



Australian Government

Department of Education, Employment and Workplace Relations

CHCFAM505B Operate in a family law environment

Release: 1

CHCFAM505B Operate in a family law environment

Modification History

Not Applicable

Unit Descriptor

Unit Descriptor

This unit of competency describes the skills and knowledge required to effectively work with clients accessing services established within the context of the family law system

These services may include counselling, dispute resolution, children's contact services, and family relationship centres

Application of the Unit

Application

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

Licensing/Regulatory Information

Not Applicable

Pre-Requisites

Not Applicable

Employability Skills Information

Employability Skills

This unit contains Employability Skills

Elements and Performance Criteria Pre-Content

Elements define the essential outcomes of a unit of competency.

The Performance Criteria specify the level of performance required to demonstrate achievement of the Element. Terms in italics are elaborated in the Range Statement.

Elements and Performance Criteria

ELEMENT

1. Conduct assessment

- 1.1 Assess and determine *specific client* needs in line with identified requirements in family law context
- 1.2 Engage both voluntary and involuntary clients using *appropriate strategies and techniques*
- 1.3 Assess and interview using *child focused practices*
- 1.4 Explain the family law system including Family Court processes and requirements to clients as required of job role
- 1.5 Respond to distressed clients in a non-judgemental and empathic manner
- 1.6 Actively provide *options* where appropriate for clients seeking *preventative support for relationship issues*
- 1.7 Actively provide *referral options* where appropriate for clients seeking *post separation services*

ELEMENT

2. Apply requirements and regulations of the Family Law Act to work practices within organisation context
 - 2.1 Act as an expert witness within *specified job role*
 - 2.2 Prepare accurate *reports* according to organisation procedures and policy
 - 2.3 Analyse *information* to determine best course of action
 - 2.4 Observe and report where required by legislation and/or organisation policy
 - 2.5 Document observations as required by *organisation policy and/or relevant legislation*
 - 2.6 Identify the need to refer clients to legal practitioners to interpret and articulate court orders and legislation to ensure all parties are informed of legislative responsibilities and rights
 - 2.7 Advocate in court within *specified job role* where required and appropriate

3. Manage *case work activities* in the context of the family law environment
 - 3.1 Follow *case work procedures* according to established policies of the organisation and arising from legislative responsibilities and obligations where appropriate
 - 3.2 Prepare case plans according to organisation guidelines
 - 3.3 Research and identify appropriate *support systems for clients*
 - 3.4 Provide information to clients about process of family law systems and available support options
 - 3.5 Support clients' chosen course of action in relation to the family law system
 - 3.6 Manage power imbalances in family group interactions with services
 - 3.7 Follow procedures for filing and service of court documentation in accordance with legal requirements and *only* where appropriate within job role

ELEMENT

- | | |
|---|---|
| 4. Work within a multidisciplinary team | 4.1 Identify and establish effective working relationships with other specialist staff in the Family Law system |
| | 4.2 Negotiate and liaise with other sections of the family law system |
| | 4.3 Promote cooperation with other professionals and encourage clients to use other professional resources where appropriate. |

Required Skills and Knowledge**REQUIRED SKILLS AND KNOWLEDGE**

This describes the essential skills and knowledge and their level required for this unit.

Essential knowledge:

The candidate must be able to demonstrate essential knowledge required to effectively do the task outlined in elements and performance criteria of this unit, manage the task and manage contingencies in the context of the identified work role

These include:

- Understanding of the provisions for children and property in the Family Law Act and Child Support (Assessment) Act as it relates to specific job role
- Understand the relevant sections of the Family Law Act as it applies to individual work roles and organisation
- Knowledge of where to seek *expert* clarification of family law
- Understand Duty of Care requirements in the provision of information when working with families at pre and post separation and as it relates to specific job roles
- Referral options and systems available to clients whose needs may best be met by other services
- Confidentiality and privacy requirements under relevant legislation applicable to work context and job roles
- Working knowledge of Parenting arrangements and property settlement requirements as per the Family Law Act and any other related legislation within the provision and requirements of the job role
- Understand and apply relevant state child protection legislation as necessary
- Understand working of family court, associated legal system and legal processes as

REQUIRED SKILLS AND KNOWLEDGE

relevant to job role

- Understanding any implications of material collected through interviews with clients seeking relationship supports and/or interventions
- Awareness of family dynamics in different cultures and how this may impact on or direct practices of relationship support services
- Understand recording and reporting system requirements of the family law rules and regulations as they relate to own job role
- Understanding the important role and responsibility of legal representatives in the Family Law context and multi party disputes and how this role impacts on own work with clients, including a focus on grandparents
- Understanding the roles and responsibilities of the child consultant in the family law context
- Understand the relevance of, and need for, referral to experts on range of matters
- Working knowledge of the factors impacting upon and associated with working with children and young people in complex cases of high level parental conflict, for example:
 - grief and loss
 - separation anxiety
 - trauma
 - power and control dynamics

