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Final Report for COVID-19 Domestic and Family Violence Solicitor at Mid North Coast Legal Centre

Introduction

This grant from Women’s NSW was to recruit a Solicitor with expertise in family law to provide legal advice, education and assistance in matters of domestic and family violence on the Mid North Coast.

Emma, the recruited solicitor, started with MNCLC on 1 March 2021 after relocating from Victoria. Emma offered legal assistance to those experiencing domestic violence and had a particular focus on young people (including those leaving OOHC), women from CALD communities and women with disabilities. The additional family law training and experience Emma brought to the service has meant significant upskilling in the MNCLC team, which has enhanced our capacity to assist vulnerable people targeted by the program.



The COVID-19 Domestic and Family Violence Solicitor position has enabled MNCLC to provide targeted legal advice and assistance in relation to family violence and associated civil legal matters to women experiencing domestic violence in the complex context of COVID19, improving their access to justice.

Outcomes

Legal Advice and Assistance

Emma provided legal advice and casework under the supervision of the Principal Solicitor in matters resulting from or occurring in the context of DFV. Emma ran a weekly clinic for clients with family law issues resulting from domestic violence and works closely with DV providers in our catchment to facilitate referrals. Emma attended a regular outreach at



Macleay Vocational College Mum's and Bub's Program for young women experiencing domestic violence and provided regular outreach services at Port Macquarie's Domestic Violence Refuge.

Emma has provided 160 advice sessions to 117 domestic violence victims since the service commenced under this grant, with 91 of those sessions being during this reporting period. Emma has also provided ongoing casework and representation to 34 women under this grant, with 24 of these files being opened in the reporting period.

Emma provided ongoing representation legal matters including:

- victims services applications,
- AVO matters
- Family law matters.

Emma's casework included assistance for particularly vulnerable women in complex family law litigation matters including:

- live with and spend time with applications for children
- small property pool negotiations
- recovery order applications.

De-identified case studies below set out some of the complex legal work that MNCLC has been able to assist domestic violence victims as the result of this grant:

Jessica* – Case Study

Jessica is a young Aboriginal woman referred to us on an urgent basis.

Jessica is a victim of domestic violence and had a complex history of mental health issues. MNCLC DFV solicitor was able to take urgent instructions from Jessica, draft and file her family law response within 48 hours. Our solicitor provided representation to Jessica at her first family law court mention and subsequent court events. Jessica was able to produce evidence of her connectedness with appropriate services and the Court made orders for the Jessica and her child to remain living together and spend supervised time with the father.

Jessica had difficulty in connecting with legal help in this matter prior to this time (which contributed to the urgency of this matter), MNCLC's ability to respond to the urgent needs of this vulnerable victim of domestic violence resulted in greater access to justice and an improved legal outcome for mother and child.

Rebecca* - Case Study

Rebecca and her child suffered significant physical abuse at the hands of her ex-partner for many years. Ultimately Rebecca escaped the home with her child in the middle of the night and her abuser was convicted of violent offences and sentenced to a lengthy imprisonment.

Rebecca sought help to obtain orders allowing her to change her child's name due to the extensive media coverage of the crimes and child's wish to share the name of the mother.

Rebecca was refused legal aid despite earning a very low and casual income, renting her home and having other dependent children and no other assets. Rebecca could not afford a private lawyer, and she could not represent herself and face the other party in Court. Rebecca had been trying for several years to find a solicitor who would help her with this legal problem.

MNCLC DFV Solicitor was able to assist Rebecca, draft and file her application in the family law courts, represent her at the hearing of the matter and ultimately obtain orders that her child's name could be changed. Rebecca was hugely relieved and hopeful that this step would be instrumental in helping her child move on from the abuse. Had MNCLC DFV Solicitor been unable to assist, Rebecca would not have been able to access the family law courts and this outcome.

