

THE IMPORTANCE OF INTER-AGENCY COLLABORATION AND FAMILY LAW NETWORKING IN HANDLING FAMILY CASES: EXAMPLE FROM AUSTRALIA

‘Ain Husna Mohd Arshad

School of Law, Universiti Utara Malaysia (UUM), Malaysia
(Email: ainhusna@uum.edu.my)

Accepted date: 05-03-2019

Published date: 11-07-2019

To cite this document: Arshad, A. H. M. (2019). The Importance of Inter-agency Collaboration and Family Law Networking in Handling Family Cases: Example from Australia. *International Journal of Humanities, Philosophy and Language*, 2(6), 42-50.

DOI: 10.35631/ijhpl.26004

Abstract: *Family law is one of the areas that requires collaboration of experts and practitioners from various discipline. The objective of this paper is to discuss the importance of inter-agency collaboration between various agencies in order to resolve family cases holistically. This is rooted from the understanding that family cases normally involve legal and non-legal issues that require resolutions which are beyond black and white of the law. Some cases involve financial, health or other social issues that call for advice from experts in that area. Based on the study conducted, it is found that inter-agency collaboration is needed due to limitations in the substantive family law, it is also to help vulnerable groups, and to provide holistic resolution of family disputes. Understanding the importance of such collaboration, this paper subsequently looks for example based on the practice of Australia that has established a network to coordinate family law system. The network has been able to disseminate information and conduct trainings, expedite the process of referral effectively, and establish linkages between specialists in family law. Such networking and collaboration can help the litigants dealing with their legal, emotional and practical aspect of the issues that they are facing. It also helps the agencies gain mutual understanding of each other's role and functions. In addition to that, it may help the disputing parties making an informed decision and prepare for future adjustment to carry on with their parental obligations.*

Keywords: *Family Law Networking, Inter-agency, Collaboration, Family Dispute*

Introduction

Family institution in the 21st century is facing more complex legal issues. This include issues relating to marriage, divorce, support and parent-child relationship, problems of child maltreatment, juvenile delinquency, family violence, substance abuse, economic and medical or mental health issues (Babb, 1997) unemployment, relationship problems, health issue, gambling problems, housing and financial problems (Arshad, 2016). Studies have been

conducted to show that in dealing with family cases, the availability of support service system and collaboration from various discipline particularly legal and social will provide more effective solutions to family problems (Martin & Douglas, 2007; McDonald & Rosier, 2011; and Arshad 2016).

Among the countries that have their own system to integrate or coordinate legal and social services for families are Australia, England and Singapore. In Australia, this is done by the creation of Family Law Pathways Network (Julie, 2013) and in England it is known as Community Legal Advice Centres and Networks (Buck and Smith, 2013). Whereas in Singapore, it is under the purview of Community Justice Centre (Official Website of Community Justice Centre, 2017). However, for the purpose of this paper, the reference is made to the practice of Australia. The objectives of this paper are, to discuss the importance of inter-agency collaboration in handling family cases and to examine the practice of Australia in this aspect. However, before further discussion is made to both aspects, it is important to look at the definition of ‘networking’ and ‘inter-agency collaboration’.

Contextual Definition of Networking and Inter-agencies Collaboration

‘Networking’ simply means “the exchange of information or services among individual, groups, or institutions” (Merriam-Webster.com). For the context of this paper, reference to the definition of networking has been made to the Independent Review of the Family Law Pathways Network (2012), which provides that networking means “to come together, to share information and ideas, to make contact and alliances, and to develop a mutual understanding of each other’s role.” It is further explained, the rationale is that if there are active links between individual and agencies, knowledge and understanding of the services available is improved. This consequently leads to more appropriate and timely referrals.

Inter-agency collaboration occurs when individuals “from different organizations, produce something through joint effort, resources, and decision making and share ownership of the final product or service” (Linden, 2002). Such collaboration can happen in relation to many systems, one of which involved family law and family support services. In this aspect, inter-agency can be explained as “the process of agencies and families joining together for the purpose of interdependent problem solving that focuses on improving services to children and families” (Hodges, Nesman & Hernandez, 1999).

Therefore, ‘networking’ and ‘collaboration’ are two different things, yet they are so related. The reason is that, in order for various agencies to collaborate effectively, there must be some connections between them, which can be termed as ‘networking’. The following paragraphs discuss the importance of inter-agency collaboration in handling family cases. It is followed by discussion on the roles and practices of Australian Family Law Pathways and Network (FLPN). Through the discussion, we will be able to see how the network (FLPN) supports inter-agency collaboration in handling family cases in Australia.

