

## Evidence relating to child abuse or family violence: Section 69ZW, Family Law Act

A section 69ZW request is an order made by the Family Court or the Federal Circuit Court that requires DCJ to provide it with documents or information, relating to child abuse or family violence, that is specified in the order.

**You are required to respond to this request by providing the Court with the documents and/or information by the date specified in the order.**

This is not a subpoena and you do not provide all records. The documents and/or information that may be provided in response to this request is set out below.

### What should be provided?

Section 69ZW provides the Court with the power to request documents recording, or information about, the following:

1. any notifications to DCJ of suspected abuse of a child to whom the proceedings relate or of suspected family violence affecting the child (ie **risk of harm reports made to the Helpline**)
2. any assessments by DCJ of investigations into a notification of that kind or the findings or outcomes of those investigations (ie **initial assessments, secondary assessments**)
3. any reports commissioned by DCJ in the course of investigating a notification (ie **a report prepared by an external agency on parenting capacity**).

### Do I need to redact reporter information?

Yes. If you are providing any risk of harm reports [contact records] to the Court in response to this request, then any information that identifies a reporter must be redacted.

If the order from the Court requests copies of unredacted risk of harm reports, do not provide this material to the Court. Please seek legal advice from your Child Law Legal Officer.

### What if the Court requests documents or information that falls outside the scope of s69ZW?

There may be occasions where the Court has requested documents or information that does not fall within the terms of s69ZW.

If you consider that the additional information requested (not within the terms of s69ZW) will assist the court to make a decision relating to the safety, welfare and

well-being of the child or children the subject of the court proceedings, then this information can lawfully be shared with the court under section 248 or Chapter 16A of the Care Act.

You should make clear when providing any information outside the scope of s69ZW that you are sharing this information under section 248 of the Care Act.

The Family Court and Federal Circuit Court are prescribed bodies under the Care Act and DCJ may lawfully share information with these courts.

Please contact your Child Law Legal Officer if you are unsure about what information can be provided to the court. DCJ can only disclose information or provide documents where it has a lawful basis to do so.

### More information

If you have any further questions about what you are required to do in response to this request, please contact your Child Law Legal Officer.