

LIGHTHOUSE PROJECT UPDATE



Guiding those experiencing family violence and other safety risks through the family law system

Update to the Profession April 2021

The safety of children and families is the highest priority for the Family Court of Australia and the Federal Circuit Court of Australia (the Courts) and an important part of that focus is in the early identification of risk. There are unacceptable rates of family violence in our community, especially at the time separation. It is therefore, imperative that all professionals working in family law give significant attention to the identification of family violence and other signs of risk, and to be aware of the benefits of screening through the Court's Lighthouse Project risk-screening questionnaire.

Benefits of screening and accessing the Lighthouse Project

- Early and case-specific pathway to resolution.
- Intensive case management through the Evatt list.
- Referral to health and other support services for clients.

Evatt list case management

The Evatt list provides families that have been identified as the most vulnerable and at-risk, with intensive support that focuses on safety and wellbeing. It is a new case management system that responds to the individual needs of a family to minimise the risk of further trauma and harm. A case study of how the Evatt case management assisted a recent matter is included at the end of this newsletter.

Part of the Pilot is to test the benefits of risk screening and risk identification, and to create the best case management pathway. Transferring cases to the Evatt list in a consistent way is therefore, an important component of the pilot design.

Frequently Asked Questions about the Evatt list

How does a case get allocated to the Evatt list? A case may be allocated to the list if:

- It is filed in the Adelaide, Brisbane or Parramatta registries of the Federal Circuit Court,
- The Application/Response filed seeks parenting orders only,
- One of the parties (applicant or respondent) has completed the Family DOORS Triage questionnaire,
- One of the parties has participated in a session with and/or the case has been reviewed by a family counsellor, and
- The Evatt list Registrar has reviewed the case and determined it is appropriate for the Evatt list.

Can a party or practitioner request to have a case allocated to the Evatt list? No. This process is undertaken by the Court.

How long will a case take in the Evatt list? The aim is to have a case finalised within 9-12 months of initial filing. However, the Court's key objective for these types of high risk cases, is for a safer and better outcome, not a quicker one.

ABOUT THE PROJECT

The Lighthouse Pilot commenced in the Federal Circuit Court of Australia on 7 December 2020 in Adelaide, and in Brisbane and Parramatta on 11 January 2021.

The pilot is a new approach to risk screening that focuses on public health and tailored case management for families involved in the family law system. It involves:

- Early risk screening through a secure online platform.
- Early identification and development of safety plans and referrals.
- Assessment, triage and support of cases by a specialised team of judges, family consultants, senior registrars and registrars.

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How are cases in the Evatt list managed? The Evatt list adopts an inquisitorial model that is focused on safety.

What happens before a case is heard by a judge? The case will be allocated to a dedicated team of experts that includes Senior Registrars, Registrars and Family Consultants who are trained and experienced in understanding family violence and other family safety risks.

What does the team help with? The team will provide intensive case management which starts prior to the first court event. They will help to gather critical information, including independent evidence, very early in the case and before the matter is listed for the first court event. The team will also focus on identifying and preventing systems abuse and aim to reduce the number of court events.

What happens at the first chambers event? Within 3-5 business days of a client screening as high risk in the Family DOORS Triage, a listing will take place before a Registrar in chambers. The purpose of this event is to confirm whether the matter is suitable for the Evatt list and to make substantial procedural orders.

How many chambers events will there be? A number of chambers events may be held before a Registrar to check compliance with the directions made, make inspections orders, or to follow up on the information gathering process.

Do parties and practitioners attend chambers events? No, they are not required to attend in person. More information on this can be found [here](#).

When does the first court event happen, and what is involved? The first court event is generally listed 8-12 weeks after the case is designated as high risk and appropriate for the Evatt list. The first court event may involve:

- An interim hearing to determine any Applications in a Case,
- A case management review to determine the future conduct of the case, and
- Making trial directions if there are no outstanding Applications in a Case.

If the matter needs a more urgent hearing, a Registrar will list it before an Evatt list Judge or Senior Registrar. The parties and their lawyers are expected to attend however, safety plans should be implemented where needed.

Can the first court event be adjourned? Only in exceptional circumstances. Additional time has been allocated to these matters to ensure that the case has the time and attention of the judicial officer.

- Tailored case management to suit the needs of each case.
- Referral of cases to a dedicated high-risk court list, known as the Evatt List.

For more information on the Lighthouse Project, visit the Court's [website](#).

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Case Study

A key aspect of the Lighthouse Pilot is responsiveness to high risk factors with tailored case management. The case study below outlines a recent case in which the Lighthouse Pilot and Evatt list was able to best support a case.

Facts

The unrepresented litigant filed an application for interim and final orders after five weeks of not seeing the child and was given first mention date 3 weeks later. At the same time the litigant received an invitation to complete the DOORS Triage screen and completed the screen within 48 hours which was identified as high risk. The litigant participated in an interview with a family counsellor 2 days later. During this interview multiple risk factors were raised, and it was noted that Department intervention was imminent.

Outcome

The litigant was placed on the Evatt list in recognition of the high risk factors in the case 6 days after filing. The following steps were then undertaken:

- An Independent Children’s Lawyer was appointed 5 days after the case was placed on the Evatt list,
- Time between the child and the parent recommenced 10 days after filing,
- A Child Inclusive Conference and interim hearing was held 14 days after filing, where an order was made for the child to be returned to the care of the parent, and
- The parent is now supported by Family Advocacy Support Services (FASS) through counselling, family violence support, and navigating the court processes.

Where can I get more information?

- The Federal Circuit Court of Australia’s [Practice Direction No. 3 of 2020 – Lighthouse Project and Evatt List](#).
- Guides to assist cases in the Evatt list for [practitioners](#), [parties](#) and [independent children’s lawyers](#).
- Translated information on the [Family DOORS Triage risk screening and case management - Information sheet for parties](#).



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