



Family Law
PATHWAYS
NETWORK

WESTERN
AUSTRALIA

KEEPING YOU IN TOUCH WITH NEWS & OPPORTUNITIES IN WA FAMILY LAW

FEBRUARY 2021

Greetings from the Chair

by Karen Barker

Hello from WAFLPN!



February feels like it just flew by, didn't it? Here at WAFLPN, planning for the annual conference has been ramping up as we prepare to

open registrations. Although we have had to make a number of adjustments to the conference this year, we feel incredibly privileged to have this opportunity to come together as a sector to share knowledge, network and continue working towards improving the family law system.

After receiving an overwhelmingly positive response to the webinar on 'Understanding Coercive Control' with Jess Hill on 3 February, we are excited to have Zoe Rathus AM present the next installment in the National Family Law Pathways webinar series. On 18 March, join colleagues working with separated and separating families across the nation to explore the complex topic of parental alienation in the Australian family law system. More information about this free webinar can be found on the next pages of this eBulletin as well as on the [WAFLPN website](https://www.waflpn.org.au).

This past month also marked the sixth anniversary of [Ochre Ribbon Week](#) (12-19 February) since its establishment by the National Family Violence Prevention Legal Services Forum and its member organisations in 2016. The [Ochre Ribbon Campaign](#) raises awareness of the devastating effects of family violence in Aboriginal and Torres Strait Islander communities and highlights the need for a community-driven, culturally appropriate and trauma-informed approach to break the cycle of violence. All of us in the broad family law sector have an important part to play in not only raising awareness of the severity of this issue during the month of February, but in strengthening the cultural competency of our services and making family violence prevention a priority within our organisations year round.



SAVE THE DATE

Tuesday 25 May 2021 - CONFERENCE
Wednesday 26 May 2021 - WORKSHOP

Welcoming all professionals working in or alongside the family law system.

Venue: Burswood on Swan

Shaping the Future of Family Law in 2021

IDEAS. INNOVATION. INSPIRATION.



WWW.WAFLPN.ORG.AU/2021-CONFERENCE

PH: (08) 6117 5520 | EMAIL: EVOLVE@EVOLVEVENTS.COM.AU

I support...

Ochre Ribbon

End family violence against Aboriginal & Torres Strait Islander women and children.



DATES FOR YOUR DIARY

Upcoming training and networking opportunities

If you are running a training event and would like it included in our next eBulletin please contact

WA.FamilyPathwayNetwork@relationships.wa.gov.au

Save the Date: WAFLPN Annual Conference and Workshop Day

The WA Family Law Pathways Network invites you to join us for our Annual Conference and Workshop Day to be held on 25 & 26 May 2021 respectively, at the beautiful Burswood on Swan. Options for online attendance will also be available. With the theme *'Shaping the Future of Family Law in 2021: Ideas, Innovation and Inspiration'*, this year's conference will be of interest to professionals from a range of disciplines working in, or alongside, the family law system.

Conference: 25 May 2021
Workshop: 26 May 2021
9am-4.30pm
Burswood on Swan, 1 Camfield Dr, Burswood WA

wafvpn.org.au/2021-conference

More information to be announced soon.

National FLPN Webinar - Parental Alienation in the Australian Family Law System: Contradictions, Collisions & Consequences

The Family Law Pathways Networks across Australia invite you to join a free webinar on parental alienation in the Australian Family Law System presented by Zoe Rathus AM.

Thursday, 18 March 2021
10.00am-11.30am AWST
Online webinar
Free, registrations essential
[Register here](#)

For more information, see the flyer on the next page or visit the [WAFLPN website](#).

FDV Conference 2021 - Bringing Children and Young People into View

Join Stopping Family Violence and the Centre for Women's Safety and Wellbeing at this important three day event in September 2021, which will bring together non-government community services, the government sector and the broader community to critically examine, discuss and explore policy and practice responses to better support the safety and wellbeing of children and young people experiencing family, domestic and sexual violence.

