



Domestic Violence
and Capacity Building
for Community Legal
Centres Program

Factsheet 4 - Part II

Identified Groups

Top tips and techniques from experts in working with people at risk of domestic and family violence (DFV)

- + Be aware of the barriers faced by people from at-risk groups when seeking support and assistance
- + Gain a better understanding of at-risk groups and domestic and family violence.

Working with young clients

Consider issues of capacity:

- + There is no legislation that sets a specific chronological age for when a child or young person is old enough to give instructions
- + Lawyers are required to assess capacity to instruct; the English House of Lords decision in *Gillick* is most helpful
- + [Gillick](#) has been accepted in Australia in the High Court decision of *Secretary, Department of Health and Community Services v JWB and SMB (Marrion's case)*. The majority found a child or young person is old enough to instruct when they are capable of giving informed consent, when they achieve sufficient understanding and intelligence to enable them to understand what is proposed.

Work with support people (guardians, carers, youth workers, family and friends):

- + Your instructions come from the child or young person who is your client, so you may need to manage the expectations of adult support people
- + Be respectful and courteous when managing the relationships
- + Explain to the client the concept of legal privilege and who it attaches to and where it may be waived
- + It may be appropriate to have support people present in some interviews, or parts of interviews, but not all

Communicate effectively:

- + Establish rapport
- + Explain terms in everyday language
- + Clearly establish the purpose of your meeting
- + Deliver legal concepts so they can be understood – for example, give working examples
- + Have a conversation – ask your client to tell you what they understand
- + Use diagrams, for example to explain the court process

Working with Aboriginal and Torres Strait Islander (ATSI) clients

Your office should be culturally safe and welcoming and staff culturally aware and competent. Consider:

- + Aboriginal and Torres Strait Islander flags in reception
- + Cultural competency training for all staff
- + Having an identified staff member present if possible and appropriate
- + Making referrals to specialist Aboriginal and Torres Strait Islander legal services
- + Ongoing engagement with the local community and elders.

First contact considerations:

- + English may not be the client's first or second language
- + Client may give you limited/no details until they see you in person, and be unwilling to give details to reception staff
- + Aboriginal and Torres Strait Islander clients may experience and feel shame when seeking help and speaking about legal problems
- + Clients or services will often contact you when client is in crisis
- + Be aware of immediate referral pathways.

When making appointments be aware:

- + Client may be difficult to contact, or stay in contact with, and transport can be a hindrance, especially when living in a rural/regional/remote/discrete community
- + Needs of a client's family and community may have priority over your scheduled appointment or attendance at Court
- + Allowing extra time or making longer appointments
- + Transport can be a hindrance, especially when living in a rural/regional/remote/discrete community
- + Allowing flexibility and being available on demand
- + Reminding the client of appointment/court date and checking the client's ability to attend.

In getting instructions:

- + Pay attention to your client's body language and eye contact
- + Understand that Aboriginal and Torres Strait Islander clients may say agree to or confirm they understand something when they do not
- + Be aware of any feelings of shame and embarrassment in speaking about their legal matters
- + Consider that clients may not wish to discuss personal matters, especially DFV matters, with anyone of the opposite gender
- + Make it clear what work you will do and what you cannot do – manage expectations
- + Be cautious about having support people present, though this may help a client feel more comfortable in talking about personal matters
- + Let your client talk without interruption
- + Ask open questions – avoid yes/no questions
- + Take extra time to establish rapport
- + Consider culturally appropriate support services eg for transport, counselling, assistance with making and keeping appointments.

Resources

- + Domestic violence capacity building for CLCs webinar – *Assisting young clients in domestic violence matters*: <https://communitylegalqld.org.au/clc-staff/staff-training-and-cle/webinars/dv-capacity-building/young-clients>
- + Domestic violence capacity building for CLCs webinar – *Assisting Aboriginal and Torres Strait Islander clients in domestic violence matters*: <https://communitylegalqld.org.au/clc-staff/staff-training-and-cle/webinars/dv-capacity-building/atsi-clients>
- + Domestic violence capacity building for CLCs factsheets <https://communitylegalqld.org.au/clc-staff/staff-training-and-cle/webinars/dv-capacity-building-for-clcs>