



Client Service in the Family Court of Australia and the Federal Magistrates Court

Progress Report

Submitted by the Family Court of Australia

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Background

Subsequent to the ANAO Audit Report No. 46, 2003-2004, the Joint Standing Committee on Public Accounts and Audit held a public hearing during April 2005 to review progress made against the recommendations from the audit report. *Report 404 Review of Auditor-General's Reports 2003-2004 Third & Fourth Quarters; and First & Second Quarters of 2004-2005* was subsequently tabled on 7 November 2005, to which the Court responded with a progress report against the recommendations on 21 November 2005.

The purpose of this report is to update the Committee on further progress that the Family Court of Australia (FCoA) has made against the ANAO's original recommendations and the Committee's review recommendations since the conduct of the Committee's review.

Recommendation 10

The Family Court has established the National Enquiry Centre, which has been operating since 3 April 2006. Stage 1 of the Telephony Project, the implementation of a 1300 number, was implemented on 31 October 2005. The number is:

1300 352 000 (i.e. 1300 FLC 000).

The management of the Federal Magistrates Court's 1300 number was also taken over on 31 October.

Stage 2 of the project involved the introduction of the National Enquiry Centre (NEC) situated at the Parramatta Registry, which has been operating since 3 April 2006. The NEC answers all calls to both the Family Law Courts 1300 number and the Federal Magistrates Court 1300 number until such time as the FMC number is disconnected in late 2006.

Early indications are that the introduction of the NEC has been very effective. During its first week of operation, for example, the NEC received on average more than 900 calls per day, and more than 80% of calls were answered within 90 seconds with an average waiting time of 30 seconds. The operation of the NEC resulted in a reduction in calls to the registries in major locations of over 50%.

Recommendation 11

The Court has continued to develop and implement numerous best practice initiatives in the provision of client services.

Client Services Integration Project

The court has established a number of successful client service initiatives to better understand and meet the needs of clients, some of which are presented in more detail below. They include, but are not limited to:

- The Family Violence Strategy which explores the needs of those who fear or experience violence. The Strategy represents a major commitment by the Court to the management of matters involving violence and the protection of clients, their children and staff from harm.
- The Mental Health Project which aims to contribute to the Australia-wide suicide prevention effort in Australia by ensuring that the staff of the FMC/ FCoA are capable, competent and confident to support the mental health and emotional wellbeing of clients by promoting awareness, providing skills and putting in place supporting infrastructure.
- The Living in Harmony Partnership initiative which is providing profound learning about the high rate of family breakdown among families settling in Australia and what measures the Court, in partnership with other agencies in the family law system, can take to reduce the alienation and fear of those people

recently arrived in Australia and improve their access to and awareness of family law services. The Partnership is one aspect of the Court's National Cultural Diversity Plan.

To further advance the quality of client service delivery and to meet the rising community expectations of the Court, the Court is focusing on integrating the following areas during 2006-07 through the Client Services Integration Project:

- Client-Focused Service Delivery - by building on from the success of existing pilots such as the Family Violence Screening Pilot and the Mental Health Pilot and rolling these projects out nationally.
- Increasing Staff Awareness - by delivering specific education and training in the areas of cultural diversity, Indigenous clients, men issues and family violence.
- Reinforcement of Behaviours that Support Clients – by focusing on the development of core competencies and the implementation of client service protocols responsive to clients who: are experiencing family violence; suffer mental health issues; come from culturally or linguistically diverse communities; are indigenous Australians; and/or are men who are seeking particular support at and after separation.
- Build on Organisational Culture and Capabilities – by ensuring that staff see themselves as part of a broader public service, enabling them to respond to clients with a holistic approach, think and act across agency boundaries and refer to other government or non-government agencies.

Some aspects of these and other initiatives are expanded upon below.

Engagement with Specific Client Groups

The Court remains committed to contributing to constructive discussion with all client groups when opportunities arise, and canvassing client experiences and broader community expectations. The Court continues to action the findings from its comprehensive client and stakeholder satisfaction survey during 2004 and 2005 through the design of the Combined Registry initiative, implementation of the less adversarial approach to hearing cases, development of the Child Responsive Model, the Mental Health Support project, and the integration of numerous client services initiatives.

The Court continues to engage in discussions with numerous community and client representative groups in developing strategies around important issues such as family violence, cultural diversity, and self-represented litigants. For example, the Court has engaged in dialogue with men's groups and support organisations such as Mensline and continues to participate in forums to discuss the issues facing men in the family law system.

Mental Health Support Project

The Mental Health Support project, funded under DHA's National Suicide Prevention Strategy, is a pilot project being trialled in Adelaide and Darwin. Subsequent national adoption is anticipated but dependant on the pilot evaluation. Evaluation is currently underway and results will be known in June.