Networking and Referral Pathways

Emma established strong relationships with local domestic and family violence services, court workers, industry professionals and services specific to the disability, CALD and OOHC communities. She has presented to Interagency meetings in Taree, Coffs Harbour and Port Macquarie and to the Port Macquarie Hastings Domestic Violence Committee about her role and access to our service for help with legal issues experienced by victims of family violence.

Feedback received from key Domestic Violence Specialist Services in the Mid North Coast region has been that the DFV Solicitor role is filling an important service gap for women experiencing domestic violence. This is evidenced by strong referral rates, more than 90% of all new DFV referrals and weekly clinic appointments resulted from direct referrals from local Domestic Violence Specialist Services, including: Liberty Domestic Violence Specialist Service, Warrina Domestic & Family Violence Specialist Services, Women's' Domestic Violence Court Advocacy Service, Mission Australia Kempsey and Uniting Australia Taree.

Community Legal Education and Outreach

Emma provided several community legal education sessions for domestic violence workers in our region during the second half of 2021, despite lockdown restrictions. These included online sessions for Mission Australia staff teams (4 November 2021), in-person sessions for Liberty Domestic Violence staff team (9 November 2021) and in-person session for Women's Domestic Violence and Court Advocacy Service staff team (2 November 2021).

MNCLC domestic violence solicitor also presented at larger public forum sessions including the Bluesky Domestic Violence Forum and the Family Law Pathways Network Online Sessions – both of these larger online forums were made available to domestic violence and family law focused workers in our region and both sessions were attended by over 150 people.

MNCLC has also offered several direct to public community legal education sessions on domestic violence related legal issues including to smaller group of domestic violence victim survivors.

CALD TAFE: Coffs Harbour

On 19 and 20 May 2021 MNCLC collaborated with TAFE in Coffs Harbour presenting on Family Law at the CALD law expo in Coffs Harbour. The expo was run over two days. The first day focused on CALD students with low levels of English (132 students) and involving interpreters for each cultural group. The second day was targeted at students further through their TAFE program and with higher levels of English (135 students).



Conversations in the Chair: Laurieton, Wauchope and Port Macquarie

Part of Emma’s role has been to deliver education programs to industry professionals such as hairdressers, beauticians, dentists and physiotherapists, who develop strong rapport with their clients, who may be victim-survivors of violence. This education role has been demonstrated to equip those professionals with the skills to identify and refer matters for legal assistance – providing the link for many victim-survivors who are unable to access more specific violence-response or prevention services in the first instance.

We have held Conversations in the Chair in Laurieton, Wauchope and Port Macquarie in 2021. Although our most recent event was to reduced numbers as a result of unexpected COVID restrictions, we’ve been able to present to over 30 salon professionals about issues of domestic and family violence and how they can safely refer their clients to relevant services including MNCLC. We partnered with the members of the local Domestic Violence Monitoring Committee to provide these sessions, and feedback from attendees was overwhelmingly positive.



Dusk Program

The Dusk Program is run by Liberty Domestic Violence Specialist Services, MNCLC DFV Solicitor attended the Program (four times throughout the year) to provide a 60-minute session on common legal problems that result from domestic violence and how to seek help to resolve these legal issues, the session is delivered directly to a small group of victim survivors in a safe and supported environment.



What is DUSK?

Dusk is a supportive 8 week closed group program for women who have experienced domestic and family violence.

Dusk is a safe space for women to Discuss and Understand our Shared Knowledge (DUSK).

Through the group, we work together to build knowledge, understanding and self-esteem. We value and respect each woman’s own unique journey.

Group facilitators are qualified Domestic and Family Violence Specialists.

Transport to and from the venue and childcare during group sessions are available free of charge.

Session 1	20.07.2021	What is Domestic and Family Violence
Session 2	27.07.2021	The cycle of violence
Session 3	03.08.2021	Emotional abuse: invisible wounds
Session 4	10.08.2021	Re-setting boundaries
Session 5	17.08.2021	Isolation and the value of reconnection
Session 6	24.08.2021	Legal Information: AVO's, Victims Services and Family Law
Session 7	31.08.2021	Self-care
Session 8	07.09.2021	Summary and feedback

Please contact Liberty Cottage on 6583 2155 for further information.

