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# ACCSA

Review of exposure draft of the  
Family Law Amendment (Shared Parental Responsibility) Bill 2005

Speaker Barbara Hanson

## What are children's supervised contact services?

### **Parental separation**

When parents separate the children usually live mainly with one parent and regularly spend time with the other. *Contact* (Australia), *access* (New Zealand), and *visitation* (USA) are the legal words used for the child's post separation contact with the non residential parent or another significant person such as a grandparent, sibling, or relative.

In some cases concern arises about the safety or well being of the child during the contact visit. Sometimes contact occurs against a backdrop of intense conflict and changeovers can become flashpoints. In some cases changeovers involve safety issues for one of the parents.

In appropriate cases, children's contact services assist with the practical management or facilitation of contact.

(the above information was supplied from the ACCSA website <http://www.accsa.org.au/>)

### **Special requirements in cases of child abuse or family violence**

We believe that in cases of family violence, it is imperative, for the best interest of the child, that families are immediately referred to contact centres for facilitated contact or facilitated changeovers at the issuing of a Domestic Violence Order (that this should be in legislation). The timely and consistent facilitation of contact between the children of these families and their non-residential parents at contact centres has been found to decrease the incidents of domestic violence at contact times. As with all domestic violence situations, the safety of the children and parents must be the first priority in any matter with regards to contact issues.

### **PARENTING PLANS AND PARENTING ORDERS**

Parenting plans and orders are effective in their use for non conflict families, however when safety is a valid concern the use of services offered by Contact Centres should be utilised in the first instance by both parties until both parties feel that the conflict is at a significantly reduced level, enabling them both to participate in self managed contact arrangements safely. Prompt utilisation of these services enables the parties to become child focused and committed to their joint parental responsibilities in a more expedient manner. (Bearing in mind, that all services currently require written agreements, or parenting orders for provision of appropriate services). The proposed parenting plans would be crucial in supporting parents in making out of court solutions, such as the use of contact centres.

### **Best interest of the child**

Children's contact centres, by the very nature of services provided, promote the best interests of the child. Our core aim is to provide services with the child as the primary client, we provide services with the aim of encouraging safe and worthwhile contact between children and their non-residential carers and family members, and we welcome the increased significance and inclusion of the roles grandparents and significant others play in these children's lives. Some of our members report that they have noticed the positive influence grandparents can have with their inclusion in contact arrangements.

### **Children's wishes and views**

We welcome the change from wishes to views as a child inclusive practice

### **Aboriginal and Torres Strait Islander children**

Contact centres provide a flexible format for service that recognises cultural diversity, we support kinship connections.

### **Strengthening of the parenting compliance regime**

Currently all services voice concerns with regard to the length of time it takes for breaches of orders to be dealt with in an effective and timely manner by the court, and the subsequent effect this delay can have on the developing relationship between children and their non-residential parents. We would see that changes to the law allowing for breaches to be redirected immediately to a relevant court appointed representative, enabling effective measures and referral to specific programs be ordered before the breaches become entrenched behaviour. We feel that inclusion of this option in parenting agreements would benefit the court, children and their parents

### **Schedule 3**

#### **Principles guiding the court**

We support the four guiding principles and believe that they run parallel to the philosophy of contact centres. Particularly in relation to the encouragement of parents to focus on their children and on their ongoing relationship as parents.

#### **Evidence in child related proceedings**

Currently there is no standard practice for the provision of reports by contact services to the courts. Services at present vary between providing factual records only, including dates and times of contact and critical incidents, to services that provide a full report including observations. We would welcome clarification on the provision of required information from children's contact centres to the court in the form of a standardised reporting format.

### **Schedule 4**

#### **Dispute Resolution Changes**

We would seek clarification on where the children's contact services fit within the amendments, for example do we fit in under Family Counselling, Family Dispute Resolution or are we other services. How and when will the courts refer to us as this process and the courts requirements have not been made clear.

### **Summation**

We would like to believe that this is a beginning in changing the mindset of parents, from that of ownership of children, to an acknowledgement of shared parental responsibility and in doing so protecting the rights of all children.

We would like to believe that this is the beginning of an acknowledgement that given the correct tools parents can come together and parent their children to the best of their abilities and embrace a non-adversarial process.

We would like to believe that this legislation is the beginning of a community change in acknowledging that whatever is in the best interest of children, is also what is in the best interest of the community.