Domestic Violence and Family Law

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Domestic Violence can affect people of all ages, socioeconomic and demographic groups and unfortunately can often go unreported particularly when it occurs during a relationship with a spouse or partner. However it is not uncommon for historical and current domestic violence to come to light particularly in circumstances of a family law separation. In June 2012, the definition of family violence was amended to include other behaviours that constitute family violence.

The *Family Law Act* defines Family Violence as *"violent, threatening or other behaviour by a person that coerces or controls a member of the person's family, or causes the family member to be fearful".* The legislation includes behaviours such as stalking, repeated derogatory taunts, intentionally damaging property, causing death or injury to an animal and unreasonably denying a family member of their financial autonomy. With respect to children, the legislation also states that *"a child is exposed to family violence if the child sees or hears family violence or otherwise experiences the effects of family violence".*

In instances where domestic violence is present, particularly where children are involved, it is important that you obtain legal advice from a domestic violence lawyer before navigating what arrangements needs to be put in place following a separation. In child custody matters, the presence of domestic violence can have a significant effect on what arrangements the Court will determine including:

- Who will make the major long term decisions for a child;
- Who the child will live with; and
- What time the child will spend with the other parent and under what circumstances.

Particularly in relationships with domestic violence, it is not uncommon for there to be an Apprehended Domestic Violence Order against one partner in protection of the other partner and sometimes the children as well. This can also have a substantial impact on the family law proceedings making it essential that you obtain legal advice from a domestic violence lawyer as soon as these matters arise.

For more information, visit our page on domestic family violence.

For advice about how a domestic violence lawyer can assist you, contact us on 1800 300 170 or email us at familylaw@matthewsfolbigg.com.au

Disclaimer

Family law situations can be complex and sometimes they can involve serious issues. Information outlined is proposed to provide general guidance only. Due to the seriousness of legal matters as well as the uniqueness of your individual situation, professional advice should be sought. For advice, please contact one of our Family Lawyers.