

## Legal Education and Advice in Prison (LEAP) for Women

The Legal Education and Advice in Prison (LEAP) for Women program is a unique specialist, unfunded legal program provided in partnership by:

- Warringa Baiya Aboriginal Women's Legal Centre (WB)
- Women's Legal Service NSW (WLS NSW)
- Western Sydney Community Legal Centre (WSCLC)

### LEAP BACKGROUND AND STRATEGIC CONTEXT

The majority of women in custody have experienced sexual violence and domestic and family violence since childhood. These experiences of violence and related trauma result in disrupted connections to family and community, criminalisation and in many cases lead to the removal of children from their care. First Nations women are disproportionately impacted and overrepresented.

### LEAP PROGRAM GOALS

1. Reduce reoffending rates for women prisoners by responding to their complex experiences of sexual violence and domestic and family violence.
2. Reduce reoffending rates for women prisoners by preserving and restoring relationships with children and working to break the cycle of children transitioning from care to criminalisation.
3. Provide culturally safe programs to First Nations women that recognise the importance of kinship and culture.

We note that the LEAP program goals are strongly aligned with the current Premier's Priorities:

*Protecting our most vulnerable children* - Decrease the proportion of children and young people re-reported at risk of significant harm by 20 per cent by 2023.

*Reducing recidivism in the prison population* - Reduce adult reoffending following release from prison by five per cent by 2023.

*Reducing domestic violence reoffending* - Reduce the number of domestic violence reoffenders by 25 per cent by 2023.

*Increasing permanency for children in out-of-home care* - Double the number of children in safe and permanent homes by 2023 for children in, or at risk of entering, out-of-home care.

## LEAP OVERVIEW

LEAP assists women prisoners in realising and enforcing their human rights, in particular their rights in accessing justice.

LEAP was started in 2009 by WB, WLSNSW and WSCLC (Hawkesbury-Nepean Community Legal Centre at the time) in response to the high levels of unmet need amongst women prisoners for family and civil law services. LEAP prioritises access for First Nations women.

All LEAP lawyers and community workers are women, and they provide a culturally safe, holistic, domestic, family and sexual violence informed, trauma informed and gendered service.

LEAP provides free legal advice, casework and referral services, non-legal support and casework and some community legal education services, in relation to:

- Family law (parenting, property and divorce)
- Child protection (FaCS) matters
- Domestic and family violence and AVOs
- Sexual assault
- Victims support claims
- Police and other complaints
- Discrimination
- Civil matters, including housing, fines and debt.

Since the program began LEAP has assisted hundreds of women in custody and post release including those under supervision in the community.

## HOW TO ACCESS LEAP

LEAP provides regular face to face legal outreach clinics<sup>1</sup> for women at:

- Dillwynia Correctional Centre
- Emu Plains Correctional Centre
- Silverwater Women's Correctional Centre

Prisoners can also make a free ten minute legal call from all female correctional centres in NSW to:

- Wirringa Baiya Aboriginal Women's Legal Centre on #20 CADL
- Women's Legal Service NSW on #21 CADL.

LEAP receives referrals from a range of sources including individual women, Corrective Services staff and DCJ co-located caseworkers, Women's Justice Network, Community Restorative Centre, Legal Aid, Aboriginal Legal Service and rehab services (e.g. Guthrie House and Jarrah House).

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<sup>1</sup> LEAP face to face services have been disrupted during the COVID pandemic and replaced with telephone and video appointments and the occasional face to face visit as required.



## BENEFITS OF EARLY LEGAL ADVICE AND ASSISTANCE

Women in custody are amongst the most marginalised and disadvantaged people in the community. There is an enormous power imbalance between criminalised women and child protection agencies and carers, particularly for First Nations women who are also impacted by intergenerational trauma and systemic racism.

LEAP aims to address this power imbalance by providing early legal support, to increase opportunities for a positive outcome and to reduce disclosures against interests. Lawyers can provide clients with an opportunity for a frank discussion without mandatory reporting obligations.

The LEAP partner community legal centres are highly experienced in the intersection of sexual, domestic and family violence and child protection. They are also independent of government which assists to quickly establish trusting relationships and provides confidence that any concerns about actions by government or funded service providers will be addressed.

As an unfunded service LEAP is continually under pressure to meet demand for services. The introduction of the DCJ Co-located Caseworkers has also increased referral numbers.

Funding a non-government independent legal program, like LEAP will enhance the Corrective Services NSW work with women as parents and demonstrate a genuine commitment to providing accessible, trauma informed and culturally safe programs.

## LEAP CASE WORK

Many referrals to LEAP are child related matters including pregnancy in custody. The majority are child protection matters though occasionally family law or a combination of both.

