



Update to the Profession February 2023

New court process focuses on the safety of children and their families by identifying and addressing issues of family violence and other risks.

Lighthouse risk screening and the Evatt List commenced nationally on 28 November 2022. In the first two months since its expansion the Courts have already:

- Sent over 1700 confidential risk screens;
- Completed over 600 confidential case file reviews and triage interviews; and
- Placed over 130 matters on the Evatt List.

This is an encouraging response by parties and the profession as screening at the start of the case will ensure that the Courts can quickly identify, assess and help families impacted by family violence and other family safety risks. The Courts thank the profession for the early support of this important initiative. With the expansion now well underway, the Courts call upon the profession, and those working in the family law sector, to familiarise themselves with this important family safety initiative and to communicate the process and benefits with their clients.

The purpose of this update is to focus on the key benefits of screening, provide frequently asked questions and answers the Courts have received, and advise where to go for further information, resources and training. The Lighthouse (and importantly, its objectives) received widespread support at a launch held in Sydney late last year. A recording of the launch, and a video compilation of the television media coverage, is available from the [Courts' website](#).

Benefits of risk screening

By encouraging your client to undertake the confidential Family DOORS Triage questionnaire, practitioners and members of the profession are strengthening their client's support in navigating the family law system.

By completing the Family DOORS Triage questionnaire, clients are provided:

- An opportunity to self-identify risk;
- Responsiveness to serious risk issues;
- Online safety planning;
- Referrals to legal and social support (where appropriate); and
- Placement on the most suitable case management pathway based on the identified needs and circumstances of their family.

The Family DOORS Triage questionnaire not only assists the Courts but also helps practitioners and members of the profession to enhance their response and understanding of risk factors present. By completing Family DOORS Triage, clients will receive targeted support for their concerns. Importantly for your client, they can be confident that their responses to the risk screen are confidential and inadmissible.

Confidentiality

Part IIA of the *Family Law Act 1975* (the Act) prevents the disclosure and admission into evidence, of information that is disclosed through the Courts' family safety risk screening process, relating to a party to proceedings under the Act. Part 11A of the Act provides that:

- a party cannot be asked to disclose whether or not they undertook risk screening;
- the risk screen responses, classification and referrals arising from the screening process, cannot be used as evidence in a proceeding; and
- information shared or provided by a party to a triage counsellor in the course of conducting risk screening cannot be disclosed, or used as evidence.

More information on how the risk screen is protected under Part IIA can be found [here](#).

FAQs

Why should clients undertake early risk screening?

The completion of early risk screening greatly assists the Courts to identify risk factors and safety concerns at the earliest point in time. This in turn assists in directing the matter to the most appropriate case management pathway and providing your client with an opportunity to be referred to additional support and resources.

How can family law practitioners help?

At the earliest stage of a matter coming before the Court, you should ensure that you speak to your client about risk screening and the benefits of undertaking the screen. The Courts have a [fact sheet](#) for clients about the risk screening process which can be used. There are also [translated versions available](#).

To assist the Court and your client, it is important to ensure that your client's personal contact details are provided when filing an Initiating Application or Response on the Commonwealth Courts Portal. These details are only used for risk screening. Beyond that, the Court will always contact the legal representative that is on record for all other issues.

There is a separate section on the Commonwealth Courts Portal to provide these details for the purposes of risk screening only. Please ensure that you enter these contact details accurately. If you do not enter your client's details, or enter your own details in their place, you will be contacted by the Lighthouse Team to request your client's personal contact details for the purpose of the risk screening process via an online form.

Who can complete the screening?

All parties filing an eligible Application or Response for parenting only orders, or parenting and financial orders filed on or after 28 November 2022 in Adelaide, Brisbane, Cairns, Canberra, Dandenong, Darwin, Hobart, Launceston, Melbourne, Newcastle, Parramatta, Rockhampton, Sydney, Townsville and Wollongong will receive the opportunity to complete the risk screen Family DOORS Triage. The questionnaire must be completed by the client, not their lawyer.

Can the other party access response or contact details?

No. Your client's answers will not be seen by the Judge, Judicial Registrar, other parties or legal representatives involved in the case. Under ss 10U– 10V of the *Family Law Act 1975*, answers to the Family DOORS Triage questionnaire are confidential and cannot be used as evidence (inadmissible).

How does the client receive the risk screening questionnaire?

The risk screen is sent via email to your client's nominated email address within 2 business days of filing an eligible Initiating Application or Response. The email will contain the link to the confidential risk screen and the client's personal login details. Where there are multiple Applicants and/or Respondents each party will receive a risk screen. Reminders will also be sent via email and SMS as access expires after 10 days.

What happens after a client completes the risk screen?

The risk screen responses will enable the Courts to identify any risks that your client or their child/ren may be experiencing. The Lighthouse Team will confidentially review the risk screen to identify the level of risk which may require further review and risk assessment by Triage Counsellors.

High risk matters may be referred to an Evatt Judicial Registrar for consideration to be placed onto the Evatt List, or such appropriate case management pathway according to the level of risk. Medium and lower risk cases will be considered for a range of case management pathways, including dispute resolution, in accordance with the [Central Practice Direction – Family Law Case Management](#). At no point does a Judicial Officer have access to or view the confidential risk screen.

In all matters, you must ensure that the material filed addresses any risks your client is experiencing to ensure that the matter is directed to the most appropriate case management pathway. You are also reminded of the obligation to inform the Courts of any family violence orders that apply to a party, to a child of the proceeding, or a member of the child's family.

How can clients screen if they do not have access to technology or need assistance?

Clients who cannot screen online, or who need help from an interpreter, can [contact](#) the Lighthouse Team directly. This information is also included in the email inviting clients to complete the risk screen.

Further Information

The Courts have published a series of [updates to the profession](#) in advance of the expansion of Lighthouse and have published a recording of the [Lighthouse Webinar](#). Practitioners are encouraged to review these updates as they contain important information about the expansion of Lighthouse and the Evatt List.

Further information can be found on the Courts' website:

- [Practice Directions | Federal Circuit and Family Court of Australia \(fcfcoa.gov.au\)](#)
- [Lighthouse | Federal Circuit and Family Court of Australia \(fcfcoa.gov.au\)](#) including FAQs, fact sheets and detailed information on risk screening
- [Evatt List | Federal Circuit and Family Court of Australia \(fcfcoa.gov.au\)](#)