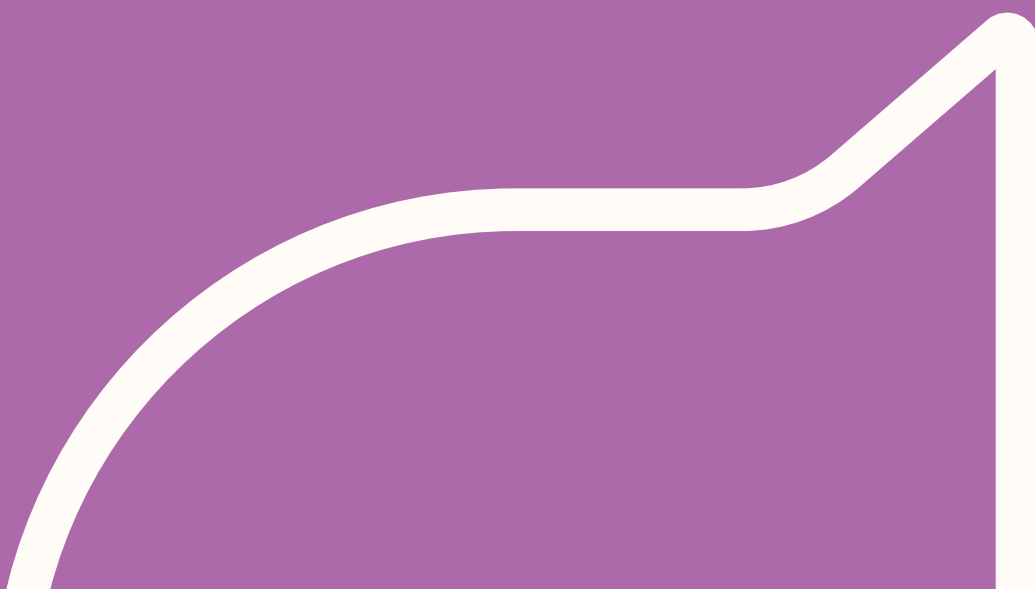


29 JULY 2026



Lived experience of family law

Second Action Plan consultation report



Purpose of the session

This session was conducted as part of the Domestic, Family and Sexual Violence (DFSV) Commission's consultation work to inform the development of the Second Action Plan under the *National Plan to End Violence against Women and Children 2022–2032*.

The DFSV Commission partnered with organisations that work closely with people with lived and living experience of domestic, family and sexual violence (DFSV), and the family law system. These organisations – including Single Mother Families Australia, Women's Legal Services Australia, National Legal Aid, First Nations Advocates against Family Violence, Victoria Legal Aid and the Family Court Accountability Network – drew on their existing networks to identify participants and support their involvement in the consultation.

The session was structured as an open discussion, giving participants the opportunity to raise issues they considered important, while also focusing on three key areas:

- Priorities for reform.
- System integration: what do you think is or should be the role of non-legal services?
- Embedding lived experience in systems: how can the system better integrate lived experience into its practice? What structures or processes could increase responsiveness to experiences of users of the family law system?

Executive summary

Participants described the family law system as failing to provide the safety and protection that women and children experiencing family violence require. Participants argued that meaningful family law reform requires a fundamental shift in how the system understands and addresses safety, risk and accountability. Participants consistently raised concerns that family law processes and decisions continue to prioritise parental contact, procedural requirements and professional opinion over evidence of family violence, coercive control, child abuse and children's safety concerns.

Participants emphasised that the overwhelming issue is a culture within the family law system that minimises family violence, misunderstands coercive control and trauma, and places insufficient weight on the experiences of people and children experiencing family violence. Participants urged that legislative and policy reforms alone will not deliver safer outcomes unless they are accompanied by broader cultural change across courts and related institutions.

Participants also argued that children should be recognised as rights holders, with their views, experiences and safety concerns given greater weight throughout family law processes. They said decision-making should begin with the question of what will keep a child safe, rather than how parental relationships can be maintained. Participants also called for stronger accountability across the family law system, with courts, professionals and reform initiatives assessed against measurable safety outcomes for women and children. Non-legal, specialist family services need to be embedded in family law.

There was also a strong call for a more integrated and multidisciplinary approach to decision-making, with greater weight given to evidence and expertise from family violence, child protection, health, education and community services.

Participants also stressed that lasting improvements in safety require greater attention to prevention. They highlighted the role of education, healthcare, parenting supports and community-based initiatives in promoting respectful relationships, gender equality and healthy family dynamics, arguing that legal responses alone cannot address the underlying drivers of family violence.

