, swearing and making degrading comments, belittling, condescending, lying, challenging, rude and biased.

Many of our clients mostly Family Violence victims have stated that upon leaving the family or expert assessment they were crying and visibly shaken and upset.

As family and expert report writers are allowed to continue unchecked they can literally do what they like, and in our experience they do.

In most cases the Family Violence victim has been Court ordered to attend this assessment and there is no option of leaving during the assessment as the Family Violence victim is aware this report writer holds their children's lives in the report

writers hands, so leaving is not an option.

In this regard the Family Violence victim has to sit and take the abuse or comments, or risk losing their children.

At Help Family Law we are aware of several parents who have challenged the report writer at the time of the assessment and the report was written in favor of the other more complicit parent.

Again if you challenge a family or expert report writer in Court in regards to their conduct in our experience you will not be believed and it will show that you are too sensitive (as the Court believes that the family or expert report writer would not abuse you) this may also affect your Family Violence case as it could be conceived that you lie and complain.

Recommendation 36

Help Family Law recommends that if a family or expert report writer has a complaint of abuse or inappropriate behavior towards a parent then they are not allowed to engage in any Court ordered reports until that case has been resolved by the Regulation Body.

Recommendation 37

Help Family Law recommend that if a parent is uncomfortable during a family or expert assessment they are allowed to leave and a more appropriate family or expert assessor will be provided and that assessment is destroyed.

It is hard to imagine a more stupid or more dangerous way of making decisions than by putting those decisions in the hands of people who pay no price for being wrong.

Conclusion

Family and Expert Report writer are going unchecked. No one organisation will take responsibility for their actions, training (or lack there of), qualifications (or lack there of) and knowledge (or lack there of) of the family or expert report writers.

In Help Family Law's experience the report writers can do and say what they wish with little or no repercussions. The Courts are continuing to use family and expert report writers to determine the outcome of cases, even though the court is aware that they have no Family Violence training.

I speak to hundreds of people and in all cases they are not aware that the family or expert report writers are not required to have any training in Family Violence, Child Abuse or Trauma.

Report writers in many instances are taking it upon themselves to influence the outcome of Court cases with their recommendations. I am personally aware of children being removed from a loving parent and placed with the Family Violence Abuser just on the basis of a family or expert report, and in some of these cases it was done ex parte or in an urgent hearing only days after the report was released and on some occasions only to one parent, so the Family Violence victim cannot even mount a case to defend themselves.

Hundreds of parents in Australia have been subjected to Family Violence by their ex partner and then again by the Court system as it has allowed the family and expert report writers to continue even though they are aware of the family and expert report writers lack of training, knowledge and qualification, which means that the Family Violence victim is being further abused by the very system, that should protect them.

Recommendations;

1. Help Family Law recommends that schools and other professionals document all conversations where the children raise concerns about living with one parent, Family Violence, Child Abuse and Trauma and in all cases seek further assistance for the child.
2. Family and expert report writers must contact the child's teachers/ centre workers, school principal and other professionals such as counsellors, family therapist, school Chaplain or counselor, psychologist, medical practitioner or other that the children have had an involvement with and if a parents requests that it should occur, when conducting a family or expert report.
3. Help Family Law recommend that unless the Family Violence abuser has undertaken courses or sort assistance with written documentation, if there is a history of Family Violence such as AVO's, intervention orders, Police or Child Services involvement and the Family Violence is no longer occurring due to the victims efforts then it should be assumed that the Family Violence would still occur.
4. Help Family Law recommends that consent orders should not be allowed during the pressure applied at Court. Consent orders must be made in a round table environment similar to mediation, without any pressure to agree to the consent orders.

5. Help Family Law recommends the consent order process must be done prior to the final trial and that both parties if required should be able to have support people available and the Court to appoint a mediator/registrar to conduct the session and the ICL is not allowed to be part of the consent order process.
6. Help Family law recommend that a self represented should be allowed to cross examine a family or expert report writer on the stand without Judicial interference and the report writer must answer the questions in line with their code, guidelines and Acts.
7. Help Family Law recommend that if a parent is accused of a mental health condition then the Court should allow sufficient time for that parent to seek testing and examination from their chosen psychologist or psychiatrist which includes their full medical history and that must be done prior to any family or expert report undertaken.
8. Help Family Law recommends that the Australian Standards of Practice for Family Assessments and Reporting include social workers, psychologist and psychiatrist and family, child inclusive and expert reports.
9. Help Family Law recommend that a Specialised Family Violence Assessment is established and only undertaken by family and expert report writers with specialised Family Violence training, specialised practical knowledge and specialised practical experience.
10. Help Family Law recommends that RANZCP, the Australian Psychologist Association (APS) and the Australian Association of Social workers (AASW) implement new standards for persons conducting family or expert reports to include specialised Family Violence training, specialised practical knowledge and specialised practical experience.
11. Help Family Law recommends that the Australian Standards of Practice for Family Assessments and Reporting replace section 2 (b) with

