

Domestic and family violence guidelines for lawyers

Domestic and family violence is an issue for many Legal Aid NSW clients, regardless of their legal matter. These guidelines will help lawyers provide a high quality and consistent service to Legal Aid NSW clients in domestic violence situations.

If you have enquiries and want to speak with someone about legal aid for a particular matter, including urgent applications, contact a Grants Criminal Law Solicitor on 9219 5622 or 9219 5633.

1. Identify if domestic violence is an issue

- Be alert to the possibility of domestic violence, even if it doesn't emerge at the initial interview.
- Be aware of indicators that may signify the presence of domestic violence:
 - frequent changes in accommodation
 - injuries that are difficult to account for as accidental
 - an accompanying family member or person of influence, who wants to speak for the client or insists on staying close to the client
 - a family member who has a history of assault
 - a client is unwilling to discuss domestic relationships.

Clients may be reluctant to divulge a history of abuse or violence.

- If appropriate, ask questions such as:
 - *Do you fear for your safety or the safety of your children?*
 - *Have you been hit, hurt, frightened or intimidated by a family member or carer?*
 - *Do you feel that aspects of your life are controlled by a family member or carer, including your finances?*

Inhouse lawyers only:

- Check the client record in CASES or ATLAS to see if domestic violence is indicated.
- Record in CASES or ATLAS that the client is in a domestic violence situation.

2. Ensure client safety If you have identified that a client is experiencing domestic violence:

- Assess the client's safety through the sensitive use of questions such as:
 - *Do you feel safe now? Is it safe for you to go home?*
 - *Does anyone in your household or your partner/ ex-partner have access to weapons?*
- Contact the local police station or refer the client to the Client Assessment and Referral Service (9219 5751) if the client's immediate safety is at risk.
- Note potential safety issues and the protocol for safe contact with the client in the advice or client file.
- Take steps to ensure contact with the client does not compromise their safety:
 - Don't ask about domestic violence in the presence of other family members
 - Ask about potential safety or security issues when arranging an interview
 - Ask how best to make contact with the client eg phone numbers that are safe to call, postal address
 - Don't put a client's address on the front of the file
 - Use professional interpreters (where required) not family members.

3. Alert the client to their legal options

- Check whether there are apprehended domestic violence orders (ADVOs) or family violence orders in place.
- Alert the client to their options in relation to ADVOs.
- Alert the client to the need to keep a record of the violence, ie photographs or text messages.
- Alert the client to the availability of legal aid for ADVOs if appropriate.
- Alert the client to the availability of victims compensation if appropriate.
- Include details of domestic and family violence in legal aid applications, including a copy of the ADVO or family violence order.
- Be sensitive to the needs of clients experiencing domestic and family violence, eg some Aboriginal clients and clients whose first language is not English may be at a disadvantage in speaking about violence due to cultural barriers or historical experiences.
- Be respectful of client choices.

4. Provide information and referral

- Provide appropriate written information.
- Refer clients to the Women's Domestic Violence Court Advocacy Service.
- Make other referrals as appropriate (see separate domestic violence referral sheet).
- Note information and referral provided in the advice or client file.

More information and resources are available on the domestic violence section of the Legal Aid NSW website:
www.legalaid.nsw.gov.au/domesticviolence

Domestic violence: Where to refer clients

Women's Domestic Violence Court Advocacy Services (WDVCAS)

Information, court advocacy and referral for women in domestic violence situations and assistance with getting an ADVO.

Women's Legal Services Domestic Violence Advice

Line: 8745 6999 TTY 1800 626 627

Rural free call: **1800 810 784**

Casework, legal advice and advocacy for women experiencing domestic violence.

LawAccess NSW: 1300 888 529 TTY 1300 889 529

Legal assistance and referral over the phone to applicants and defendants including assistance with applying for legal aid. Victims of domestic violence are priority customers for advice.

