

Factsheet 5

Working with Respondents

Responsibilities of worker/representative

- + Avoid conflict of interest situations
- + Maintain ethical boundaries
- + A solicitor cannot be a “mouthpiece” for their clients
- + Prioritise personal safety and do a risk assessment
- + If threats to the safety of the other party are made, it is a solicitor’s duty to break confidentiality and report this threat
- + Importance of listening to the client’s instructions and respecting or acknowledging their version of events
- + Go through and identify what behaviour could be considered domestic violence
- + Gain a clear understanding about any history of interactions with domestic violence orders, even if they are relating to a different person than the current Aggrieved
- + Cannot tell respondents (unless specifically ordered by the Protection Order) to remove posts, comments or pictures online, as this may be considered evidence tampering
- + Maintain clear file notes or seek written instructions
- + Make appropriate referrals and encourage attendance at intervention programs.

Tips on providing practical and realistic advice to clients

- + Note their legal representation options and assess their ability to self-represent
- + Some respondents will not acknowledge their behaviour is domestic violence, but there could be evidence in the application which may carry weight in a trial
- + A respondent’s version of events needs to be reality tested
- + Potential impact on family law and child protection matters, including a reduction of time-spending or limitation to supervised time
- + Consider what an adverse “finding of fact” may mean in the future to legal proceedings
- + Advise them to be mindful of their communication with agencies as correspondence, interactions and communications may be utilised in evidence and sought via subpoena by Aggrieved
- + Advise them to be mindful of their future conduct under temporary protection orders which have the same effect as final protection orders.

Resources

- + Domestic violence capacity building for CLCs webinar – *Assisting respondents* <https://communitylegalqld.org.au/clc-staff/staff-training-and-cle/webinars/dv-capacity-building/respondents>
- + Legal Aid Queensland Best Practice Guidelines for Lawyers Working with Respondents: <http://www.legalaid.qld.gov.au/About-us/Policies-and-procedures/Best-practice-guidelines/Lawyers-working-with-respondents-in-domestic-violence-proceedings>
- + Domestic violence capacity building for CLCs factsheets <https://communitylegalqld.org.au/clc-staff/staff-training-and-cle/webinars/dv-capacity-building-for-clc>