An expert witness or family assessors must have specialised practical training minim 2 years, knowledge and experience in Family Violence, Child Abuse and Trauma, and relevant practical experience in the field of mental health problems, drugs and alcohol and alignment behaviours.
12. Help Family Law recommends that all family or expert assessment or any assessment which involves parent/s or children assessed or questions be video taped with sound and a unedited copy provided to the parent/s promptly following the assessment.
13. Help Family Law recommends that you should not be ordered to attend any family or expert report writer without full understanding of their qualifications and assessment abilities, this must be provided by the Court prior to the appointment. If a parent wished to access further information and it is requested by the parent it must be provided by the family or expert report writer prior to the assessment.
14. Help Family Law recommend that if you can provide to the Court sufficient reason why you should not attend the appointed family or expert report writer such as lack of training, knowledge or experience or further evidence, the Court must

provide another consultant for you to attend upon using the same process as recommendation 13.

15. Help Family law recommend that the position description for all family consultants employed by the Court are to include specialised Family Violence training, specialised practical knowledge and experience in Family Violence, Child Abuse and Trauma.

16. Help Family Law recommends that that all family consultants must be a member of their association and can be subject to the same actions as a private family consultant in regards to their codes, guidelines and Act's that apply to medical practitioners and afforded no protection via the Courts.

17. Help Family Law recommends that all family consultant employed by the Court must provide their qualification and training to the parents prior to the appointment.

18. Help Family Law recommend that all family consultants employed by the Court must undertake specialised Family Violence, Child Abuse and Trauma training ongoing as provided by a registered training provider.

19. Help Family Law recommend that the Guidelines for the Independent Children's Lawyer be changed to the Standards for the Independent Children's Lawyers.

20. Help Family Law recommend that section 6.7 of the guidelines should state;

That the ICL must confirm that the report writer has specialised Family Violence training, specialised practical knowledge and experience in Family Violence, Child Abuse and Trauma, prior to appointing the report writer.

21. Help Family Law recommends that the ICL's do not interview or speak to the children or have any contact or involvement with the children.

22. Help Family Law recommends that all Independent Children's Lawyers are removed from all Court matters and the Court provides a register to conduct the admin process that is normally provided by the ICL.

23. Help Family Law recommends that Legal Aid immediately institute a complaints process for report writers.

24. Help Family law recommend that Legal Aid implement a preferred experts list and all experts on that list must have a minimum of 2 years specialised training, specialised practical knowledge and specialised practical experience in Family Violence, Child Abuse and Trauma and continued specialised training in Family Violence, Child Abuse and Trauma.

25. Help Family Law recommend that all reports provided to the Court are given the same weighting regardless who conducted and provided the report.

26. Help Family Law also recommend that if a family or expert report writer has greater specific training, qualification, knowledge and experience in Family Violence, Child Abuse or Trauma then that report should carry more weighting than that of a family or expert report writer without that training.

27. Help Family Law recommend that forensic assessments provided by Help Family Law or others are given weighting by the Court as clearly we can identify the failings of the report writer both as their duty to the Court but also their responsibility as a medical practitioner.

28. Help Family Law recommends that a Regulation Body be established to oversee the appointment and ongoing training of family and expert report writers both private and employed by the Court, to ensure that the current family and report writers meet the requirements of minimum of 2 years specialised training, specialised practical knowledge and specialised practical experience in Family Violence, Child Abuse and Trauma and continued specialised training in Family Violence, Child Abuse and Trauma. They meet their requirements under the codes, guidelines and Act's that govern a medical practitioner and their duty to the Court the Standards and the Family Law Act.

29. Help Family Law recommends that the Regulation Body investigate and resolve all complaints raised against family or expert report writers and have the necessary powers to take action which can include removal or change of the report and or removal of the report writer from their appointment.

