



Australian Government

CHCFAM001 Operate in a family law environment

Release: 1

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Modification History

Release	Comments
Release 1	This version was released in <i>CHC Community Services Training Package release 3.0</i> and meets the requirements of the 2012 Standards for Training Packages. Significant changes to the elements and performance criteria. New evidence requirements for assessment including volume and frequency requirements . Significant change to knowledge evidence. Supersedes CHCFAM505B

Application

This unit describes the skills and knowledge required to determine and respond to family law requirements, work collaboratively within the family law system, and contribute to improved work practices linked to family law.

This unit applies to family relationship counsellors, family dispute resolution practitioners, children's contact service workers, intake workers and other service providers working in the context of family law.

The skills in this unit must be applied in accordance with Commonwealth and State/Territory legislation, Australian/New Zealand Standards and industry codes of practice.

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

Elements define the essential outcomes

Performance criteria describe the performance needed to demonstrate achievement of the element.

1. Determine and respond to family law requirements

1.1 Identify, access and interpret sources of information on family law and related areas

1.2 Evaluate own area of work and determine the scope of family law requirements for individual practice

1.3 Use and follow the systems, processes, documentation and reporting requirements of family law

ELEMENT**PERFORMANCE CRITERIA**

	1.4 Provide accurate and current information to clients about family law and available support options
	1.5 Identify situations beyond own expertise and seek, or refer clients to, sources of specialist legal advice
2. Collaborate with others in the family law system	2.1 Identify and establish effective working relationships with colleagues in the family law system
	2.2 Negotiate and liaise with other areas of the family law system according to specific client needs
	2.3 Promote cooperation with other professionals and encourage clients to use other professional resources where appropriate
3. Contribute to workplace improvements	3.1 Pro-actively update and maintain currency of family law knowledge
	3.2 Identify situations where work practices could be improved to meet family law responsibilities
	3.3 Pro-actively share feedback with colleagues
	3.4 Identify and take opportunities to contribute to the review and development of policies and protocols

Foundation Skills

The Foundation Skills describe those required skills (language, literacy, numeracy and employment skills) that are essential to performance.

Foundation skills essential to performance are explicit in the performance criteria of this unit of competency.

Unit Mapping Information

No Equivalent Unit

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=5e0c25cc-3d9d-4b43-80d3-bd22cc4f1e53>

Assessment Requirements for CHCFAM001 Operate in a family law environment

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Performance Evidence

The candidate must show evidence of the ability to complete tasks outlined in elements and performance criteria of this unit, manage tasks and manage contingencies in the context of the job role. There must be evidence that the candidate has:

- correctly applied family law to at least 5 different client situations, that individually or cumulatively include needs relating to:
 - domestic and family violence/safety
 - finance
 - property
 - children
 - relationship conflict
- demonstrated effective use of the following in the context of family law:
 - systems and process
 - documentation
 - reporting
 - collaboration with others in the system
- developed appropriate responses to at least 5 different legal or ethical dilemmas in the family law context
- identified and analysed at least 3 work practices in terms of how they meet family law responsibilities and what improvements could be made.

Knowledge Evidence

The candidate must be able to demonstrate essential knowledge required to effectively complete tasks outlined in elements and performance criteria of this unit, manage tasks and manage contingencies in the context of the work role. This includes knowledge of:

- the different points at which services may be provided in the family law context, including:
 - prevention
 - assessment
 - intervention and support services
- different client needs within the family law context, and how to respond, including to matters relating to:
 - domestic and family violence/safety
 - finance
 - property
 - children
 - relationship conflict
- systems and processes within the family law environment
- Commonwealth family law legislation, how this is applied in organisations and in individual practice, including:
 - Family Law Act 1975 – Part II (Family dispute resolution and confidentiality and inadmissibility provisions), Part IIIA (obligations re provision of certain information to clients), Part IIIB (Court may refer parties to family counselling, FDR and other family services), Part VII (Children – outlines section 60I requirements, mandatory reporting of child abuse requirements) and Part VIII (Property, spousal maintenance and maintenance agreements).
 - Family Law Legislation Amendment (Superannuation) Act 2001 and Regulations – deals with splitting of superannuation benefits
 - Family Law (Family Dispute Resolution Practitioners) Regulations 2008 – sets out accreditation requirements and obligations for FDRPs.
 - Family Law Regulations 1984 – sets out amongst other things what prescribed information (about non-court based family services and court processes and services, reconciliation, Part VII proceedings) ‘advisors’ should be giving clients.
- Commonwealth child support legislation, how this is applied in organisations and in individual practice, including:
 - the Child Support (Assessment) Act 1989 and Regulations – set out the law about eligibility to receive, and liability to pay, child support and establishes the authority of the Child Support Agency)
 - the Child Support (Registration and Collection) Act 1988 and Regulations – set out the law about registration requirements for paying maintenance of various types, including child support, and the means by which the Child Support Agency can enforce payment
- Commonwealth Freedom of Information Act 1982 – subject to exceptions, gives a legal right of access to information held by Commonwealth agencies (departments and agencies).

- Commonwealth Privacy Act 1988 – regulates the handling of personal information about individuals, this includes the collection, use, storage and disclosure of personal information, and access to and correction of that information
- Commonwealth – legislation about court rules and procedures:
 - Federal Circuit Court of Australia Act 1999 – creates the Federal Circuit Court of Australia and was originally established to fast track some of the matters covered under the Family Law Act as well as other areas of federal law such as bankruptcy.
 - Family Court Rules – provide the detail of the main aspects of practice, procedure and evidence in a case before the Family Court
 - Family Court Regulations 1984 – set out the details for a range of matters including fees, parentage testing and overseas orders
 - Federal Circuit Court Rules 2001 – set out the rules and forms that apply in the Federal Circuit Court
 - Federal Court and Federal Circuit Court Regulations 2012 – deals with the fees in the Federal Circuit Court
- state and territory legislation about family violence – the illegality of family violence and other specific forms of protection against it
- state and territory de facto property legislation at an overview level
- duty of care requirements when working with families in the family law system.
- roles and responsibilities of different people working in the family law context and the nature of collaboration between them
- where to seek expert clarification of family law
- family dynamics in different cultures and how this may impact on provision of services
- referral options and systems available to clients whose needs may best be met by other services or experts.

Assessment Conditions

Skills must have been demonstrated in the workplace or in a simulated environment that reflects workplace conditions. The following conditions must be met for this unit:

- use of suitable facilities, equipment and resources, including:
 - current family law information
 - client information
- modelling of industry operating conditions, including:
 - scenarios that involve problem-solving.

Assessors must satisfy the Standards for Registered Training Organisations (RTOs) 2015/AQTF mandatory competency requirements for assessors.

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