Finally, participants stressed that lived experience is a legitimate and necessary form of expertise and called for permanent lived experience governance structures to strengthen accountability, inform reform and improve safety outcomes across the family law system.

What we heard

Overarching themes

- Children's safety, rights, voices and experiences were not considered to be consistently prioritised in family law proceedings, with many participants feeling that children are often treated as subjects of proceedings rather than rights holders whose disclosures and safety concerns are given inadequate weight in decision making.
- The Family Court was identified as a significant barrier to safety for women and children. Participants described the family law system as causing further harm rather than providing protection.
- Interim hearings, parenting orders, recovery orders and parental responsibility provisions were highlighted as key areas for reform, with calls were made for stronger risk assessment processes and greater consideration of family violence evidence.
- Lack of accountability across the family law system was a major concern, with decision-makers and institutions viewed as having significant influence with limited oversight.
- Participants called for greater scrutiny when decisions result in harm, and for success to be measured by children's safety outcomes, not case-processing or activity metrics.
- Concerns were raised about the influence of Independent Children's Lawyers (ICLs) and family report writers, particularly in relation to family reports and expert assessments which are given greater weight than evidence provided by professionals with long-standing connections to children.
- Participants described the broader system as fragmented and siloed, with family courts, child protection, police, health, education and family violence services seen as poorly connected.
- Non-legal services were viewed as critical sources of evidence, risk assessment and support that should be better connected to family law decision-making.
- Education and prevention were identified as essential components of the response to family, domestic and sexual violence. Participants argued that prevention is often overlooked.
- Long-term reform requires early intervention through education, parenting support, healthcare and community institutions.
- Participants called for greater involvement of people with lived experience in system reform. Suggested reforms included formal governance structures, paid participation and independent lived-experience advisory mechanisms.

Children's safety, rights, voices and experiences need to be prioritised and recognised

What participants told us

- Participants told us that children are often exposed to ongoing risk after parental separation, despite disclosures of family violence, coercive control, child abuse, or child protection concerns.
- The family law system prioritises contact, shared parenting and ongoing relationships with parents, even when family violence risks have been identified.
- Children are sometimes removed from the care of a protective parent and placed with an alleged perpetrator, despite multiple disclosures to professionals and existing child protection involvement.
- Children's disclosures are often repeatedly scrutinised, reassessed, or challenged, creating further trauma for children and their families.
- Children and young people do not always understand how their views are being represented during proceedings or how decisions are made on their behalf.
- Young people may feel pressured to express what they believe is the "fair" outcome rather than what would make them feel safe.
- Independent Children's Lawyers (ICLs), family report writers and other court-appointed professionals were seen by some participants as placing insufficient weight on children's lived experiences, expressed wishes and safety concerns.
- There is insufficient understanding of child development, disability and neurodiversity.
- Children's needs are frequently misunderstood or dismissed, with inadequate recognition of how disability, developmental conditions and mental health concerns affect children's wellbeing and safety.
- Interim hearings, interim orders, recovery orders and police-enforced child transfers were reported as causing distress and, in some cases, returning children to environments where they did not feel safe.
- Recovery orders can force children, particularly older children who have sought safety elsewhere, to return to arrangements they consider unsafe.
- Children are too often viewed through a parental rights lens rather than being recognised as people experiencing violence with rights and safety needs of their own.
- Systems frequently assume children lack insight into their own experiences, despite children often demonstrating a clear understanding of their circumstances and safety concerns.

"Court systems often assume children don't know what is happening at home and what is best for them, which is not the case."

PARTICIPANT

What participants said needs to change

- Need for a child-centred family law system that prioritises safety, acts on children's disclosures, gives meaningful weight to evidence of harm, and ensures children's voices genuinely influence court decisions.
 - Children should be recognised as independent rights holders whose views, wishes and safety concerns carry greater weight in family law processes.
 - Children's rights should be legally enforceable, and organisations should be required to report on how they were enacted.
 - Meaningful participation of children and young people in decision-making, with age-appropriate information about their rights, how they will be consulted, and how their views will be represented.
 - Independent reviews of parenting orders where children have been placed with, or remain in the care of, an identified or alleged perpetrator.
 - Emergency mechanisms to pause parenting orders when new evidence of family violence, coercive control, or child safety concerns emerges after orders have been made.
 - Review and reversal of unsafe child transfers, including cases where children have been removed from protective parents despite documented safety concerns.
 - An end to police-enforced child recovery and contact arrangements where there are credible family violence or child welfare concerns.
 - Improved support for children throughout legal proceedings, including access to child-centred communication, therapeutic support, and implementation assistance when major decisions are made.
 - Some participants supported the implementation of a state-based court or tribunal to better connect existing legal processes for ensuring safety for people experiencing DFSV.
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Family law can cause harm rather than providing protection