The Importance of Inter-agency Collaboration

This paper identifies three reasons that make inter-agency collaboration in family law important. Firstly, such collaboration is needed due to limitation of substantive family law. Secondly, to help vulnerable groups in the society, particularly children and women. Finally, to promote holistic family dispute resolution.

Limitation of substantive family law

The reason behind the need for collaboration between multidiscipline agencies can be traced back to the inadequacy of substantive family law with the families' real-life experiences and the contemporary family legal issues and challenges. Therefore, Babb (1997) has suggested an interdisciplinary approach to resolve family legal proceedings. The interdisciplinary perspective helps judges consider many influences on human behaviour and family life, thus resulting in more helpful solutions to family cases.

There is no single agency that can offer every assistance for every situation. Therefore, through inter-agency collaboration, the functions of every agency can be laid out in details for each other's reference to encourage a joint effort in handling family cases. Samples of networking and inter-agencies collaboration from Australia (Independent Review of Family Law Pathways and Network, 2012) show that parties are provided with complete information on all the relevant institutions that can provide help for their circumstances. Parties and litigants in court are provided with the list of experts and types of services that they offer, such as child care and family support programs (Floyd & Philips, 2013) and family dispute resolution especially mediation services (Caruana, 2010).

Helping Vulnerable Groups

Australia has undergone reform in its system of protecting children against abuse. This is particularly by virtue of National Framework for Protecting Australia's Children. In addition to that, Lonne (2013) states that community involvement is very important in a protective web of care that provides practical, compassionate and accessible help to needy and vulnerable children and families. Children may commence intensive family support services that are funded by the state and territory department responsible for child protection. According to the Australian Institute of Health and Welfare (2012), the intensive family support service providers aimed at preventing the separation of children from their family and assisting with the reunification of the child into the family.

When it comes to children, a primary school in Melbourne has taken proactive action by basing family social workers at the school to deal with social problems in the school community. According to a study conducted by Senior, Carr and Gold (2016), the family social workers manage students with behavioural and emotional issues, providing support and practical assistance to parents with problems and liaising with agencies to access support for students and families. This initiative is appreciated by parents and teachers, since teachers can concentrate more on education. Whereas, in discussing the issue of child abuse, Scott (2014) address the problem of siloed service system in Australia that unable to respond to children's pain that resulted from adult's problem. The author called for a more integrated service system and broader role of service providers.

Holistic Family Dispute Resolution

It is stated by Berry, Stoyles and Donovan (2010) that the Family Court of Australia has taken an approach to introduce compulsory mediation and post-separation education. This is due to the reason that when parents become tied up with their marital conflicts and separation, the capacity for reflective and higher order thought about interpersonal dynamics decrease, thus they are not very responsive towards children's emotional reaction and needs. The above study also indicated that the post-separation parenting education intervention conducted by the Family Relationships Centre has given significant improvement in parent-child relationship.

Based on a study conducted by Roberts, Chamberlain and Delfabbro (2015), the experience of engaging in the court process caused considerable distress to the women who are the victims of domestic violence. This include fear of the ex-partner and having to confront him at hearings, constantly reliving the relationship via affidavits, and the insensitivity of some legal professionals to the difficulties experienced by women confronted with these experiences.

It has been suggested that couples should be encouraged to negotiate, bargain and determine their own arrangement of life. This include an attempt to resolve their disputes outside the courtroom. An effective mechanism to support this is by having a centre that focus on settlement of family dispute outside of court such as available in Australia (Rhoades, 2010 & Caruana, 2010).

In relation to that, litigants are encouraged to resolve dispute amicably and to look for social support. A study conducted by Shor, Roelfs & Yogev (2013) indicates that social network and support are recognized as associated with better health and longevity. There were cases where persons who suffered from severe mental health issues resulted from family conflicts attempted or threatened to commit suicide. This is where social networking is important to act as a healing agent to such persons. Nevertheless, support from family members is more beneficial rather than support provided by friends.

Therefore, through inter-agency collaboration, family law practitioners and family support service providers can help the litigants dealing with their legal, emotional and practical aspect of the issues that they are facing. It means, family conflicts are dealt with holistically, addressing legal as well as non-legal issues. This also helps the disputing parties making an informed decision about the conflicts that they are facing, particularly by looking at the consequences and future obligations.