Clients are typically uncertain about the exact status of care or parenting outcomes for children, for example, they are not sure if final orders have been made and they do not have any paperwork. They may not have had contact with children for a long period of time and are very distrustful of child protection caseworkers. It is also common for clients to have children in multiple placements managed by different case management agencies and for there to have been limited contact with our clients or between siblings.

LEAP also regularly works with women who have children living with an ex-partner who has been violent to the client and/or the children or the children are living with other paternal relatives. In most cases the violent ex-partner and/or their family do not facilitate any relationship between the children and our clients.

We also provide assistance with victims support matters for most LEAP clients, with many clients having multiple experiences of violence throughout their lives which have not been responded to or reported. Once clients receive acknowledgment of their trauma and support, we observe a significant increase in self-worth which assists them to engage as parents and carers.

## LEAP CASE STUDY 1

### **Klarrisa (not her real name) - complex family arrangements and an unsupported mother**

- Family law
- Both finalised and ongoing Children's Court matters
- Domestic violence
- Personal violence
- Victims support

Klarrisa came to us with numerous legal issues at a LEAP session. There was an extremely complex history with her three children, including family law proceedings and orders, DCJ removals, a successful section 90 and then another removal from her partner when she was away. When we met her Klarrisa had not been engaged in any recent proceedings but knew the next court date was in a month in a regional court. She knew she wanted to be a party to the matter and for the children to live with her on her release.

We obtained multiple Children's Court documents for Klarrisa. We found a local solicitor to assist with her care matter if we continued to be engaged with Klarrisa. We agreed to assist in this manner, making a warm referral and then worked together for some time. Throughout our conversations with Klarrisa she would become overwhelmed and decided she did not want to participate in the current matter and would 'just wait to do a section 90 after'. We advised her about this and the difficulties of that course of action. She re-engaged and remained a party to her matter.

We were also able to assist Klarrisa with two Victims Support applications for two different perpetrators of violence, assist with housing issues and referrals.

## LEAP CASE STUDY 2

### **Tanya (not her real name) - child taken into care system because mother in custody**

- Child removal
- Homelessness
- Drug dependence

We met Tanya at a LEAP outreach at Emu Plains Correctional Centre. Tanya has a seven year old daughter. Prior to going into custody she was homeless and couch-surfing with her daughter. She has a lengthy history of drug abuse, mental health issues and homelessness. When she went into custody her daughter remained in the care of the people with whom she was staying.

She received papers from DCJ while in custody, believing them to be for a guardianship arrangement with the friends. We liaised with the local DCJ worker and found out that DCJ had initiating proceedings to take the child into care. The people looking after the child had gone to DCJ saying they could not assist anymore. The child was removed and placed into temporary care and DCJ was seeking orders allocating PR to the minister. We discovered the next court date was in less than 2 weeks.



We were able to have a number of conversations with Tanya very quickly. We arranged for a solicitor to appear for her at the next court date. We completed a legal aid application form with her for ongoing representation (Legal Aid had sent her two copies while she was in custody but didn't provide any assistance in completing the form, which can be daunting as it is 16 pages long and requires knowledge of the matter).

Tanya is facing serious armed robbery charges and is still on remand with no known release date. She wants her daughter back in her care when she is released, and she is hoping to be released to a six month residential rehab program. She has no one she can ask to take care of her child while she can't. Tanya's is a tragic case of the disproportionate consequences of the incarceration of mothers, with her daughter potentially being under the care of the minister until she reaches the age of 18.

### LEAP CASE STUDY 3

#### **Aliyah (not her real name) - Establishing contact with her son**

- Child contacts not happening

Aliyah had a 7 year old son whom she had had no contact with for many, many months. His placement was being managed by an NGO. The NGO refused to allow her to have any contact with her son, despite a care plan saying there was to be four contacts a year and phone contact. She had sent the agency photos to send to her son and letters but the Agency had refused saying that any contact from her 'increased his behaviours'.

Understandably Aliyah's relationship with the NGO had disintegrated. She was too angry to talk to them before and was getting nowhere. We liaised with the NGO, talked about the importance of the contact, the legal requirement for contact and the possible options Aliyah would take should contact not happen. We've been able to support her relationship with the Agency. We were able to empower Aliyah to know what her legal options were if the NGO failed to facilitate contact and we discussed strategies for remaining calm. Aliyah was able to engage with the case-worker for her child. This is a great outcome for her. Now that relationship is much more collaborative.

We were able to establish regular written contact and provide her with letters from her son. When she left custody there was a plan in place to move to face-to-face contacts.

### LEAP CONTACTS

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