What participants told us

- Participants noted that people who have experienced DFSV, including children, are re-traumatised through court processes. Issues raised include:
 - People who have experienced violence being required to repeatedly recount traumatic experiences
 - Lengthy cross-examination of mothers compared with alleged perpetrators
 - Experiences of being challenged, disbelieved, or intimidated in court
 - Trauma responses being interpreted negatively
 - Experiences of DARVO (Deny, Attack, Reverse Victim and Offender) dynamics influencing proceedings
 - Protective parents often feel punished for raising safety concerns.
- Courts are failing to recognise coercive control and patterns of abuse on women and children.
- Historical evidence of violence or existing evidence of risk is being ignored or inadequately considered in decision-making. This includes:
 - Children's disclosure to qualified practitioners
 - History of Apprehended Violence Orders (AVO) and breaches of AVOs
 - Child Protection reports.
- Poor coordination between state systems, including police, protection orders and child protection, and the federal family law system results in safety evidence not being reflected in Family Court outcomes.
- Courts do not recognise that court proceedings are themselves weaponised and used to prolong coercive control via:
 - Repeated litigation
 - Forced shared decision-making
 - Challenges to children's medical treatment
 - Financial abuse through court proceedings
 - Parental alienation allegations used to discredit protective parents and divert attention away from family violence concerns
 - Participants specifically raised serious concerns with interim hearings and interim parenting orders. Interim orders can expose children to further harm and can significantly influence outcomes despite limited scrutiny of evidence.
- These proceedings:
 - Often result in significant decisions being made before evidence has been properly tested
 - Do not sufficiently or consistently scrutinise allegations or evidence.
- Family violence, coercive control, child abuse disclosures, and child protection concerns are not consistently reflected in parenting decisions.
- Women are increasingly avoiding family court because they believe involvement may increase risk to themselves and their children.
- Participants argued that the central problem is not a lack of training but a court culture that they believe minimises family violence, misunderstands coercive control and trauma, prioritises process over safety, and operates with insufficient accountability.
- Several participants described culture as the biggest barrier to meaningful reform.
- Recovery orders, child transfers, and parenting orders can place women and children at ongoing risk.
- Legislative reforms were said to not be consistently reflected in courtroom practice, and participants believed this is a culture problem.
- Judges have significant discretion, and participants did not believe this consistently results in safe outcomes.

What participants said needs to change

Participants identify immediate reforms and actions focused on specific processes that are causing harm:

- Urgent and immediate reform of interim hearings is needed, given serious concerns about the lack of safety assessment and evidentiary scrutiny.
- Reviewing and reassessing parenting orders that may have placed children at risk.
- Risk assessments need to be reviewed and thresholds for identifying unacceptable risk lowered.
- Better recognition of coercive control and family violence risk assessments in decision-making.
- Introducing independent complaints mechanisms for ICLs and family report writers.

Participants also proposed:

- Legally enshrining and enforcing children's rights, including incorporation of the Convention on the Rights of the Child into legislation.
- Ensuring that the governing legislation of all relevant institutions reflects the needs to emphasise the safety of women and children.
- Greater weight needs to be given to family violence and child protection evidence.
- Need to have mechanisms in place to pause parenting orders when new safety concerns emerge.
- Simplification of parental responsibility arrangements.

- Greater decision-making authority for protective parents where safety concerns exist.
- Greater accountability for judicial decision-making in high-risk matters.
- Embedding lived experience expertise into system design and governance.
- Developing a whole-of-government integrated system linking family law, child protection, health, education, police and financial systems.

Stronger recognition of coercive control across systems and measures that reduce weaponisation, some of which can include:

- Greater consideration of financial abuse within family law proceedings.
- Reduced opportunities for vexatious or abusive litigation.
- Better enforcement of child support obligations.
- Legal-cost caps in high-risk family law matters.
- Financial protections for people who have experienced DFSV.
- Improved cross-system responses involving financial institutions, the ATO, and child support systems.

Some participants also proposed the removal of ICLs and family report writers in cases where DFSV is present.

