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## 'When he came home from the lawyer's that day, he beat u

By Siobhan Mullins | 23 September 2019



There is a conversation that family lawyers need to start having, writes Siobhan Mullins.

Do you ever consider how your advice, what you say and even how you say it could contribute to, trigger or antagonise your client to perpetrate family violence toward their ex-partner or child?

A new client shared with me the violent physical attacks that she and her four-year-old son sustained on the day that her husband met with his family lawyer and on another day following his mediation intake interview. My client said that when her husband returned home on those days, "he beat [them] so bad".

This got me thinking, when taking instructions and giving advice to clients, how do we identify if our client is a perpetrator? Should we be looking for evidence that the ex-partner could be at risk of harm by our client? And, what do we do if we believe there is a risk?

Simon Port, from EveryMan Australia's Violence Prevention Services, being Canberra's leading organisation specialising in working with perpetrators of family violence, states: "Family violence is never appropriate. It is crucial that organisations and professionals working with possible perpetrators and victims undergo mandatory domestic and family violence training".

"Perpetrators can readily elicit sympathy from others, especially when it benefits for personal gain", Port continues.

"Consciously or otherwise, absent specialised training professionals risk colluding with perpetrators by minimising their actions, helping them avoid responsibility and facilitating the abuse. This risks worsening the situation for family members".

The nature of what we do sees us in a unique position of working with clients at the forefront of crisis in the lead up to or after separation, who are or may be victims or perpetrators. Despite this, we are not required to undergo rigorous and in-depth training to truly understand the dynamics of family violence – how to identify and respond to perpetrators and assess and effectively manage risk (except from a legal perspective where acting on behalf of the victim). Interestingly though, judges presiding over family law matters are.

Research shows that the risk of family violence increases following relationship breakdown. And knowing this, plus the nature of our work, it begs the question, should there be mandated training for the family law profession? Would such training help reduce or manage the risk of family violence? If family violence training were mandated, would family lawyers become accountable for their client-perpetrator's actions?

Interestingly, the terms of reference for the parliamentary inquiry in identifying whether the family law system is "fit for purpose", is noticeably silent on the risk of family violence in family law proceedings, its existence, assessment and management.

*Siobhan Mullins is the director of boutique family law practice Separate Together.*



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