

AVITH in context: Legal support for young people and families

Youthlaw Q&A

Do you have the option of LGBTIQ+-identifying workers to support LGBTIQ+ young people if they request this?

Yes, Caitlin is LGBTIQ+ identifying and has assisted many young people who also identify. Additionally, Caitlin provides other Youthlaw staff with support to ensure that we are competent and safe in helping LGBTIQ+ young people.

How do you manage young people who are against an IVO that has been taking out on their behalf by child protection, knowing that the young person continues to have contact with the respondent?

We generally do not work with young people who are in the care of DFFH, Victoria Legal Aid usually retain those. However, where a young person has differing views to that of the Applicant (whether DFFH/parent/VPOL), we can support them by providing advice on the process, we may also be able to provide representation to seek leave from the Court for that young person to be independently represented. This will provide the young person with the opportunity to put their views to the Court and allow the Court to make its decision regarding the order and its conditions inclusive of the young person's views.

Do you agree that it is best practice to work with parent / child rather than involve police?

As some practitioners believe verbal escalation is family violence and that staff should phone 000 if this occurs at a home visit. I don't feel this is trauma informed and will not support engagement or trust. Difficulty with managing Child Safety Standards and other legislation for young people.

Whilst we would avoid making a blanket statement on this as each situation is different, what we would say is that it is beneficial to explore what a parent would want from a police response. If it is support from services etc, then we would suggest that this could be achieved in other ways. Additionally, we would explore behaviour management with the young person – taking time out from the home, seeking respite with a friend or family member etc. Often parents don't understand that by involving the police they will lose control of the response from the Police and Courts. Many parents who become AFMs no longer want the order, and whilst this is taken into account by Police, it is not a determining factor on whether they pursue the application for the order further.

Wondering if you have data on the impact of peers on use of AVITH (rather than exposure to violence in the home itself)?

Not within my knowledge, however this may be something that CIJ has explored?

Can you take referrals?

Our Legal Information line is always open – 9113 9500 and/or legal@youthlaw.asn.au.

Even if we cannot assist with ongoing casework, we are always available to provide legal information/referrals and secondary consults to workers and legal information, referrals and one-off advice to young people. We will consider taking on any young person under 25 but this will depend on the application of our casework guidelines.