

# Introduction

## About this resource

**This resource can help you understand the impact of family violence on your children. It provides practical tips to help you support your children to heal and recover from their experiences.**

This resource is for parents/carers who have been targeted by someone choosing to use family violence. It is also for professionals working to support victim survivors and their children.

This resource aims to be inclusive of all parents experiencing family violence.

The language used throughout this document ('you') refers to any parent or carer of children who have experienced family violence. 'Person using violence' refers to the child's other parent or carer.

The phrase 'your child' means a child in your care. The information here will also be helpful for other primary carers – step-parents, grandparents, extended family, friends or foster carers.

We also acknowledge that family violence is a gendered issue. Women are nearly three times more likely than men to experience violence from an intimate partner, and this violence is most often perpetrated by men<sup>1</sup>. As a result, the language used will at times reflect this.

The resource makes the assumption that parents and carers who have experienced family violence have contacted a support service and are receiving help from a case manager or equivalent.



<sup>1</sup>Source: Australian Bureau of Statistics - [bit.ly/abs-personal-safety](https://bit.ly/abs-personal-safety)

## What is family violence?

Family violence is a pattern of behaviour where a partner or family member hurts you or tries to control what you do.

Family violence includes physical things like hitting, pushing, smashing things or locking you in.

Family violence isn't just physical assault. It can also be:

- Stopping you seeing family or friends.
- Pressuring, tricking or forcing you to do sexual things.
- Threatening to hurt you, your kids, family members or a pet.
- Calling you names or deliberately making you feel bad.
- Stopping you having any money.
- Constantly checking where you are, what you're doing and who you're talking to.

These things can hurt you just as much as physical violence.

Many forms of family violence are against the law.

## Family violence and your children

For children, experiencing family violence means knowing about, seeing or hearing a family member's use of family violence.

It also means the child themselves can be hurt, abused or controlled.

You might be really worried about how the person using family violence has affected your kids and what impact it will have on them as they grow up.

All forms of violence in the family will affect children. A child's ability to cope and the impacts of family violence will depend on many things. It is not your fault that someone is choosing to use these family violence tactics to cause harm to you and your children.

Everyone has the right to feel and be safe, yet family violence is still very common.

According to Australian statistics (2023), one in every three women experience family violence.

In Australia, it is estimated that around 2.3 million adults witnessed violence towards a parent by a partner before the age of 15.

Section 10

# Parenting, violence and the legal system



This section contains tips and information about:

- Intervention orders.
- Going to court.
- Talking to your children about what’s happening.
- Where you can get advice and support.

**Violence is against the law. If you and your child have experienced violence it is possible that you will have contact with police, lawyers and the courts.**

Going through the legal process is an important step to protect you and your children from violence. However, these experiences can be confusing and stressful for you and your children.

It is important to balance protecting your child from stressful details, while giving them opportunities to talk about their experiences and ask any questions.

Each family’s situation is unique, and this information is general. If your children’s other parent is the person using violence and they want to see the children, you need to seek advice about risk and safety from a family violence service or police, and legal advice from a lawyer.

## Tips for talking to legal services

- Write down your concerns before contacting the service.
- Take someone you trust to your appointments. They can support you and help you remember what was said.
- Set aside plenty of time.
- Ask if there is a cost, what the cost is, and how to get help to pay for the service.
- Ask about your rights when it comes to protecting your children.
- If you do not speak English easily, ask if there is a worker who speaks your language, or if they have an interpreter.
- Take notes. In particular, write the name and role of each person that you speak to. This will help if you need to follow anything up later.
- Bring any legal papers you have.

## Tips for helping your child through the legal process

- Children who have experienced family violence often have mixed feelings for both parents. It is important for them to feel that they do not have to take sides.
- Try to avoid your child hearing about your experience of family violence perpetrated by the other parent, or details of the legal process. Think about what they might overhear if you are talking on the phone, or with friends or professionals.
- Appointments may not go ahead if you bring your children.
- Tell your family violence worker, police or lawyer if your children saw or heard the violence or if they were hurt so they can be protected.