Examples of Inter-agency Collaboration Programme in Australia

Among the collaborations that involve courts as the judicial institution and other agencies which are non-judicial can be seen in the following examples:

Problem Solving Courts

Recent development in Australia, as mentioned by Richardson, Thom and McKenna (2013), shows the evolution of problem-solving courts that have been shaped by the localized needs of the justice, health, and social service sectors. The problem-solving courts involved in integrated programmes through collaboration with various sectors were developed to address multiple and complex problems more holistically. Howe and Scully (2015) suggested reforms to the family law system to promote healthy families, firstly, by having family resource centres where all kinds of needs can be met; secondly, by having informal family law trials; thirdly, by having licensed legal technicians, who increase public access to legal services; and finally, to have an unbundled family law service.

Inter-agency Intervention Programme Involving Domestic Violence

The Family Violence Intervention Program (FVIP) in the Australian Capital Territory provides an interagency response to matters of family violence that have been investigated by the police and forwarded to the courts for prosecution. According to Cussen and Lyneham (2012), review of the FVIP found that, firstly, the program is effective in establishing relationships between agencies and ensuring that they work cooperatively; secondly, the breadth of services provided by FVIP agencies has contributed to the perceived safety and protection of victims of family violence; thirdly, offender accountability has increased as a result of the program; and finally,

FVIP agencies have continued to implement a range of practices to improve the criminal justice system's response to family violence.

Example of Family Law Pathways and Network (FLPN) in Australia

Following the above discussion on the importance of collaborative efforts from various agencies in dealing with family cases, an example from Australia has been chosen to see how the Country has coordinated legal services and human services under a network known as the Family Law Pathways and Network.

As a background, in Australia, the Family Law Pathways and Networks (FLPN) was established and funded by the Commonwealth Attorney General's Department to gather professionals and family service providers under one roof, so that separated and separating families can get better access to legal services and human services. It is believed that the FLPN is a key component of the family law system.

Membership of the FLPN

According to the Australian's report of Independent Review of the Family Law Pathways Network (2012), the membership of the FLPN include a broad range of legal and family relationship services such as family violence and child protection services. Professional activities of the members include legal practitioner, Family Law Services, Family Relationship Centre, child protection, community health, adult mental health, counsellor/family consultant, child and youth mental health, disability services, magistrate/judge, police, other court official, other government service, and others.

The Roles of the FLPN

There main objectives of the FLPN, with the goal of improved, integrated service delivery to separating and separated families and children, are as follow:

Information Dissemination and Training

Information dissemination is conducted through various means such as distribution of e-newsletter with general or themed contents, networking meetings and activities like workshop, distributing video-recording of activities, posting information on websites and online social network, and steering committee members wearing many hats within the family law system to spread relevant information. Whereas, training and professional development activities include cross-sector professional development with associated activities to help build stronger working relationship and knowledge across the family law system; specific-training topic such as family violence and child development; training or development targeted to particular sector members such as family dispute resolution practitioner; presentations from national or international speakers and experts; and prototype groups that focus on a particular area such as housing and homelessness, to build knowledge in a collaborative way (Independent Review of the Family Law Pathways Network, 2012).

Establish and Maintain Links

The FLPN establishes linkages with specialist services. This include individuals and agencies that work with families and children affected by family violence, child protection needs, drug and alcohol, and mental health concerns. Due to the complexity and challenging nature of the issues facing these families, they require tailored, timely and specialist services to navigate the system. The expansion of membership from these agencies, which are not traditionally regarded as part of family law, is one of the significant achievements of the FLPN. These agencies expand knowledge and awareness for other members and bring new perspectives in

the process of family conflict resolution (Independent Review of the Family Law Pathways Network, 2012).

Develop and Maintain Referral Mechanisms

The FLPN develop and maintain referral mechanisms between family service providers by promoting a shared understanding of network member’s role and key organisations. The FLPN assumes responsibility in creating members’ awareness of products, services and training, thereby organizes cross-sector training for network members and key organisations. It also develops information sharing mechanisms within the network. By having a systematic networking and inter-agency collaboration, the process of referrals are more expedient and timely, particularly for situation that needs immediate help such as when a wife and children were thrown out of a home (Independent Review of the Family Law Pathways Network, 2012)..