13-15 September 2021
8.30am-5.30pm
Crown Perth, Burswood WA
Tickets starting from \$125

For more information and to register, visit fdvconference.com.au.



BRINGING CHILDREN AND YOUNG PEOPLE INTO VIEW

MORE TRAINING AND EVENTS

Check out the 'Resources' section on our website for more relevant training and events.

<https://wafvpn.org.au/resources/other-relevant-training-and-events>



Working Together in the Family Law System

wafvpn.org.au



WESTERN AUSTRALIA

Family Law Pathways Network Webinar

Parental Alienation in the Australian family law system: contradictions, collisions & consequences

Presented by **Zoe Rathus AM**



Thursday, 18 March 2021
10:00-11:30am WA Time

The Family Law Pathways Networks across Australia invite you to join a **free webinar** with leading family law expert, Zoe Rathus AM

This webinar will explore the concept of parental alienation .in the Australian family law system, and particularly will look at the impact of tensions between:

- the philosophy of shared post-separation parenting;
- family and domestic violence;
- protection of children from harm;
- allegations of alienation of children from a parent; and
- ways the idea of parental alienation can be misused.

Zoe Rathus AM is a senior lecturer at the Griffith University Law School. She has published and presented widely on women and the law, particularly the family law system and the impact of family violence on women and children. Zoe commenced in private practice in 1981 and became coordinator of the Women's Legal Service in 1989 – where she then worked for 15 years. She has been at Griffith University since 2005. Zoe has been a vocal advocate for legal system reform for nearly 40 years. She is currently Chairperson of the Immigrant Women's Support Service and a member of the Queensland Law Society Domestic Violence Committee. Zoe has received a number of awards, including an Order of Australia in 2011 for her services to women, the law, Indigenous peoples and education.

[**Register Here**](#)

Registered participants will be emailed a link for the webinar and will also have access to a recording of the webinar for 14 days following the live stream.



Australian Government



**Family Law
PATHWAYS
NETWORK**

RESEARCH & PRACTICE

The latest contributions to evidence-based practice in family law

If you are undertaking research in the field of family law that you think may be of interest to WAFLPN members, please contact us to have it included in our eBulletin.

WA.FamilyPathwayNetwork@relationships.wa.org.au

Challenging undue influence? Rethinking children's participation in contested child contact

Despite the widespread ratification of the United Nations Convention on the Rights of the Child, children continue to struggle to have their participation rights recognised and supported. This is evident within family law, where despite sometimes progressive and strong legislation, children's views are often not heard, nor given due weight, when parent-child contact is contested within the courts. Using Scotland as the example, this paper draws on recent empirical research with legal professionals, combined with an analysis of reported case law and relevant literature, to explore the barriers 'on the ground' for children's participation rights. Using the conceptual devices of 'the influenced child' and 'the influential child' to elucidate how children's participation rights are restricted, this paper offers new ways to conceptualise the notion of influence in children's participation rights in family actions.

[Read abstract or purchase article.](#)

Kay, E., Tisdall, M., Morrison, F. & Warburton, J. (2021). Challenging undue influence? Rethinking children's participation in contested child contact. *Journal of Social Welfare and Family Law*, 43(1), 8-22.

Post-Separation Contact and Domestic Violence: our 7-Point Plan for Safe[r] Contact for Children

There is an emerging recognition of coercive control as central to both the perpetration of domestic violence and abuse, and how children experience it. In multiple jurisdictions, children's exposure to domestic violence has been included in definitions of abuse and neglect that require mandatory reporting. Far from separation providing an end to domestic violence, over two decades of research on child contact arrangements highlights how it can provide legitimate opportunities for abuse to continue. While the empirical evidence demonstrates that using violence against a partner impacts on men's ability to parent their children pre-separation, and a burgeoning knowledge base and improved professional acumen appreciates the risk to children and mothers of ongoing and escalating abuse post-separation, the international practice of the presumption of contact continues to trump this empirical evidence in the overwhelming majority of cases. This not only fails to consider the risk that domestic violence and abuse poses to child safety, but serves further to marginalise children's safety. This commentary poses some difficult questions, challenging a conversation about both the risks and benefits of contact in the context of a history of domestic violence and abuse, and outlines a seven-point plan which the authors believe could make a significant difference to safe(r) post-separation contact for children.