Essential skills:

It is critical that the candidate demonstrate the ability to:

- Effectively and impartially collect and analyse information according to risk assessment frameworks or models
- Implement confidentiality and privacy to client information obtained, recorded and maintained by the worker and organisation
- Research both the systems and legislation relevant to the work role and Family Law context
- Use solution focused interviewing techniques with clients
- Remain impartial and objective when engaging with clients and assessing client needs
- Ensure work practices that maintain the best interests of the child are paramount to all work in the Family Law context
- Demonstrate awareness of own limitations and biases that may impact on workers capacity to remain impartial in work with couples and families
- Identify when referral is best option for clients if worker biases impeded objectivity
- Objectively engage and listen as children, young people and parents present their situations
- Ensure client is clear about worker's role of being one of information provision *not one* of legal adviser
- Challenge and contain behaviours where necessary

REQUIRED SKILLS AND KNOWLEDGE

- Interpret legalese into language understood by client and significant others

continued ...

Essential skills (contd):

In addition, the candidate must be able to effectively do the task outlined in elements and performance criteria of this unit, manage the task and manage contingencies in the context of the identified work role

These include the ability to:

- Apply and model communication skills including:
 - listening and understanding
 - speaking clearly and directly
 - negotiating responsively
 - empathising
 - interpreting the needs of internal and external clients
 - persuading effectively
 - being appropriately assertive
 - sharing information
- Read and interpret workplace related documentation
- Work effectively in culturally diverse environments and contexts using appropriate skills and protocols
- Accept and provide constructive criticism
- Modify language and communication skills to meet the needs of individual clients
- Be transparent working with clients
- Work effectively in a multidisciplinary team environment
- Conceptualise and evaluate the laws and systems within the family law environment as required by job role
- Work effectively with interpreters to ensure needs of specific cultural groups are met
- Demonstrate appropriate and regular use of supervision and consultation

Evidence Guide

EVIDENCE GUIDE

The evidence guide provides advice on assessment and must be read in conjunction with the Performance Criteria, Required Skills and Knowledge, the Range Statement and the

EVIDENCE GUIDE

Assessment Guidelines for this Training Package.

Critical aspects for assessment and evidence required to demonstrate this unit of competency:

- The individual being assessed must provide evidence of *specified* essential knowledge as well as skills:
 - knowledge of the Family Law Act and system as it relates to specific job roles of the worker
 - establishing effective working relationships with other service providers and practitioners to provide best service provision for clients experiencing relationship difficulties
 - demonstrate an understanding of the dynamics of relationship conflict
 - established networks to facilitate effective referrals for clients
 - awareness of own limitations and biases which may impede worker impartiality when working with clients

Communication skills including:

- listening and understanding
- speaking clearly and directly
- negotiating responsively
- empathising
- interpreting the needs of internal and external clients
- persuading effectively
- being appropriately assertive
- sharing information
- Observation of workplace performance is essential for assessment of this unit
- Consistency of performance should be demonstrated over a period of time in order to ensure consistency of performance across contexts applicable to the work environment

EVIDENCE GUIDE

- Access and equity considerations:*
- All workers in community services should be aware of access, equity and human rights issues in relation to their own area of work
 - All workers should develop their ability to work in a culturally diverse environment
 - In recognition of particular issues facing Aboriginal and Torres Strait Islander communities, workers should be aware of cultural, historical and current issues impacting on Aboriginal and Torres Strait Islander people
 - Assessors and trainers must take into account relevant access and equity issues, in particular relating to factors impacting on Aboriginal and/or Torres Strait Islander clients and communities
- Context of and specific resources for assessment*
- Competency must be demonstrated in a real work environment
 - In cases where the learner does not have the opportunity to cover all relevant aspects in the work environment, the remainder should be assessed through realistic simulations, projects, previous relevant experience or oral questioning on 'What if?' scenarios
 - Assessment of this unit of competence will usually include observation of processes and procedures, oral and/or written questioning on essential knowledge and skills and consideration of required attitudes
 - Where performance is not directly observed and/or is required to be demonstrated over a period of time and/or in a number of workplace settings, any evidence should be authenticated by colleagues, supervisors, clients or other appropriate persons

EVIDENCE GUIDE

Method of assessment may include:

- Observation in the workplace *together with a possible combination of the following:*
 - Written assignments/projects or questioning should be used to assess knowledge
 - Case study and scenario as a basis for discussion of issues and strategies to contribute to best practice
- The assessment environment should not disadvantage the candidate
- Assessment practices should take into account any relevant language or cultural issues related to Aboriginality, gender or language barriers other than English
- Where the candidate has a disability, reasonable adjustment may be applied during assessment
- Language and literacy demands of the assessment task should not be higher than those of the work role

Range Statement

RANGE STATEMENT

The Range Statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Add any essential operating conditions that may be present with training and assessment depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts.