The process of referrals is important for continuous supervision and support after separation. Berry, Stoyles and Donovan (2010) commented on the establishment of community-based Family Relationship Centre (FRC) in Australia by stating that the expansion of such community services is due to the growing understanding of the impact of family separation on children and adolescent. The FRC were established all over Australia between 2006 and 2008, for the purpose of providing information and advice and offering free mediation of parenting disputes. They offer an early intervention strategy to help parents manage the transition from parenting together to parenting apart after the separation, and they also play a role in strengthening intact family relationships, mainly through advice and referral (Parkinson, 2013).

The Outcome of FLPN Activities

The FLPN activities have been able to improve outcomes for separated and separating families and children. This can be seen in the following illustration:

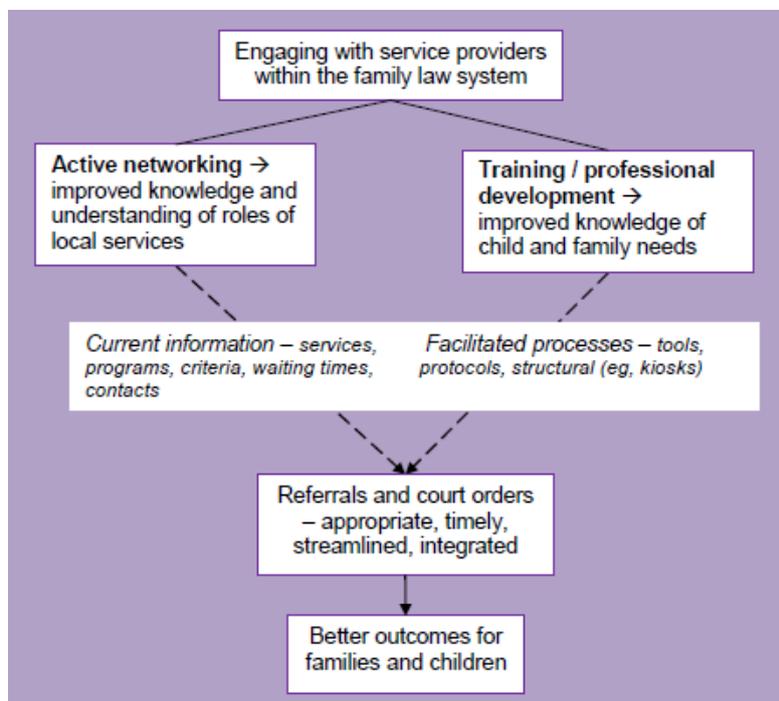


Figure 1: How FLPN Activities Improves Outcomes for Separated/Separating Families

Source: (Independent Review of the Family Law Pathways Network, 2012)

Recommendation and Conclusion

Based on the above study, it is viewed that steps should be taken to strengthen the relationship between institutions that are dealing with family matters in Malaysia. A report published by LPPKN (2016) shows that married couples get divorce due to many reasons, such as lack of understanding between couples, financial problems, involve in extra-marital affairs, lack of responsibility towards family, interference from in-laws and so on.

The above issues can be better solved if there is collaboration between family service providers that can handle different facet of family issues. While judicial bodies provide solutions for legal issues, non-judicial bodies provide support system and resolutions for non-legal issues. Compared to the separated or siloed service system, the collaboration of these bodies can provide more effective solutions. Examples of family support services that are crucial for family members involved in family conflicts are counselling (Baharudin et. al., 2018), therapy (Ali, 2019), financial support, advice on financial planning, and also clinical support (Arshad, 2016).

The networking and collaboration between agencies in handling family cases may help individuals gain their confidence after going through difficult experience. Consequently, they will be able to give commitment for future arrangements. This requires a holistic family support system that can carry out the missions and objectives. The first step is to change the attitude towards the whole process of family dispute resolution, where there should be a sense of togetherness from the family service providers and supportive towards new idea.

Attitude towards acceptance of a new idea is one of the challenges that will be faced if the practice in Australia is to be brought in Malaysia. Another aspect is regarding funding and payment for workers, as the Independent Review of Family Law Pathways and Network (2012) found that networks are more effective where there is significant investment in paid worker time commensurate with the population and geographic area to be covered. Therefore, in order to establish strong inter-agency collaboration, Scott's (2014) view is so relevant, as he said, "it needs organisation that are committed to something more than their own survival, to a vision that is bigger than themselves".

Acknowledgement

The author would like to give an acknowledgement to Universiti Utara Malaysia that funded this research project under *Geran Penjanaan Penyelidikan Universiti*.

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