

Ranking by risk, but where are the resources?

Prioritisation of children's cases according to risk level is a laudable step, but where are the resources to actually then deal with the cases before the Court?



Sarah Galvin
LL.B MQLS
Family Law Solicitor
PH: 07 55769999
E: sarahgalvin@robbinswatson.com.au

Referred to as The Lighthouse Project, a new pilot programme focusing on parenting matters and family violence will be commencing in Brisbane registry this year. The Project involves three fundamental tenets;

- “screening process” where parents will complete a confidential and inadmissible online questionnaire for children’s matters;
- “triaging” where the matter will assessed and directed into the most appropriate case management pathway based on the level of risk; and
- High risk cases will be allocated to a specialist list called the “Evatt List”

The Project will be underpinned by the [Family Law Amendment \(Risk Screening Protections\) Bill 2020](#), which was created following an announcement in December last year from the Government of \$13.5 million in funding for this project, in response to a range of calls to better address domestic violence. The pilot of the new family safety risk screening processes will operate from 2020 to 2022, from the Brisbane, Parramatta and Adelaide court registries, which collectively receive more than 42 per cent of filings.

The underlying premise is that ranking matters according to risk means that the Court’s resources can then be allocated to the most urgent cases, thus improving safety and outcomes for families using the family courts.

There is heavy emphasis on resourcing the assessment process. The screening process starts with a specially developed questionnaire via a confidential and secure online platform known as Family DOORS Triage. Triage team are to be comprised of highly skilled registrars, family counsellors, and support staff with detailed knowledge in family violence and family safety risks. The Evatt List will be managed by a judge-led support team. The team will again have specialised training and is experienced in working with families where high risk safety issues have been identified.

While a laudable initiative in itself, many issues remain.

Once a risk level is identified, what happens then? The Evatt List is for high risk cases only, and will require proper resourcing to achieve the stated outcomes. For other matters it's not clear what other case management "pathways" are going to be available. Having court staff signpost external support services will no doubt be useful, but what about the resources to resolve the dispute before the Court?

All our members of society are entitled to expect prompt and fair access to justice. Matters that are not "High Risk" are still important. What of the matters which are medium or low risk, what resources will be leftover for those families?

Fundamentally, the issue is an overall shortage of resources in the Family Law system. Until this is resolved, any prioritisation of one area (no matter how deserving) will lead to even greater delays in the areas that remain and all of the matters still need access to Judges and other resources.



robbins
watson
SOLICITORS

Creative. Intelligent. Tenacious

Liability limited by a scheme approved under professional standards legislation. Copyright 2019 Robbins Watson Solicitors

DISCLAIMER: 1. The information on this blogpost is of a general nature, not intended to be specific professional advice; 2. Please seek the opinion of a professional to advise you of your situation; 2. The author's opinions are his/her own and do not represent the views of any other person, firm or entity; 4. The author is not responsible for the accuracy or appropriateness of third-party comments or articles, including those of guest authors and editorial contributions; 5. Any comments, letters, and other submissions are moderated and may be edited or withheld at the sole discretion of the author.