

DISPUTE RESOLUTION

If you have experienced domestic and family violence and need to attend dispute resolution mediation about your children, you can request to be placed in a separate room so that you are not subjected to further abuse, harassment, and or intimidation.

SAFETY

If you are experiencing domestic violence at change-overs for your children, arrange for it to happen in a safe place, like a Police Station or take a friend with you, or access the hand-over service at Relationships Australia.

Other Contacts

North Qld Women's Legal Service
4772 5400 OR 1800 244 504

Aboriginal & Torres Strait Islander Legal Service
4727 9000

Aboriginal and Torres Strait Islander Women's Legal Service
4721 6007

Qld Indigenous Family Violence Legal Service
4724 3666 OR 1800 142 405

Legal Aid Qld
4760 7507

Dispute Resolution Centre
4799 7870

Family Relationship Centre
4779 4211

Relationships Australia
1300 364 277

Child Support—Dept of Human Services
131272

NQDVRS

- ◆ Information and referral
- ◆ AARDVARC program for children
- ◆ Resources
- ◆ Court Support
- ◆ Choosing Safety Upgrades program
- ◆ Men's Behaviour Change Programs
- ◆ SAFE Dads Program
- ◆ Community education & Training
- ◆ Domestic Violence homelessness assistance
- ◆ Crisis counseling
- ◆ Assistance with domestic violence order applications.

TOWNSVILLE OFFICE

PO Box 6061, Townsville QLD 4810
Phone: 07 4721 2888 Fax: 07 4721 1794
nqdvrs @nqdvrs.org.au

1st Floor, Metway Arcade, 390 Flinders Street, Townsville

MOUNT ISA OFFICE

Po Box 502, Mt Isa QLD 4825
Phone: 07 4743 0946 Fax: 07 4743 7999
minqdvrs@nqdvrs.org.au
The Old Court House Building, Isa Street

<http://www.nqdvrs.org.au>

Against Violence #41



Family Law



**What is the difference?
What do I need to know?**

NQDVRS
Funded by



Queensland
Government

How can the Domestic Violence Act help you?

When a spouse, partner, family member or carer has physically, emotionally or verbally abused you, damaged your property or threatened to harm you or your children the Domestic Violence Legislation can assist you to have some protection from further harm. You have a right to apply for a domestic violence order if there are incidents of violence to you and/or your children after you have left a relationship. Often when you separate from a partner, domestic violence can increase. However, if the abuse you are experiencing is due to your partner saying he wants to see the children or have the children live with him, the Court may consider this to be a Family Law matter and not domestic violence.

Examples of post separation domestic violence may include

- ◆ Intimidation and Harassment.
- ◆ Undermining your ability to parent and discrediting you as a mother.
- ◆ Withholding financial support.
- ◆ Endangering the children.
- ◆ Disregarding children.
- ◆ Disrupting your relationship with your children.

How can I obtain my belongings and my right to property?

The Domestic Violence Order can state that either you or the perpetrator of the violence can collect property.

The property to be collected **must be essential personal property only or for work related reasons**. All other property should be dealt with in a Family Law Court.

If you are being harassed by a perpetrator of violence for household belongings, you only need to give them the property that you believe is rightfully their property.

To ensure your safety you can arrange for a Police Officer to attend the exchange of property, to ensure your safety.

Financial Abuse

Often during separation a perpetrator of violence may withhold child support and any other financial assistance. You can apply for assistance with Dept of Human Services for Child Support.

If this is unsuccessful a Solicitor may be able to help you apply for a Child Maintenance Order in the Family Law Court.

Parenting Plans under Family Law :

Are often hand-written agreements to arrange when the children will see each parent. They are prepared in the presence of a trained mediator at a dispute resolution centre or with Solicitors. Neither parent is legally bound by the conditions agreed to until it is registered in a Family Law Court as a Consent Order. If there is no agreement in place then either

parent can take the child/ren at any time and the Police will generally not act to recover the child/ren unless a recovery order is granted. It is best to see a Solicitor as soon as you are separated, particularly if you are experiencing domestic and family violence.

How can the Family Law Act help you?

There may be threats or abuse when families are separated but if they are linked to which parent will care for the child on a day to day basis or division of property it may be considered that they are a Family Law matter. These may include:

- “ Threatening to actually take the children away from the family home or not return them.
- ◆ Threatening to take mutual assets and property or actually take property out of the house.

Family Law legislation endeavours to help reduce conflict by having a written arrangement or order, about which parent has day to day care of the child/ren, and when the child/ren can spend time with the other parent.

Family Law legislation also assists to prevent one parent from removing children from another parent without their permission.

Family Law legislation also assists separated persons to have an equitable share of property accumulated during the relationship.