The project provides mental health support to clients of the Court by:

- Directly linking them with mental health service providers in the community and government sector through (a) *preventative referrals* offered to all new clients in recognition that separation is a difficult time for most people and (b) *responsive referrals* offered to clients who are demonstrating need such as emotional distress, suicidality or mental illness;

- Providing clear protocols for staff to guide them through a range of situations where client's may threaten harm to self or others, show emotional distress and/or signs of mental illness (developed with Orygen Research, University of Melbourne – leaders in mental health research);
- Skilling court staff to (a) use the protocols and (b) make appropriate referrals and (c) raise general mental health literacy (with the assistance of Orygen Research, University of Melbourne – leaders in mental health research); and
- Providing Mental Health literature both in terms of key messages in court brochures and special fliers containing guidance as to how clients can better manage mental health issues.

Self-Represented Litigants

Of final applications finalised between 1 January 2006 and 30 April 2006, 32% had at least one party unrepresented at some stage during the matter. A training package is being developed for court staff to help understand what information they can and cannot provide to self-represented litigants (SRLs). This package is also expected to have a wider application for all courts.

A joint SRL management plan being developed for FMC and FCoA. A flyer promoting the "Step by Step guide" for SRLs has been circulated to community-based organisations, libraries, Legal Aid Centres and registries to promote the website.

An SRL information kit was developed by FCoA in collaboration with FMC and other agencies, and is being trialed in the Melbourne, Adelaide and Parramatta registries for a 3-month period that ends 30 June. Pending evaluation, the SRL Kit will implement in all registries nationally.

Court staff provide assistance for SRLs with preparation for trial – all SRLs are contacted by phone and letter to offer procedural assistance with preparation for their trial if needed.

Additionally, the less adversarial approach provides a trial process that is easier for SRLs to understand and negotiate.

Cultural Diversity

In April 2004, the Family Court's National Cultural Diversity Plan 2004-6 was launched. The Plan sets out a comprehensive approach to the Court's delivery of services to culturally and linguistically diverse clients.

In August 2004 the Court entered into the "Living in Harmony" partnership with DIMIA (now DIMA). This is a program conducted by FCoA and funded by DIMA to increase knowledge and trust in the family law system within Australia. The specific communities selected were Ethiopian, Eritrean, Sudanese, Somali, Iraqi and Afghan. The program is designed to set up a best practice model to assist organisations to develop communication and education strategies for clients from diverse backgrounds. A final report will detail the outcomes of the program by June 2006. The program is progressing well and is seen as a "best practice" initiative by DIMA.

The interim evaluation report indicated that many community agencies saw the Family Court as a model for other Government agencies to adopt. There are a range of other activities conducted throughout the Court's registries designed to improve understanding of the needs of culturally and linguistically diverse clients. The Court trialled the delivery of interpreter services to FCoA and FMC clients by Centrelink. The trial was conducted at the Sydney and Parramatta registries. As a result of these trials, the Court is working with Centrelink to develop a memorandum of understanding for Centrelink to provide interpreter services at all registry locations.

Magellan

Magellan is primarily a case management system, designed to ensure that the cases which are the most resource intensive, involving the most vulnerable children, are dealt with as

effectively and efficiently as possible. Magellan relates only to cases involving serious allegations of child sexual or physical abuse. In each registry, Magellan consists of a team of judges, registrars and mediators who handle the cases from start to finish.

Using the same team through the legal process ensures continuity of case management for each case, minimisation of case drift, and development of expertise in the details and dynamics of each case as it progresses.

In most cases, Magellan matters aim to proceed through the FCoA in accordance with a targeted six-month time-line. There is a child representative in every case, and the legal aid cap is lifted for parents who otherwise qualify for legal aid (effective to June 2006). An early and detailed family report is prepared by a Family Court mediator in all appropriate cases, analysing the family dynamics and the needs of the children.

Early information is sought from the child protection department in relation to whether it intends to intervene in the FCoA proceedings, whether it has previously investigated these or other allegations, the conclusion, and the reasons for the conclusion of the investigation, and any recommendations or other relevant information.

Between 1 July 2003 and 30 April 2006, 529 cases nationally have been listed under the Magellan project. At 30 April 2006, there were 257 current cases and 272 finalised cases. Of the finalised cases, only 4 have returned for further applications in the case within 6 months of finalisation.

