



The impact of domestic violence on custody advice

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When talking to a divorce lawyer in Australia about separation and the effects of domestic violence, many will tell you that through our no-fault based divorce system, the behaviour of parties does not generally affect divorce advice.

When considering that family violence has the chance to go beyond the relationship breakdown when taking into account such post relationship continued interaction as drop off and pick up arrangements and the need for some level of constant communication when children are involved, the Court does consider a different stance to custody law.

This is based on the two primary considerations the Court takes into account when making a decision in your child's best interest; the benefit of having a meaningful relationship with both parents and the need to protect them from physical or psychological harm.

Since a greater awareness of domestic violence prevalence is reflected in amendments to the *Family Law Act 1975* in 2012, the Court is more likely to give greater weight to protecting children from harm than ensuring the maintenance of a parental relationship when dealing with parties' child custody rights.

Once domestic violence is identified in a parenting matter before the Court, inclusions in an order to protect the children and / or the abused parent may include:

- Supervised time with the offending parent depending on how serious the allegations are and to what level they are made out;
- Time with the child only by skype or telephone communication methods for the more extreme allegations;
- The introduction of an Independent Children's Lawyer to assist in the decision making for the child;
- Prevention of bringing certain people into contact with the child during time, or ensuring only certain people are able to pick up and drop off the children;
- Any other orders that protect the welfare of the child that the Court may see fit to grant.

Our specialist family law team has experience in dealing with the delicate nature of parenting after separation that may involve domestic violence. With their experience they can assist and advise as to your child custody rights. Our Accredited Family Law Specialists are able to look at the best outcome for you and give you advice as to your legal rights and entitlements.

Contact us on 1800 300 170 or email us at familylaw@matthewsfolbigg.com.au

If you or someone you know is in a domestic violence situation, it is crucial to know that you can reach out for assistance. For 24 hour a day advice and support contact the National Counselling Helpline on 1800 RESPECT (1800 737 732). For emergency service, contact 000.