BlueSky Mid North Coast Forum – Domestic Violence is everyone’s business

On 29 and 30 November 2021 Emma presented two 45-minute sessions as part of the Mid North Coast’s Domestic Violence is Everyone’s Business Forum – one on navigating the family law system and the other on recognising financial abuse. Both sessions were attended by over 100 participants and well received, resulting in new referrals of vulnerable women experiencing domestic violence, for legal help.



Domestic and Family Violence is Everyone's Business Forum

#DFViseveryonesbusiness

When: 29th & 30th November 2021

Time: 9:00am - 3:30pm

Where: YouTube link

Cost: Free

To register go to: <https://bluesky.org.au/training-events/>

Family Law Pathways Network – Separating with Debts

On 1 February 2022 Emma presented a 60-minute session as part of the Mid North Coast’s Family Law Pathways Network Online Series on how best to assist clients who are separating with debts, with a special focus on domestic violence and financial abuse. 200 participants subscribed to attend this session, predominantly community and domestic violence service workers.



Australian Government Family Law PATHWAYS NETWORK

Family Law Pathways Network Lower Mid North Coast Greater Newcastle, Coffs Harbour & Northern Rivers Regions Present

Separating with Debt, Practical Steps to Support Your Clients

Tuesday, 1 February 2022, 1:30 - 2:30 pm AEST

REGISTER NOW

When relationships break down financial hardship is common. Financial abuse can also be present. Would you like to know more about how you can support people who are experiencing financial hardship and debt crisis in the wake of relationship breakdown? In this session Emma Smallwood, family law solicitor will give you guidance and tips on how to support people who are experiencing financial hardship as a result of relationship breakdown and/or domestic and family violence. It's a complex area, but this session is aimed at helping you to sort through the family law and non-family law issues and figure out

what needs to be done urgently and who can help your client recover financially. The presentation will be interactive using menti.com, you will be asked to log on and provide feedback on your own experience helping those experiencing financial hardship during separation throughout the presentation.

Registered participants will be emailed a link for the webinar within 24 hours of the scheduled start time and will also have access to a recording of the webinar for a period of time following the live stream

About the Presenter:

Emma Smallwood

Emma is an experienced family lawyer, working predominantly in the legal assistance sector. Emma's previous roles include: Associate Director of Family Law Services Legal Aid, Family Violence Program Manager at Victoria Legal Aid and Manager of Policy and Projects at Women's Legal Service Victoria. Emma specialises in small property pool family law matters and in particular combatting economic abuse.

Emma authored [Stepping Stones](#) an influential research report on the economic impacts of family violence (with a focus on family law reform) in 2015. For this work Emma was a Finalist for the 2015 Women in Law Young Gun of the year award and winner of the 2016 Victorian Community Lawyer of the year award. Most recently Emma was contracted by the Attorney-General's Department to work on their guide, [Separating with debt: a guide to your legal options](#).

Emma has recently returned to regional NSW and is currently providing family law representation to victims of family violence in her role as domestic and family violence solicitor at the MNC Legal Centre.

In-house Training and Mentoring

Emma provided in-house training and mentoring to employees on legal issues resulting from domestic and family violence. Emma provided three 60-minute training sessions for all MNCLC staff on the following topics:

1. Family Law Small Property Matters with a focus on Debt and Financial Abuse (July 2021);
2. Family Law Basics and Triage for Domestic Violence Victims, with a focus on Children's Matters (November 2021); and
3. Family Violence Risk Identification for Solicitors (February 2022).

Emma has also had several MNCLC solicitors observe her family law clinics and provided these solicitors with practical family law resources to assist them to identify and respond to family law issues that arise with the clients presenting.