Lack of accountability and outcome monitoring

What participants told us

- Participants questioned whether reforms are being evaluated against the outcome that matters most: whether women and children are actually safer.
- A recurring criticism was that specialist initiatives such as Lighthouse, Evatt List and other pathways tend to report on numbers screened, triaged or processed, rather than whether people experiencing DFSV actually became safer after orders were made.
- Participants questioned whether courts are sufficiently accountable for their decisions.
- Concerns were also raised about outcomes varying depending on the judge.
- Participants said existing complaints mechanisms do not provide timely accountability and questioned the appropriateness of institutions investigating themselves.
- Harmful decisions often occur without meaningful review.
- Complaints mechanisms are difficult to access or ineffective.
- Professionals and institutions face limited scrutiny for poor outcomes.
- Training alone has not resulted in systemic change.
- Outcome measures often focus on activity rather than safety.
- Professionals operating within systems are perceived as highly protected.

What participants said needs to change

- Participants noted that there should be independent avenues for reporting problems with family report writers.
- Family report writers should be removable from cases where formal investigations have commenced.
- The Lighthouse Program and the Evatt List should be independently reviewed to assess outcomes, with input from people with lived experience central to this review.
- Some participants proposed a specialist survivor-informed court or tribunal that would embed expertise in trauma, coercive control, children's rights and safety for people experiencing violence into decision-making.
- Complaints against decision-makers should be heard during proceedings, not only afterward.
- Complaints should automatically create a conflict of interest and lead to removal from the case.
- Remove judicial discretion and judicial immunity.
- Decision-makers should be accountable for outcomes.
- One judge should oversee related proceedings involving the same family.
- Any accountability mechanisms should focus on whether decision-makers are actually applying family violence, coercive control and child safety knowledge in practice.
- Measuring whether women and children are actually safer.
- Requiring organisations to report on how children's rights are enacted.
- Monitoring the real-world impact of reforms rather than assuming they are effective.

Independent Children's Lawyers (ICLs) and family report writers

What participants told us

- Participants expressed concern that family report writers and court-appointed experts can outweigh direct evidence of family violence and children's lived experiences, leading to unsafe decisions.
- Family report writers are given significant influence over outcomes despite only seeing families for a short period of time.
- There are concerns that reports and recommendations are inconsistent with children's disclosures and other evidence of family violence.
- ICLs and family reporters have limited understanding of coercive control and trauma responses.
- Participants argued that decisions should be based on credible, longitudinal evidence of children's experiences and safety risks, rather than heavily relying on opinions formed during court proceedings.
- Participants questioned whether ICLs are effectively representing children's views and protecting children's safety. Many felt ICL processes can add further assessment and stress without improving outcomes.
- Participants advocated for greater reliance on evidence from trusted professionals and services already involved in children's lives. These include:
 - GPs and paediatricians
 - School teachers
 - Psychologists and occupational therapists.
- People who have experienced DFV, including children, can be re-traumatised through repeated interviews, assessments and scrutiny.
- Participants shared the view that information disclosed by children and protective parents may be reframed or taken out of context.

What participants said needs to change

- Family courts need to rely on other experts including family violence experts, treating professionals, existing child protection and police records.
- Greater accountability for how children's views are represented.
- Less reliance on ICL assessments and more weight being given to children's disclosures and evidence from professionals who know the child well.
- Participants called for strong reform of ICLs or their removal.

System integration and the role of legal and non-legal services

What participants told us

- Participants described navigating fragmented systems and services and emphasised that women should not have to navigate the family law system alone while also managing abuse and safety concerns.
- The fragmentation of the system means that evidence accepted in one part of the system is disregarded in another, resulting in inconsistent decisions and gaps in protection.
- Participants described barriers to accessing both legal and non-legal support, including:
 - Insufficient funding for Women's Legal Services
 - Restrictive eligibility criteria and means tests
 - Women being conflicted out of available services
 - Running out of money before reaching final hearings
 - Need for support throughout lengthy proceedings.
- Participants reported significant difficulties accessing affordable legal representation.
- Concerns were raised about counselling and psychological records being subpoenaed during proceedings, which may discourage women from seeking help.
- Participants described challenges accessing support as LGBTIQ+SB people experiencing violence, including:
 - Not being recognised as victims of family violence because the perpetrator was female
 - Fear of engaging with police due to experiences of discrimination and historical mistrust
 - Concerns that services were not designed to respond to the diversity of family violence experiences.
- Participants noted the need for more focus on intersectionality throughout service and support.
- Non-legal services are often the first point of disclosure and support for women and children experiencing family violence and frequently have the deepest understanding of family circumstances and safety risks.
- Non-legal services are trusted pathways for disclosure, provide risk information and risk assessments and support families navigating the system.
- Specialist family violence expertise needs to be recognised and support services embedded throughout the system.