The Children's Cases Program and Child Responsive Model

The Court's pilot of a less adversarial approach to hearing children's cases is now complete. Data has been collected on up to 200 cases finalised up to 31 December 2005. A final evaluation report from Professor Rosemary Hunter of Griffith University on the pilot will be available by end June 2006. Dr Jennifer McIntosh has completed a sub-study on the impact of CCP on children, specifically in relation to:

- The nature of the co-parenting relationship
- Parents' capacity to provide less acrimonious care for their children post court.

Dr McIntosh has presented a final report to the Court which has been provided to the Attorney-General. Her findings have confirmed the Court's decision in 2003 to pursue development of a less adversarial approach. In brief, the results have shown for the CCP group, compared to the control group:

- More satisfaction with post court living arrangements (including for the children);
- Significantly less difficulty in managing conflict;
- A positive impact of the court process on themselves as parents;
- Significantly less damage to the parenting relationship post court and to the parent child relationship; and
- Greater contentment and emotional stability in children after court.

The Child Responsive Model pilot is progressing well at the Melbourne Registry, with 41 cases to date entering into the program. The Child Responsive Model is intended to compliment the less adversarial approach to hearing children's cases by more effectively preparing parties for trial, and is better integrates the work of the Family Relationship Centres in the family law system.

Client Feedback

The Family Court invested significant resources in conducting a client satisfaction survey during 2004, and follow up focus groups during 2005 – in both instances, the Court engaged the expertise of an external consultant. Additionally, the Court has engaged external experts to access client feedback in evaluating major initiatives, such as the Children's Cases Program and Child Responsive Model.

Recommendation 12

The primary aims of the *Combined Registry Program* are to:

- Reduce confusion for clients through a single point of filing to be called the Family Law Courts Registry and the introduction of a common form;
- Reduce the number of times clients need to attend court and ensure each event adds value and progresses the case towards a conclusion;
- Ensure earlier access to a judicial officer – generally a federal magistrate in the first instance;
- Establish a single entry point - it has been agreed by both Courts that the FMC will ultimately provide the single entry point; and
- Enable services that make the process timelier.

There are 16 separate projects that make up the Combined Registry Program, as presented in Diagram 1.

Diagram 1. Projects Constituting the Combined Registry Program

Project	Status
Telephony	Completed
Intranet	Stage 1 completed
Internet	Stage 1 completed
Communications	In progress
Single Casetrack	In progress
Streaming Model	In progress
Alignment of Registry Support	In progress
Rules Harmonisation	In progress
Single Application Form	In progress
Letters	In progress
Case Management Manual	In progress
File Transfers	Completed
Single Hard Copy File	Completed
Signage	In progress
Family Report Working Group	Completed
After Hours Service	Completed

Work completed to date under the Combined Registry Program includes:

- The Telephony Project - As detailed above, the National Enquiry Centre commenced operations on 3 April 2006.
- Stage 1 Intranet – Intranet infrastructure is completed, and the site is now on-line.
- Stage 1 Internet – The www.familylawcourts.gov.au site has been established.
- Communications – The Family Law Courts Design Style Guide details the design elements for family law publications and correspondence, name badges, business cards and with compliments slips issued, *Marriage, Families, Separation* brochure issued in Family Law Courts design, and the Family Law Courts Writing Style Manual provides guidance and advice to staff on the preparation of Court publications.
- Casetrack – The Requirements Specification for Casetrack (computerised operations system) finalised.
- Streaming Model – The process by which cases enter and proceed through the Courts' system has been agreed, and will be piloted during June 2006 at the Brisbane, Melbourne, Parramatta and Canberra registries.
- File Transfers – project recommendations have been accepted and will be implemented with the agreed streaming model.
- Single Hardcopy File – proposed file endorsed, to come into effect from 1 January 2007.
- Signage – Family Law Courts Registry signage installed at six registry locations to date.
- Family Reports – The recommendations of the Family Reports Working Group have been endorsed and the Preliminary Report process is presently being piloted in the Canberra, Sydney and Dubbo registries.
- After Hours Service – protocols have been established whereby the Family Court's registrars provide the same level of after hours support to federal magistrates as they do for judges.

Recommendation 14

The Family Court was involved in the early planning and development of the Family Relationship Centres (FRCs) concept through the direct involvement of a Court executive on the working party. The Family Court remains committed to the successful integration of the FRCs within the family law system.

The Court has developed the Child Responsive Model to ensure that parties are well-prepared for trial without duplicating the privileged counselling services provided within the FRCs. The Family Court's less adversarial approach to hearing children's cases incorporates mechanisms to refer cases outside the Court to community-based service providers, including FRCs. The Family Court has also contributed to the development of the Family Relationship Advice Line, assisting with advice and lessons learnt in establishing the Court's National Enquiry Centre.