[Read abstract or purchase article](#)

James-Hanman, D. & Holt, S. (2021). Post-Separation Contact and Domestic Violence: our 7-Point Plan for Safe[r] Contact for Children. *Journal of Family Violence*.

Setting Standards for Child-Inclusive Restorative Justice

Restorative justice (RJ) offers an alternative way for addressing criminality. It promotes accountability and reparation, without the debilitating effects of incarceration. RJ places victims at the center and enables them to communicate with perpetrators, usually with state monitoring. Recent decades have seen the widespread use of RJ worldwide. Yet, despite indications that RJ reduces violent crime, most programs target cases involving misdemeanors, juveniles, and first-time offenders. Childhood victimization has generally been left outside the scope of RJ programs, apart from juvenile offending, where the main goal is offender rehabilitation. Consequently, when the victim is a child, the promise of RJ to give victims a voice is often unfulfilled. The high rates of childhood victimization and the shortcomings of criminal justice systems in prosecuting such crimes highlight the need for child-inclusive RJ programs targeting crimes against children. The present article reviews findings from the fields of RJ, children's rights, psychology, and victimology. Through integrating these practices and approaches, it proposes a set of standards for developing child-inclusive RJ programs.

[Read abstract or purchase article.](#)

Gal, T. (2021). Setting Standards for Child-Inclusive Restorative Justice. *Family Court Review*, 59, 144-160.

NOTICE BOARD

What's happening around town

If you or your organisation has something to announce, pin it on the board! Submit an article for the notice board by emailing:

WA.FamilyPathwayNetwork@relationshipsqa.org.au

ACCSA CCS Checklist and Fact Sheet

The Australian Children's Contact Services Association (ACCSA) has produced an updated [Children's Contact Services \(CCS\) Referral Checklist](#) and [Fact Sheet](#).

These info sheets aim to provide those who may refer a family to a Children's Contact Service with references to enable safer and more appropriate direction on what to consider when choosing a CCS.

ACCSA continues to lobby the federal government for the introduction of a National CCS Accreditation System - it is the association's view that, in regard to CCS use, the primary objectives of the Family Law Act (child focus and safety of vulnerable family members) cannot be attained until such a system is in place.

For more information, visit the [ACCSA website](#).

**Changes to the Legal Practice Board CPD Management System**

The Legal Practice Board (Board) has introduced a new online CPD Management System (CPDMS) to monitor and manage CPD compliance obligations for all WA legal practitioners.

The Board is pleased to advise that the CPDMS is now available for use by QA providers and practitioners

While use of the CPDMS is not mandatory until 1 April 2021, QA providers and practitioners are encouraged to start using the CPDMS immediately. QA providers (providers who deliver approved CPD activities, such as the WA Family Law Pathways Network) will be required to use the CPDMS from 1 April 2021.

Through the CPDMS, practitioners will be able to access records regarding their CPD compliance from one central point and apply for the approval of single activities. This system will also provide a more consistent approach for CPD providers to provide information to the Board in relation to the delivery of approved CPD activities.

The Board's website has been updated to include information regarding the implementation and use of the CPDMS.

[The CPDMS information page can be found here.](#)

DISCLAIMER

Content included in this eBulletin originates from a range of sources including contributors from the wider community. The opinions and viewpoints contained do not necessarily reflect those of WAFLPN or its affiliates.

FEEDBACK

If you have any suggestions on how to improve our ebulletin, please email them to sofia.kouznetsova@relationshipsqa.org.au

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