NSW Police: 000 or 112 from mobiles TTY 106

Police will respond to incidents of domestic violence and apply for ADVOs on behalf of victims of domestic violence. Police are required to take action if a person discloses information about a crime e.g. domestic violence assault.

Department of Community Services Domestic Violence Line: 1800 656 463 TTY 1800 671 442

Assistance with emergency accommodation and referrals for counselling, health and legal services. 24 hours 7 days.

Mensline: 1300 789 978 (24 hours, 7 days)

Phone support and referral for male victims and perpetrators of domestic violence.

National Disability Abuse and Neglect Hotline

1800 880 052 TTY 1800 301 130 8am to 8pm 7 days

Free service that takes reports of abuse and neglect of people with a disability.

Safe Relationships Project (SRP) (02) 9332 1966 or 1800 244 481

Free Domestic Violence Court Assistance for people in Same Sex Relationships, Transgender and Transsexual People, Intersex People. The SRP also provides related legal advice, support and referrals for GLBTI clients experiencing or escaping family violence.

Domestic and family violence resources

www.legalaid.nsw.gov.au/domesticviolence

WDVCAS	TELEPHONE	LOCAL COURTS COVERED
Blue Mountains	(02) 4782 4155	Katoomba, Lithgow, Bathurst, Mudgee
Burwood	(02) 9744 1866	Burwood
Central Coast	(02) 4304 6941	Gosford, Wyong, Woy Woy
Central West	(02) 6361 3345	Orange, Parkes, Forbes, Cowra
Far South Coast	(02) 6492 5002	Bega, Narooma, Eden, Batemans Bay, Moruya
Far West	(08) 8087 2053	Broken Hill, Wilcannia, Wentworth
Hunter	(02) 4940 8766	Newcastle, Toronto, Belmont, Raymond Terrace
Hunter Valley	(02) 4934 5332	Maitland, Singleton, Cessnock, Muswellbrook, Kurri Kurri
Illawarra	(02) 4228 1499	Wollongong, Port Kembla, Albion Park, Kiama
Macarthur	(02) 4640 7333	Campbelltown, Camden, Picton
Macquarie	(02) 8833 0922	Parramatta, Ryde
Mid-North Coast	(02) 6555 2042	Port Macquarie, Wauchope, Taree, Forster, Gloucester
New England	(02) 6771 4221	Armidale, Walcha, Tamworth, Gunnedah, Glen Innes
North Coast	(02) 6650 0302 or 1800 174 466	Coffs Harbour, Kempsey, Bellingen, Grafton, Macksville
North West	(02) 6752 7135	Moree, Boggabilla, Inverell, Mungindi
North West Sydney	(02) 4587 9997	Blacktown, Windsor
Northern Rivers	(02) 6621 1044	Tweed Heads, Murwillumbah, Mullumbimby, Byron Bay, Ballina, Lismore, Casino, Kyogle
Northern Sydney	(02) 8425 8707	Hornsby, Manly, North Sydney
Riverina	(02) 6964 6432	Griffith, Leeton, Hillston, Hay, Lake Cargellico
South Coast	(02) 4423 8507	Nowra, Moss Vale
South Eastern	(02) 6299 3835	Queanbeyan, Cooma, Goulburn
South West Sydney	(02) 9601 6988 or 0419 494 680	Liverpool, Fairfield, Bankstown
Southern	(02) 6021 3059	Albury, Holbrook, Finley, Deniliquin
Southern Sydney	(02) 9589 1200	Sutherland, Kogarah
Sydney	(02) 9287 7505 or 0447 174 698	Downing Centre, Newtown, Waverley, Balmain
Wagga Wagga	(02) 6921 6227	Wagga Wagga, Narrandera, Young, Tumut, Cootamundra
Western	(02) 6884 7388	Dubbo, Nyngan, Wellington, Bourke, Brewarrina, Cobar, Narromine, Warren, Gilgandra
Western Sydney	(02) 4731 5098	Penrith, Mount Druitt