



Settled & Safe

**TRAINING
MATERIALS
DAY ONE**

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Settlement worker training

TRAINING MATERIALS DAY ONE

ABOUT THIS TRAINING

Introduction

Settled & Safe is designed to increase awareness of family law and family violence in newly emerging communities by:

- increasing settlement service providers' knowledge of family violence, Victorian legal responses to family violence, and VLA services
- collaborating with settlement service providers to deliver legal information sharing programs to newly emerging communities
- increasing VLA's organisational responsiveness to newly emerging communities with a particular focus on the prevention of family violence.

Aims and objectives

Settlement worker training aims to improve settlement workers' understanding of the laws and legal processes for resolving family matters, and how members of newly emerging communities can access legal help and services. By the end of each legal session settlement workers will be able to:

- describe the process of a matter through the relevant system
- describe roles in the system
- identify key principles of the relevant legislation
- refer clients for legal advice or assistance.

The training is delivered over two days. This training program must be undertaken by settlement workers if they are partnering with a legal service provider to deliver the Settled & Safe information sharing program.

INFORMATION NOT ADVICE

This training and the related materials are intended as a general guide only. Recipients of training should not act on the basis of any material in this training without getting legal advice about their own particular situation.

Victoria Legal Aid expressly disclaims any liability howsoever caused to any person in respect of any action taken in reliance on the contents of this publication.

The materials that support this training reflect the law and legal processes in April 2014. To check for changes in the law you can:

- call Victoria Legal Aid's Legal Help phone line on 1300 792 387
- visit Victoria Legal Aid's website at www.legalaid.vic.gov.au

VICTORIA LEGAL AID SERVICES

Victoria Legal Aid is a statewide organisation that helps people with their legal problems. We focus on helping and protecting the rights of socially and economically disadvantaged Victorians.

We have lawyers in offices in most major metropolitan and country regions. We also fund private lawyers to provide legal services to the public.

Call us for help with your legal problem

Call us on 1300 792 387, Monday to Friday, 8.45am to 5.15pm for free information about the law and how we can help you.

Publications

Victoria Legal Aid has publications in various languages targeting common issues of concern for newly emerging communities, such as:

- driving
- consumer issues
- fines
- debt

There are also publications specifically about family violence and family law.

Publications can be downloaded or ordered for free by visiting the Victoria Legal Aid website and following the links to: free publications.

