

# BEST PRACTICE PROTOCOL

International Parental Child Abduction and Family Violence

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Victorian Women's  Benevolent Trust

Investing in Women and Girls.

## Introduction and Purpose

This protocol offers guidelines towards effective service delivery and responses when working with mothers and other caregivers who are identified as experiencing family violence, and are seeking to escape with their children from this violence by removing their children internationally without the other parent's consent. The undertakings in the protocol, grouped in specific thematic areas are designed to enhance the support, choice, information and resources available for caregivers, and maintain the safety of caregivers and children while preventing the occurrence of international parental child abduction. The protocol also seeks to enhance collaboration between International Social Service Australia, and Victorian agencies working with women experiencing family violence.

## Abbreviations

- **IPCA:** International Parental Child Abduction
- **ISS Australia:** International Social Service Australia
- **1980 Hague Convention or Hague Convention:** The Convention on the Civil Aspects of International Parental Child Abduction. The purpose of the Convention is to ensure that children who are wrongfully removed from their country, or wrongfully retained in another country, are returned to where they have normally lived, that is, to their country of habitual residence. The Convention was entered into force on the 25<sup>th</sup> of October 1980 and currently has 94 signatory countries.

## Education

In order to raise awareness and assist mothers and other primary caregivers who are experiencing family violence and contemplating IPCA, ISS Australia will:

- 1.1 Provide mothers and other primary caregivers who contact our agency with explanatory information on IPCA and explore available options and strategies if they are contemplating IPCA
- 1.2 Discuss with mothers and other primary caregivers the legal implications of IPCA generally in regards to the 1980 Hague Convention if applicable
- 1.3 Provide mothers and other primary caregivers with legal advice and information regarding their legal options
- 1.4 Provide information on Australia's Family Law system
- 1.5 Educate mothers and other primary caregivers on the emotional, psychological and possibly physical effects IPCA could have on their child(ren) and on themselves

- 1.6 Provide information regarding the Family Law Airport Watch List; how it operates and how it can assist the mother or other primary caregiver (if they are fearful of a child(ren) being removed from Australia by their other parent)
- 1.7 Conduct thorough assessments of the mother's or other primary caregiver's and child(ren)'s safety, and provide the necessary information and referrals to appropriate support services

In addition to educating mothers and other primary caregivers, it is essential that ISS Australia conducts ongoing training sessions for organisations within the family violence, family support and legal sectors. Educating professionals in these sectors will vastly improve mothers' and other primary caregivers' access to specialised support and knowledge. ISS Australia will:

- 1.1. Conduct ongoing training and information seminars targeting organisations within the legal, family violence and family support sector
- 1.2. Explore avenues to ensure financial sustainability for IPCA related training and information seminars, either through participation fees, philanthropic funds or government funding
- 1.3. Develop educational materials for clients and professionals with information on the risk factors and indicators of IPCA, the impacts IPCA can have on both the child(ren) and parent(s), prevention strategies, steps to take if IPCA has occurred and ISS Australia's services
- 1.4. Disseminate educational materials via ISS Australia's web page, social media outlets (Twitter and Facebook) and via email specifically designed for the public, and for community and legal sector professionals
- 1.5. Offer secondary consultation services to external agencies regarding IPCA
- 1.6. Partner agencies within the legal and family violence sector will:
- 1.7. Increase their professional knowledge of IPCA and the Hague Convention through training and education seminars
- 1.8. Develop a collaborative and ongoing relationship with ISS Australia which provides legal and social work advice and services for families experiencing IPCA
- 1.9. Consult and refer to ISS Australia regarding IPCA cases

## Meeting client's practical needs

ISS Australia is aware that in order to ensure the safety and well-being of primary caregivers and children, their practical needs must be met. ISS Australia will:

- 1.1. Approach each conversation with mothers and other primary caregivers with a non-judgemental attitude and in partnership with caregivers, build a relationship of mutual respect and honesty
- 1.2. Recognise that mothers and other primary caregivers are best qualified to make decisions for their child(ren) and themselves and respect their decisions regarding intervention
- 1.3. Work in partnership with mother's and other primary caregivers in the development of a safety plan, applicable both within Australia and internationally as required
- 1.4. Develop collaborative relationships with organisations offering emergency, refuge accommodation and crisis intervention to women and child(ren) to facilitate prompt referrals as requested by clients
- 1.5. Develop collaborative and ongoing relationships with services which provide long term mental health and counselling services for women and children impacted by family violence
- 1.6. Develop collaborative and ongoing relationships with legal services which can provide women with legal advice regarding family law, visa and immigration status
- 1.7. Develop collaborative and ongoing relationships with organisations which offer services to assist women to access child care, child(ren)s schooling, education, financial assistance, food, clothing and other material aid
- 1.8. Develop collaborative and ongoing relationships with organisations which offer services reducing mothers' and other primary caregivers' feelings of isolation through peer support and social connectedness

