

Family Law Reform:

Information for victims of Domestic Violence



**North Queensland Domestic
Violence Resource Service**

SOME THINGS TO CONSIDER

- Consult a solicitor - Get legal advice about what your rights are and what you can do
- Be prepared - have a clear picture of what you want, but be aware you might have to compromise and settle for what you can live with
- What is said in mediation can't be used as evidence in court, however child abuse and risk of harm must be reported and can be used as evidence
- A Domestic Violence Protection Order can only be used in Family Court if it has been made after going to hearing
- Be aware that the law is looking for parents to cooperate with each other when making arrangements regarding the children
- Be aware that he is likely to continue to use power and control tactics throughout this process

You might feel discouraged or scared to disclose domestic violence because of terms such as 'false allegations' and 'uncooperative'

However... for your safety inform the Family Relationship Centre, Court and your solicitor about the existence of domestic violence!

There are policies and protocols within these services to consider when domestic violence is an issue.

FURTHER CONTACTS

- **Townsville Community Legal Service**
2/181 Sturt Street, Townsville
Ph: 4721 5511
- **Legal Aid Queensland**
Ph: 4760 7507 or 1300 651 188
- **NQ Women's Legal Service**
42 Sturt Street, Townsville
Ph: 4772 5400 or 1800 244 504
- **ATSI Women's Legal Service**
Ph: 4721 6007 or 1800 074 463
- **Family Relationship Centre**
Ph: 4779 4211
- **Dispute Resolution Centre**
Ph: 4721 3714
- **Women's Centre**
50 Patrick Street, Aitkenvale
Ph: 4775 or 1800 811 811 (24h)

North Queensland Domestic Violence Resource Service provides information and referral, the Aardvark program for children, Community education and training, Resources, Court Support, and a Men's Behavioural Change Program.

**North Queensland
Domestic Violence Resource Service**
Level 4, North Town on the Mall
Flinders St Mall, Townsville City
PO Box 6061, Townsville Qld 4810
Phone: 07-47 212 888 Fax: 07-47 211 794
Email: nqdvrs@nqdvrs.org.au

The New Family Law System is based on the following Principles:

- All children have a right to know both their parents and to have their love and support
- All children have a right to be protected from harm
- Parenting is a responsibility that should be equally shared
- Parents should be able to work out what is best for their children together rather than fighting in a courtroom

Some key points for separating couples are:

- There is now an emphasis on 'Equal Shared Parental Responsibility', which could be equal or substantial, and significant time spent with both parents
- Parents must attend a Family Relationship Centre for mediation before or instead of going to court
- It is hoped that through mediation, parents will work out a Parenting Plan

Mediation is when a neutral third party assists people in a dispute to reach a decision, in this case a Parenting Plan regarding the child / children may be developed.

IF YOU ARE SCARED OF YOUR PARTNER, OR FEEL UNSAFE, TALK TO A SOLICITOR BEFORE ATTENDING MEDIATION!

Mediation and Domestic Violence

- Domestic violence is about power and control and you may not feel safe or comfortable about expressing what you want with your partner in the same room
- If there has been domestic violence in your relationship tell the mediation service when you make an appointment
- The mediator can provide separate rooms and act as a go-between
- You can apply for an exemption from mediation if there has been domestic violence, however the court might see this as being uncooperative - talk to a solicitor before applying

You may feel you are being forced into having contact with the person who abuses you. If you are worried or unsure about anything, talk to a solicitor or someone you trust.

When Mediation is a safe option, it should consist of the following:

- Outline rules about what will happen in the session
- Allow both parents to tell their side of the story without interruption
- Help identify the issues you both want to deal with
- Work towards an agreement that involves compromising on issues

About Parenting Plans

A parenting plan is a written agreement that sets out parenting arrangements for children e.g. who cares for the child, the amount of time spent with each parent, how the child will spend time with each parent, and how duties and responsibilities for the child will be shared.

IF YOU ARE UNSURE ABOUT THE PARENTING PLAN YOU HAVE WORKED OUT, SHOW SOMEONE YOU TRUST OR GET LEGAL ADVICE BEFORE SIGNING ANYTHING!

Parenting Plans:

- Must be in writing, dated and signed by both parents
- Can include details on how the plan can be changed and how disagreements can be resolved
- To make a parenting plan legally binding you can register it with the Family Law Court - this then becomes a 'consent order'
- Once registered with the court, a parenting plan can only be changed or altered by applying to the court

Remember: A child's life will change over time, e.g. Schooling and new relationships, so keep this in mind when making and /or agreeing to a parenting plan.