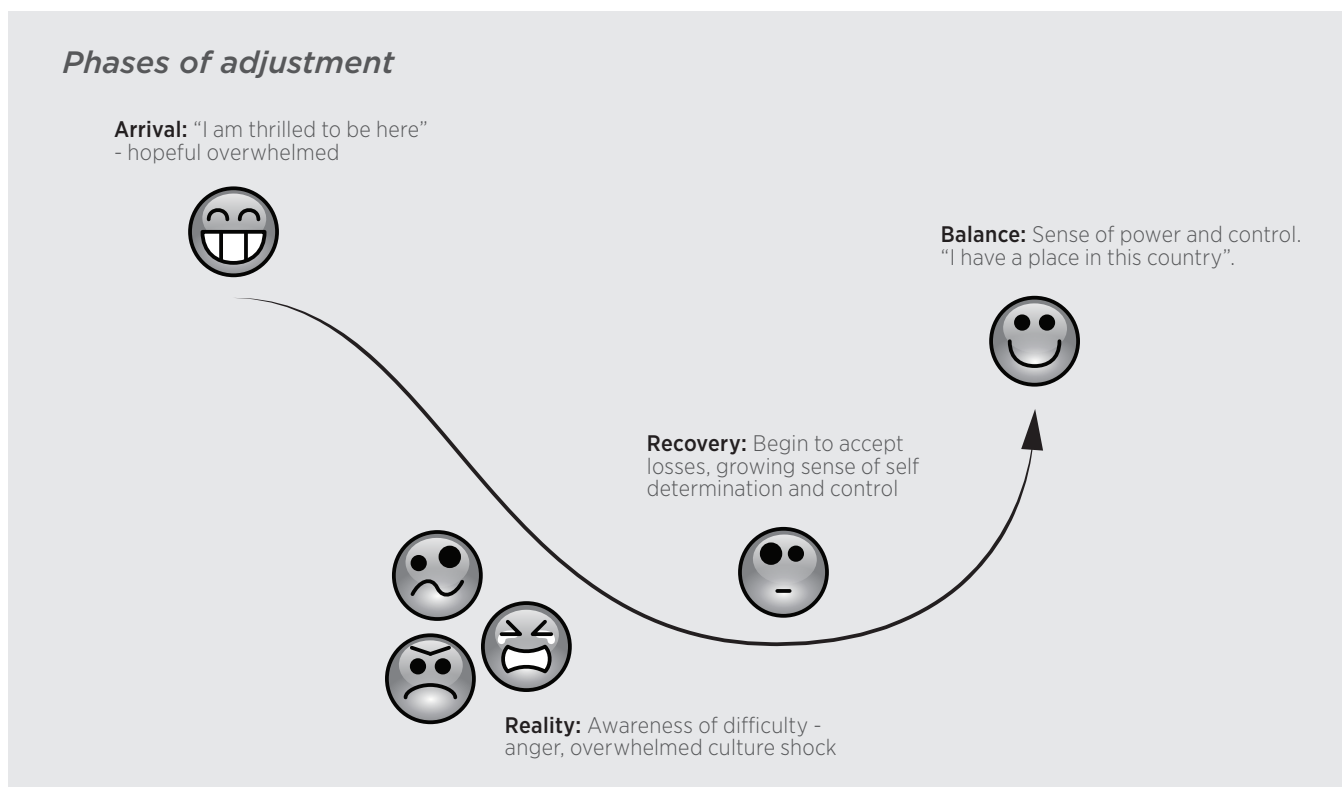
OUR COMMUNITY: SETTLEMENT WORKER TRAINING ACTIVITY SHEET

Same and different

What are the similarities and differences between perceived mainstream Australian culture and the culture of the newly emerging community you are working with?

Same	Different

PHASES OF ADJUSTMENT



Process of adjustment

- Which stage of adjustment is the community that you work with in?
- Does everybody settle or adjust at the same rate?
- How might these stages of adjustment impact on relationships between individuals in your community?

Notes:

FAMILY LAW: CASE STUDY

Mary and Peter

Mary sits at her cousin's kitchen table. She is having a cup of tea before she starts preparing dinner. Mary can hear her children watching television and playing in the background. She thinks about her life in Australia. There are things she likes and things she dislikes. Australia is a very safe place for her family, not like where they have come from. Mary thinks about each of her four children: two boys aged nine and seven, and two girls aged five and three. It seems each one is smarter than the next. How will she keep up! They have their lives ahead of them. They will each go to school and they will learn to read and write. They already speak English so well. Mary goes to a conversation class to improve her English. She loves to get out of the house and see other women. Mary often feels lonely – much of her family is back in the camps. She misses her mother, especially her support and advice.

Mary starts to think about her husband Peter. They come from very different backgrounds. Peter was raised in rural Democratic Republic of Congo, whereas Mary grew up in urban Burundi. They met in Tanzania. Although things were extremely hard in the camp (she already had two children then), they worked together and they made it to Australia. They now have two children of their own. At first they were so happy and excited about building a new life for all of their children, but now things are not good.

Peter struggles to find a job and they find it difficult to pay bills and feed and clothe the children (who are all growing too fast). Peter moved the family to the country where he feels more at home, but Mary feels she is losing connection with her friends from her English group. Mary is getting better at English and would love to learn how to be an interpreter. Peter wants her to stay at home as he wants to have another child. They fight a lot. Sometimes Peter does not come home for days and he drinks too much. Mary thinks Peter has another woman. This makes her very sad.

When Peter first arrived in Australia he thought it would be the end of his struggles; a new start. Now he thinks that life is not so simple. He does a lot for his community and hopes that he will soon find a job. Things are not like they are back home. Without a job he cannot be the head of the family and he feels that Mary does not show him respect as her husband. She is always asking for money and wanting to know where the money goes. Peter wants a big family for

his children – lots of brothers and sisters to look after each other, like he had when he was growing up but Mary says no.

Peter made the decision to move to the country where the air is fresh, the houses are bigger and he might find some work. But Mary is unhappy and wants to move back to Dandenong. Sometimes Peter meets with friends and they all drink together. When he returns home Mary always questions him and yells at him – she calls him a drunk!