Partner agencies within the legal sector and family violence sector will:

- 1.1. Advise clients as to their legal options , alternatives and available support services
- 1.2. Focus on the best interests of child(ren) and the safety of mothers and other primary caregivers; and the fostering of strong parenting relationships between caregivers and child(ren)
- 1.3. Provide prompt legal advice concerning family law issues, safety concerns and immigration
- 1.4. Provide mothers and primary caregivers with responsive family violence services
- 1.5. Develop collaborative and ongoing relationships with ISS Australia and consult and refer to ISS Australia on IPCA cases

## Collaborative and Holistic Service Delivery

ISS Australia recognises that women experiencing family violence who are contemplating IPCA have multiple needs, which can only be met by the use of diverse organisations; additionally the child(rens) safety and needs must be prioritised. To provide the best and most efficient delivery of these services, a collaborative and holistic service delivery model will be implemented. ISS Australia and partner agencies will:

- 1..1 Collaborate with each other through ongoing attendance of and participation in meetings, events and membership networks, to build closer connections and assist clients through integrated service delivery
- 1..2 Develop collaborative and ongoing relationships with community legal services to strengthen referral pathways and facilitate prompt access to legal advice for clients contemplating IPCA
- 1..3 Develop a collaborative and ongoing relationship between ISS Australia staff and family violence services/organisations and support services to facilitate prompt and appropriate referrals
- 1..4 Engage in collaborative case management to prevent the re-traumatisation of mothers and other primary caregivers through the retelling of their narrative
- 1..5 Ensure clients' information is handled in accordance with privacy legislation and agency confidentiality policies while delivering a coordinated service response
- 1..6 Collaborate with clients and partner agencies to ensure that a culturally aware approach is employed when delivering services

## Next Actions and Recommendations

The IPCA and family violence protocol and its accompanying report will be disseminated to ISS Australia staff and to agencies who participated in its preparation. Wider stakeholder dissemination will occur via ISS Australia's website and social media platforms, and through IPCA-related training or other events initiated by ISS Australia.

Findings from the literature review, internal focus group and external workshop suggested action priorities beyond the scope of the practice protocol. These primarily concerned legislative reform of the 1980 Hague Convention, and greater investment in and availability of family violence prevention services. The following recommendations are therefore made to guide further activity of ISS Australia:

- 1.1. That ISS Australia seek opportunities to contribute knowledge of the effects of the 1980 Hague Convention in situations of family violence to forums of policy-making or Convention reform
- 1.2. That ISS Australia develop service and policy initiatives to mitigate the effects of family violence on children and their mothers or other caregivers in situations beyond the current scope or provisions of the 1980 Hague Convention
- 1.3. That ISS Australia collaborates with organisations in the family violence sector to participate in policy and advocacy initiatives of family violence prevention and service quality enhancement

## Conclusion

ISS Australia has prepared a best practice protocol to guide staff of the agency and external legal and community service providers in their service delivery with children and their mothers and other caregivers experiencing family violence. The protocol is intended to contribute to IPCA prevention efforts and, in so doing, link children and their caregivers to sources of support and practical resources and information. It is also hoped that the protocol will enrich collaboration between ISS Australia and agencies providing legal, community and specific family violence support in Victoria.

## Appendix 1

### Internal Focus Group and External Workshop Discussion Questions

#### Discussion Questions for ISS Australia internal Focus Group

- 1.1. What are the needs of women experiencing family violence who are considering fleeing with their children overseas?
- 1.2. What does ISS Australia do well to assist women contemplating IPCA?
- 1.3. What service gaps exist which ISS Australia can fill?
- 1.4. What service gaps exist which external agencies can fill?

#### Discussion Questions for External Stakeholders' Workshop

- 1.1. What are the needs of women experiencing family violence who are considering fleeing with their children overseas?
- 1.2. What service gaps exist in responding to mothers contemplating international parental child abduction which ISS Australia could fill?
- 1.3. What would you, as service providers like from ISS Australia when working with mothers contemplating international parental child abduction?
- 1.4. What service gaps exist for mothers contemplating international parental child abduction which external agencies can fill?

## Appendix 2

### List of External Workshop Participant Organisations

- Anglicare
- Bayside City Council
- Berry Street
- Corrections Victoria
- Department of Human Services
- Eastern community legal Centre
- Elizabeth Murdoch college
- Family Life
- Family mediation Centre
- Good Shepherd Youth and Family Services
- Grampians community Health
- Inner Melbourne community Legal Centre
- In Touch
- Justice Connect
- Macedon Ranges health
- Mildura Family Relationship Centre
- Monash Link community health Service
- Northern community Legal Centre
- Peninsula Health
- Salvation Army
- Shakti Migrant and Refugee Women's Support
- Statewide Autistic Service



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