30. Help Family Law recommend that no diagnosis or inference of a diagnosis can be made during a family or expert report.

31. Help Family Law recommend that if the family or expert report writer believes that a parent may have a mental health condition that the report is not finalised until the parent is able to seek testing and examination from their chosen psychologist or psychiatrist which includes their full medical history, and the family or expert report is completed once the full diagnosis (or no diagnosis) is provided.

32. Help Family Law recommend that only psychologist and psychiatrist can make an inference of a diagnosis following the DSM guidelines, if a social worker believes on founded evidence not just here-say, that the parent may have a mental health condition then they recommend that the parent should seek testing and examination from their chosen psychologist or psychiatrist which includes their full medical history, and the family report is completed once the full diagnosis (or no diagnosis) is provided.

33. Help Family Law recommend that the information provided by a parent demonstrating their good mental health must be included in the family or expert report and the report writer cannot provide an alternative diagnosis.

34. Help Family Law recommend that the cost of the family or expert reports is determined by the regulation body identifying the type of report –family or expert, the time taken to provide the report and the qualification of the family or expert report writer.

35. Help Family Law recommend that the Courts cannot order a parent to pay for a family report until full financials in affidavit are provided to the Court to determine the parent/s paying capacity.

Case History

I wish to provide several of my client's case histories so that you may understand the deficiencies within this system. I have my client's consent to discuss their case and of course the names and identifications have been changed.

Sue's Case 2013

Sue's ex Husband who had psychologically abused Sue and their daughter for over 10 years alleged to the Court Sue had psychological problems. In order to clear her name Sue went to see a Psychiatrist, his qualification include no training since 1981 and has been in private practice since 1986, has completed no Family Violence Training and no background in Family Violence or Child Abuse.

Since Sue attended upon this psychiatrist, based on his report and his statements that she has aligned her daughter against the father she only has supervised access.

Sue has since had 3 report's by Physiatrist's, 2 reports by Psychologists who state she is a wonderful mother with no mental conditions and her daughter should be returned to her permanent care. Sue is still going through the court fighting to have her daughter returned.

Bill's Case 1998

Bill was Court Ordered to see a psychiatrist as his ex Wife believe he suffered from a mental condition. Based on comments in this psychiatrist report stating that Bill was vague and had a history of drug use, he would not be a fit father to care for his Son.

Bill provided evidence that showed he has never taken drugs and further reports that he would be a fit father to care for his Son. Bill has not seen his son since 1999.

Karen case 2012

Karen alleges her ex husband was sexually abusing the children. After having no history ever of any mental illness and no medical records, the Psychiatrist after only seeing my client for 45min for a Family Report, diagnosed her with a borderline personality disorder and recommended that her 50% care of her daughter be stopped immediately. Karen had two Intervention Orders at the time against her ex husband and his partner who both breached the orders and both pleaded guilty and received a fine for the breaches. The daughter was given to the ex husband and his partner.

Karen now only see's her daughter for two hours, twice weekly in supervised access. The grandparents have not seen their granddaughter since 2015.

Karen has since received several reports that again state she has no mental illness and is a fit and loving parent and her daughter should be returned to her care. Karen is still fighting through the Courts.

Dave's case 2012

Dave was abused by his ex wife's new partner, an intervention order obtained by police on behalf of Dave against the new partner and breached with a guilty plea.

Dave went to Court to remove his children from his ex wife's new partner who was known by police and considered dangerous. Dave attended upon the Family Consultant (social worker) said that Dave was over protective of the children and was endangering the relationship they had with their mother and that Dave had some psychological issues.

The children were sent to be in the full time care of the mother. Dave did not see his children for 6 months and now only sees them for 1 hour every second week for supervised access. The Mother's partner has since been charged by the police of other crimes. Dave has a Court Order stating he is not allowed to re file in this matter for a further 5 years. Dave has several reports including testing which demonstrate he has no psychological issues, shows no over protective tendencies and is a loving and caring father.

Liz's case 2013

Liz was sexually abused as a child. Liz as an adult sought help due to the childhood trauma. The help that Liz received was used against her by the Family Report writer which stated that due to Liz's background she may not sufficiently be able to care for her child. Liz's ex husband had been previously charged with criminal assault towards Liz which was ignored by the report writer.