Mary's English is far better than his and she wants to be an interpreter and earn money, leaving the children at home; but that is not her role, she is the mother of his children not the father. They fight a lot.

Peter is unhappy. Mary is like a different person and now she wants different things. She has taken the children to stay at her cousin's house. They have tried to solve their problems in the past but Mary now says she does not want to be his wife. Peter cannot see how there can be any peace in their lives and they have decided to separate.

Mary wants to move the children back to Dandenong. Peter wants the children to live close by and be brought up in a country town. Mary believes it is her decision as to where the children should live. As she is the mother they should live with her. Mary thinks that the children are not safe with Peter because he drinks too much and she does not want them to see him. Peter says he doesn't drink around the children and he is still their father. Mary says she does not want the children to stay with Peter overnight because that would shame her in her community. Peter says that since Mary won't let the children stay at his house it is impossible for him to see them.

FAMILY LAW PARENTING: BEST INTERESTS OF THE CHILD

These are the considerations the court will take into account when assessing the best interests of the child (section 60CC of the Family Law Act 1975).

Primary considerations

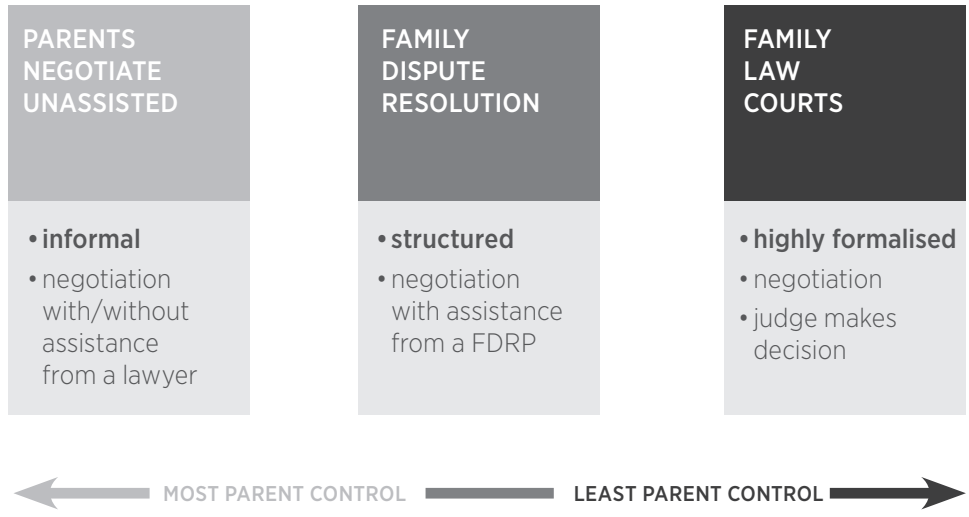
- The benefit to the child of having a meaningful relationship with both parents.
- The need to protect the child from physical or psychological harm from being subjected to, or exposed to, abuse, neglect or family violence.
- More weight is given to the second consideration.

Additional considerations

- Any views expressed by the child and any factors such as the child's maturity or level of understanding, that the court thinks are relevant to the weight it should give to the child's views.
- The nature of the child's relationship with each of their parents and other people (including any grandparent or other relative of the child).
- The extent to which each of the parents have taken, or failed to take, the opportunity to:
 - participate in making decisions about major long-term issues in relation to the child
 - spend time and communicate with the child.
- The extent to which the parents have fulfilled, or failed to fulfil, their obligations to maintain the child.
- The likely effect of any changes in the child's circumstances, including the likely effect on the child of any separation from:
 - either of his or her parents
 - any other child, or other person (including any grandparent or other relative of the child) with whom he or she has been living.
- The practical difficulty and expense of a child spending time with and communicating with a parent.
 - The capacity of each parent and any other person (including any grandparent or other relative of the child) to provide for the needs of the child, including emotional and intellectual needs.
 - The maturity, sex, lifestyle and background (including culture and traditions) of the child and of either of the parents, and any other characteristics of the child that the court thinks are relevant.
 - If the child is an Aboriginal child or a Torres Strait Islander child:
 - the child's right to enjoy his or her Aboriginal or Torres Strait Islander culture (including the right to enjoy that culture with other people who share that culture)
 - the likely impact any proposed parenting order will have on that right.
 - The attitude to the child and to the responsibilities of parenthood demonstrated by each of the parents.
 - Any family violence involving the child or a member of the child's family.
 - Where a family violence order applies, or has applied, to the child or a member of the child's family, any relevant inferences that can be drawn from the order taking into account the following:
 - the nature of the order
 - the circumstances in which the order was made
 - any evidence admitted in proceedings for the order
 - any findings made by the court in, or in proceedings for, the order
 - any other relevant matter.
 - Whether it would be preferable to make the order that would be least likely to lead to further proceedings in relation to the child.
 - Any other fact or circumstance that the court thinks is relevant.

