

Family Violence

Family violence is an important consideration in family law matters, both in relation to parenting matters and also property settlement. The Family Law Courts acknowledge the impact it may have on a victim's readiness to attend and participate in Court and their ability to negotiate a settlement.

Family violence is broader than physical violence. It also includes threats, intimidation and harassment by a person towards a member of the person's family, causing that person to reasonably fear for or be apprehensive about his or her personal wellbeing or safety. There are many forms of family violence, including violence among adult partners and former spouses, violence towards a child from an adult, violence from a child towards a parent and violence between siblings.

It is important that you advise us of any family violence in your relationship. If you have suffered family violence during your relationship, we are able to assist you and provide you with practical advice and referrals to appropriate counsellors or self help organisations and shelters. If you have perpetrated acts of family violence upon your partner at any stage during the relationship, we are able to provide you with referrals to counsellors, if you so desire.

Parenting matters

In making parenting orders under Part VII of the *Family Law Act 1975*, the Court considers what is in the child's best interests. A primary consideration of the Court will be "the need to protect the child from physical or psychological harm from being subjected to, or exposed to, abuse, neglect or family violence". The Court will consider any family violence involving a child or a member of the child's family. Further, the Court will consider any family violence order which applies to the child or a member of the child's family.

In most situations, prior to a party making an application for parenting orders, the parties are required to make a genuine effort to resolve their dispute through family dispute resolution processes. Where the Court is satisfied that there are reasonable grounds to believe that there has been or there is a risk of family violence by one of the parties to the proceedings, the parties may be required to attend family dispute resolution before applying for a parenting order.

Protection Orders under the *Domestic & Family Violence Protection Act 1989* (Qld)

A party may apply for a protection order or temporary protection order under the *Domestic & Family Violence Protection Act 1989* to protect against family or domestic violence.

Domestic violence may be committed by someone in a spousal relationship, an intimate personal relationship, a family relationship or an informal care relationship. Domestic violence includes wilful injury to a person, wilful damage a person's property, intimidation, harassment, indecent behaviour without consent or threats to commit any of these acts. Further, domestic violence includes counselling or procuring someone else to commit one of these acts.

If you require a protection order under the *Domestic & Family Violence Protection Act*, we can provide specific advice regarding protection orders, including in urgent circumstances.

Protection orders, in addition to protecting the person applying for the order, can protect a relative or an associate of that person, including children.