Liz's son was provided to the ex husband and Liz has had no contact with her son since then. Liz has received many reports which prove that she is a capable and functioning person who would be able to sufficiently care for her son. Liz has filed an application to reinstate contact with her son.

Julie's case 2015

Julie alleged that her ex husband was abusing her children. Julie was Court Ordered to see a psychologist as the ex husband stated she suffered from delusional thoughts. This psychologist tested both the ex husband and Julie. Prior to the assessment with this psychologist, Julie had 80% care of the children. The Court followed the recommendation of the psychologist report and gave 50% care to the ex husband even though no concerns were raised in Julie's testing but many in the ex husband's testing.

During this process the ex husband was facing criminal charges through the police but this psychologist did not include that information in the report. Bearing the outcome of the criminal matter, Julie will re file in Court so that the children are returned to the care of a loving parent.

Anna's case 2007

Anna's ex husband accused Anna of abusing the children after she had made a complaint to the police stating that her ex husband had punched the older child. Anna was Court Ordered to attend upon a Psychologist for a Family Report. During the report Anna demonstrated years of Family Violence and Child Abuse from her ex husband.

The Family Report said that Anna was alienating the children as they didn't wish to spend time with their father. The Court ordered the children to live with the ex husband and spend time with Anna after she received the appropriate treatment.

Anna only see's her children for 20% of the time. Anna has since received several reports which demonstrate she has suffered from long term family violence and all recommend the children be immediately returned to her care. Anna is going back to Court this year.

Jenny's case 2012

The Judge in Jenny's Court Case order her and her ex husband to attend a social worker for Family therapy. The social worker said that Jenny had a personality disorder, but she had no history of mental illness, no medical records. It should be noted this 'expert' is a social worker who cannot make any diagnosis. Jenny had two intervention orders against her ex husband and criminal charges due to the damage he did to her property.

On the basis of the social workers report and suspected diagnosis of severe personality disorder, Jenny only see's her children for 4 hours a week in supervised care. Jenny has received further reports and testing and all the reports state she has no mental illness, no condition and is a suitable mother.

Jenny currently has an application to the appeals Court for her case to be re-opened.

Emma's case 2010

Emma's ex husband stated to the Court that Emma has psychological problems, the ICL ordered that Emma attend upon a psychiatrist for a complete assessment. Emma was diagnosed only after seeing this psychiatrist for 2 hours and not having her medical records. Emma and her children had suffered psychical abuse and psychological abuse at the hands of her ex husband for several years.

The Psychiatrist stated that Emma poses a risk to her children as she believed her ex husband had committed abuse. Emma had two intervention orders against her ex husband and Court Orders showing the abuse. Emma had 80% care of her children, now only has the children 20%. Emma has many reports and testing proving the Family Violence and no mental illness. Emma is fighting in the Courts to get her children returned.

Annie Kelly Professional specialised training/experience

Paralegal	AHPI / Help Family Law
Forensic Assessor	AHPI / Help Family Law
Bethany Family Services Children's contact service	Supervised Children's Contact visits
Avert Family Violence	Australian Institute of Social Relations
Abuse Prevention	State Government of Victoria
Child Aware Practice	Australian Infant Child Adolescent and Family Mental Health Association
Understanding Men's Violence against Women	White Ribbon
SMART – Strategies for Managing Abuse Related Trauma	Australian Childhood Foundation
KidsMatter	Australian Government Department of Health
Children at Risk Protecting Vulnerable Children	Health Professionals working together to keep Children Safe
Health Records Act	Health Services Commissioner
Foundations of Psychology	RMIT University
Negotiation and Conflict Resolution	Macquarie Graduate School of Management
Domestic Violence Response Training – Recognise and Respond Appropriately to Domestic and Family Violence	Lifeline & Department of Social Services
Abuse Prevention, Professional Education Training	Department of Health
Sociology	University of Western Sydney
Diploma of Counseling <ul style="list-style-type: none"> - The Counselling relationship - Communication - Decision Making - Personality & Development Theories - Cognitive Behavioural Theories - Solution Focused Therapy - Legal and Ethical Issues 	Australian Institute of Professional Counsellors
Understanding the Origins of Crime	Griffith University
Conflict Coaching Workshop	Department of Justice
Innovation for Powerful Outcomes	Swinburne
Early Childhood Education	Gowrie
Indigenous Studies	University of Tasmania
MOVAIT Management of Violence and Aggression International Training	Barwon Health