FAMILY LAW PARENTING: PROCESS

Family Law process



Notes:

FAMILY LAW PARENTING: CONTESTING COMMONLY HELD BELIEFS

I am going to get full custody.

He said that if I left I would never see the children again.

Now we have separated the children have to live with me one week and my ex-partner the next.

I am the mother so the children must live with me.

My child is 12 so they can make up their own mind.

My ex-partner has an intervention order against me, so I will never be able to see my children again.

He doesn't pay child support therefore he does not get to see the children. When he pays he can see them.

The children live with me, so what I say goes.

CHILD PROTECTION: CASE STUDY

Nardalie

Nardalie had been picking apples at the orchard. She started at six o'clock in the morning and finished at two in the afternoon. It was a long day, but this is work she needs to do to bring up her three children – Laetitia, who is 15 years old, Fabrice, who is 13 years old, and Joseph who is eight.

While her children are at school, Nardalie fills bins with red apples to make some extra money on top of her Centrelink benefits. The work is tough but she is used to it and the sun doesn't bother her. On the long bus ride home, Nardalie is thinking about her children. She hopes Laetitia has started making the fufu for dinner. Sometimes she makes it too lumpy. She is young and she will learn; she is a good girl. The boys are her angels, even when they are naughty.

The bus stops suddenly. Nardalie can see police cars and police. Nardalie hears an ambulance siren and looks out the window as they pass a car accident. The memories of Kivu and the killings come to her – her husband dead and her first son missing. She wants to run.

Nardalie finally reaches the door of her flat. She knocks but there is no answer. Nardalie knows they are inside as she can hear the television. She gets out her key, opens the door and walks in to see Laetitia on one side of the couch and Fabrice on the other side. Their eyes are hypnotised by the television which is very loud. 'It is too loud,' Nardalie almost has to shout. 'Sssshhh', Laetitia replies, 'Your mother is talking Laetitia, and I say it is too loud'. Nardalie unplugs the television from the wall. Fabrice says, 'Mama why did you do that?'

'You are watching rubbish, what good does that teach you?' Nardalie says. Laetitia gets up off the couch and puts the plug back in.

Nardalie smells something burnt. In the kitchen she finds not only lumpy fufu, but it is burnt too. When will Laetitia ever learn? And where is her little boy? Nardalie goes into Joseph's bedroom, but he is not there. Nardalie searches the house but she cannot find him. 'Where is Joseph?' Nardalie asks Laetitia and Fabrice. With her eyes glued to the TV, Laetitia replies, 'He's at Louie's house. We can pick him up later.' 'Louie? who is Louie?' Nardalie asks. 'He's a new kid. Joseph likes him,' says Fabrice. 'You left your little brother at a stranger's house? How could you, where are your brains? I come home to find no Joseph and no food!' Nardalie picks up the TV in her strong

arms and throws it at the wall. The screen goes black. 'Mum!' screams Laetitia. 'Oh my God,' says Fabrice. 'Bring Joseph to me NOW!' says Nardalie.

Laetitia and Fabrice leave the flat, slamming the front door. Laetitia yells, 'I hate you!' as she walks off with Fabrice to get Joseph from his friend's house. Nardalie runs to her room, slamming the door. She crouches in a corner.

Five days later, Nardalie receives a phone call from a child protection worker from the Department of Human Services. She does not understand why¹.

¹ Nardalie's story was developed by Angela Costi and the African Communities around Shepparton as part of the Family Harmony Project

CHILD PROTECTION: DISCUSSION

In small groups discuss the following questions (15 minutes) then feedback thoughts to the whole group.