What participants said needs to change

- The family law system needs to place greater weight on information from health, education, child protection and family violence services.
- Family court decision-making should draw much more heavily on the knowledge, records and assessments held by these services, rather than treating courts as the primary or sole source of expertise about children and family safety.
- Increase funding and eligibility for legal aid and specialist family violence legal services.
- Fund trauma-informed legal representation, advocacy and case support for people who have experienced DFSV throughout family law proceedings.
- Protect therapeutic records and ensure women can access counselling, mental health and recovery services without fear that seeking support will later be used against them in court.
- Family violence responses need to be inclusive and accessible for LGBTIQ+SB individuals and families.
- A national accreditation, safeguarding and complaints framework should apply to supervised-contact services.

Education is prevention

What participants told us

- Participants emphasised that education is crucial to ensure long-term outcomes and is a tool for primary prevention.
 - Education can provide the changes of culture required to reduce violence.
 - Prevention must be embedded across society and is a shared responsibility.
 - Prevention is fundamentally about changing culture and a long-term solution to reducing violence, and improving safety outcomes. Prevention operates at three levels:
 - Individual level: parenting education, respectful relationships education and early identification of violence via health and education systems
 - Community level: community-led prevention, multicultural engagement, faith and community-based awareness and support
 - System level: culture change in institutions, gender equality, trauma-informed systems.
 - Participants argued that effective prevention must be culturally responsive. In particular, they highlighted the need to address:
 - Harmful patriarchal norms
 - Family honour and shame dynamics
 - Dowry-related abuse
 - Visa-related coercion
 - Extended-family and transnational forms of abuse.
 - Prevention initiatives should be co-designed with CALD communities and delivered in relevant languages rather than relying on generic approaches.
 - Participants voiced schools have a critical role in prevention and they could be doing more.
 - Education must be viewed as professional capability building.
 - Participants were clear that education alone is not enough. They repeatedly argued that training must be accompanied by accountability and application in practice.
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What participants said needs to change

- Participants proposed a universal, government-funded parenting education pathway. These programs were described as universal support and not a 'problem intervention'. They could be delivered via:
 - Maternity services and child family health services
 - Early childhood education and schools
 - GPs.
- Prevention programs should explicitly address gender inequality and patriarchal assumptions.
- Programs referred by participants were:
 - Tune In to Teens
 - Circle of Security
 - Tuning into Kids.
- Prevention must reflect diverse community experiences. Support should be given to community-led initiatives as they are best placed to engage with communities and deliver appropriate education.

Lived experience is a legitimate form of expertise and system evidence

What participants told us

- Participants argued that lived experience should not be treated as an optional or symbolic exercise after decisions have already been made.
 - People who have experienced the family law system, DFSV, child protection, courts and related services possess unique expertise that professionals and policymakers often do not.
 - Participants viewed lived experience not as a personal story to be heard sympathetically, but as a critical form of evidence necessary to improve the safety, effectiveness and accountability of the family law system.
 - Participants argued that their expertise could help identify:
 - Systemic problems long before institutions do
 - Repeated failures and systemic patterns
 - Harmful court practices
 - Recurring professional behaviours
 - Gaps between policy and real-world outcomes.
 - Lived experience expertise is not consistently valued alongside professional expertise.
 - Participants also discussed the use of lived experience in professional education to help inform training and professional development.
 - Communities most affected by violence are often excluded from decision-making.
 - Participants felt survivors are often vulnerable to being excluded from future opportunities if they criticise the way systems engage them.
 - Participants wanted lived experience to be embedded permanently, not through occasional projects or consultations.
 - People with lived experience do not want to be consulted occasionally; they want to be recognised as experts, paid for their expertise, protected from harm, involved in decision-making, and empowered to hold systems accountable for outcomes.
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What participants said needs to change

- A detailed proposal was put forward for a National Lived Experience Governance Framework. The framework should help move from consultation toward a formal governance model and should:
 - Define lived-experience expertise
 - Establish minimum standards for engagement
 - Require safe participation practices
 - Ensure fair payment
 - Protect intellectual property and attribution
 - Prevent retraumatisation
 - Prevent exploitation of survivors' stories
 - Ensure meaningful influence on reform.
 - Lived experience experts should have rights like workplace protections.
 - Lived experience to be embedded permanently in independent lived-experience structures, not through occasional projects or consultations.
 - Paid participation
 - Independence from courts and service providers
 - Diverse representation
 - Ongoing involvement in reform.
 - These structures and lived experience should include:
 - Diverse representation, including First Nations, CALD, disability, LGBTQIA+, migrant, regional, and youth voices.
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We sincerely thank everyone who generously shared their time and insights with us.