Clients may include:

- Children and young people
- Separating and divorced parents
- Extended family members
- Couples seeking counselling and supports as prevention to relationship breakdown
- Voluntary and involuntary individuals or family groups

RANGE STATEMENT

Specific client needs may include may include:

- Prevention, interventions and support for relationship needs
- Assistance and/or information on property disputes
- Assistance with access to other services
- Assistance with referral, and advocacy where appropriate
- Assistance with matters relating to parenting arrangements and child's best interests
- Information on service availability
- Assessment and support for safety and family violence issues
- Referral to legal assistance
- Assistance with financial, housing or safety issues

Appropriate strategies and techniques to engage voluntary and/or involuntary clients may include but is not limited to:

- Establishing rapport
- Displaying empathy
- Use simple and concise language when engaging with the client
- Use negotiation skills when required
- Use non threatening verbal and non-verbal communication skills
- Remaining neutral and objective during engagement with the client
- Observe specific cultural protocols when communicating with clients
- Adopt client self determination principles where appropriate
- Clarify service provision for the client
- Clarify client expectations of the service in relation to client needs
- Explain any legal or organisation boundaries and contexts for client worker relationship or service provision
- Explain and clarify legal obligations of both the client and the agency

RANGE STATEMENT

Child focused practices may include:

- Appropriate use of language considering the age and developmental stage of the child/young person
- Create child friendly environment
- Use of toys, puppets, books, sand play and other child centred resources
- Active listening
- Narrative approaches
- Advocating for the child's/young person's expressed and/or demonstrated needs

Options may relate to other sections/specialists within the family law system and those practitioners that may form part of the multidisciplinary team and may include:

- Solicitors and barristers
- Child representatives/consultants
- Police
- Court staff
- Counsellors
- Dispute resolution practitioners
- Children's contact service staff
- Child support agency
- Family educators
- Contact order program staff

Preventative support for relationship issues may include

- Counsellors
- Relationship educators
- Dispute resolution practitioners
- Family educators

RANGE STATEMENT

Post separation referral options may include:

- Lawyers and barristers
- Child representatives
- Police
- Court staff
- Counsellors
- Dispute resolution practitioners
- Children's contact service staff
- Child support agency
- Family educators
- Contact order program staff
- Domestic and family violence services
- Housing services
- Centrelink

Specified job role may include:

- Lawyers and barristers
- Child representatives
- Child consultant
- Court staff
- Counsellors
- Dispute resolution practitioners
- Children's contact service staff
- Family educators
- Contact order program staff
- Other family relationship centre staff
- Family relationship support program staff

Information may include:

- Verbal explanations of information to assist clients' understanding of services to be provided or clarification other information as a matter of client empowerment
- Written materials, e.g. service information, contracts, case plans, court papers
- Videos, DVDs and other electronic media

RANGE STATEMENT

Organisation policy and/or legislation may include but are not limited to:

- Child Protection legislation within State operating jurisdiction
- Anti-discrimination legislation
- Child Support (Assessment) Act
- Family Law Act
- Freedom of Information legislation
- Superannuation legislation
- Privacy legislation
- De facto property legislation
- Organisation policies:
 - worker and client safety
 - recording and storing client information
 - assessment and intake
 - referral and advocacy
 - supervision and professional development
 - case work
 - collaborative work practices
 - access and equity
 - cultural diversity

Reports and documentation may include:

- Court reports
- General assessment reports
- Observational reports
- Referral reports
- Reports are required to be factual, clear and unambiguous and written within the organisation guidelines with due consideration for any legislative requirements.
- Client case plans
- Counselling agreements
- Court applications and regulatory forms
- Agreements reached as result of dispute resolution process
- Parenting plans/arrangements
- Documented contact arrangements
- Correspondence relevant to client case
- Intake and assessment documentation
- Case file notes

RANGE STATEMENT

Case work procedures may include but are not limited to:

- Facilitating case planning meetings
- Preparing case plans
- Analysing information gathered
- Preparing a case plan in collaboration with the client
- Engaging the client to participate in planning processes
- Facilitating and monitoring aspects of case plans
- Reviewing case plans in collaboration with clients

Support systems for clients may include but are not limited to:

- Advocacy and information services
- Facilitate referrals to counselling, dispute resolution and/or children's contact services
- Domestic and family violence services
- Accommodation services
- Child support agency
- Family support services
- Alcohol and other drugs services
- Parent support and education groups
- Referral to legal practitioners e.g. in matters of:
 - matrimonial and de facto property
 - taxation law
 - superannuation
 - company and business law
 - inheritance law
 - child related matters

Unit Sector(s)

Not Applicable