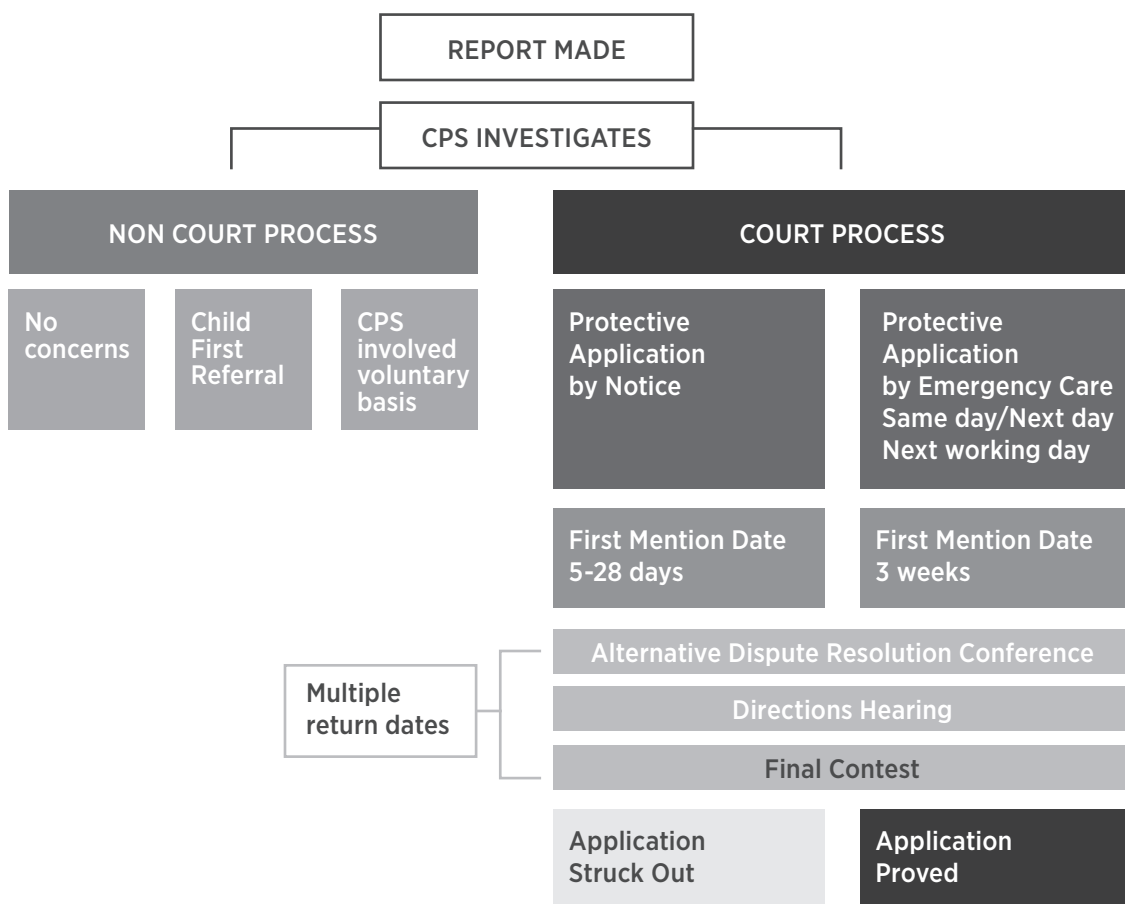
- What are the issues for Nardalie and her children?

- How could these issues be resolved with family and community involvement?

- How could these issues be resolved legally?

- What supports would be useful for Nardalie and her family?

CHILD PROTECTION: PROCESS



Notes:

CHILD PROTECTION: GROUNDS FOR PROTECTION

The court may find a protection application proven on any of the following six grounds (section 162 of the Children Youth and Families Act 2005):

- the child has been abandoned
- the child’s parents are dead or incapacitated
- the child has suffered, or is likely to suffer, significant physical harm
- the child has suffered, or is likely to suffer, sexual abuse
- the child has suffered, or is likely to suffer, significant emotional harm
- the child has suffered, or is likely to suffer, medical neglect.

The significant harm does not have to have happened; it could be likely to happen.

Notes:

CHILD PROTECTION: COMMONLY HELD BELIEFS

- Child Protection decides whether your child can live with you.

- Child Protection just go on what children say.

- Parents are not allowed to discipline their children.

- Once Child Protection take your children you will never see them again.

- Child Protection only get involved when something really bad has happened.