## Going to court

- If you have any legal orders about you and your children take them to court.
- Going to court may involve multiple visits. If you are worried about being at the court at the same time as the person who used violence, ask the court, a family violence service or police for information on safety options.
- Courts do not have child minding facilities and it might take all day, so you will need to organise child care for the day, or bring someone with you who can look after your children.

## Some things that might help your child are:

- Tell your child's school or childcare that you're attending court that day, so they can support your child emotionally and be particularly aware of their safety.
- It can help to give the school copies of any intervention orders that protect you or your child.
- Going to court is a long day, bring snacks and activities.

## Talking about intervention orders

In Victoria, you and your children can be legally protected from family violence by intervention orders. You can apply for an order, or the police can apply for you. The court that hears these matters is the Magistrates Court.

Your children may know the police have visited or that you are going to court to help make your family safe. Knowing about this can feel overwhelming and stressful for children, and can lead to strong feelings and confusion. Some children worry about what police and courts mean for their family.

## Things you can say are:

'How do you feel about what's happening at the moment?'

'You know you can talk to me or someone you trust about any of your feelings.'

'The police and courts try to help grown-ups stop hurting others. They have made some rules (called an intervention order) to help keep everyone safe.'

If your intervention order means that your child can't see their other parent, you could say:

'How do you feel about not seeing or talking to dad [or the person using violence] at the moment?'

'The rules say that for now dad [or the person using violence] can't visit us or pick you up from school/childcare. If you see dad [or the person using violence] at school or childcare, tell me or your teacher so we can keep you safe.'

'The grown-ups are working out how, when and where you can safely talk to or see dad [or the person using violence].'

'I wish it was different too.'

See sections 1 or 9 and the 'services and support' section for links to legal advice services, and more ideas on what to say.

## Parenting and the family court

The Family Law Act covers divorce, parenting after separation and property settlement. The law states that children have the right to a safe and meaningful relationship with both parents.

Both parents are responsible for making decisions and financially supporting their children. Children also have the right to be protected from seeing or hearing family violence or being hurt.

The court needs to know if children are at risk because of unsafe adult behaviour. The time children spend with each parent after separation can be negotiated between you and the person using violence with the help of a family dispute resolution practitioner, family relationship centre (mediation centres) or family law courts.

## Things you can say are:

**'The family court is a place that helps us work out how much time you will spend with mum and dad [or the person using violence].'**

**'You will meet a person called a family consultant who will play with you and talk about how what you think and feel about what's happening.'**

**'The judge listens to the family consultant and other grown-ups and thinks about what everyone said to try to make a fair decision.'**

## Talking about the family consultant

Depending on your child's age and level of maturity, the court could consider their wishes when making decisions.

Once proceedings have begun your child may be asked to see a family consultant who will write a report making recommendations about parenting arrangements. Children pick up on your mood and may worry about what going to court means for them and the family. This may also be the first time your child has seen the person using violence for a while.

## Things you can do

- Prepare them by talking about what to expect, but not what to say. Think about their age and give them as much notice as they need to ease their stress.
- Going to court can be a long day; if you need to bring your children with you, bring snacks and activities to keep your child occupied. Plan a fun child-focussed activity for after your day at court, e.g. go for a picnic or get an ice cream.

For more information on talking to your child about the family consultant, visit the Federal Circuit and Family Law Court of Australia website: [bit.ly/family-consultant-fcfcoa](http://bit.ly/family-consultant-fcfcoa).

## Who can give you advice

Each situation is different, so it is important to get the right advice. Contact these services for more information about your rights, the courts or other legal options:

### Women's Legal Service

Ph: 03 8622 0600

Toll Free: 1800 133 302

[womenslegal.org.au](http://womenslegal.org.au)

Provides legal advice on family violence law, family law and victims of crime applications. See their website for fact sheets.

### Victorian Legal Aid

Ph: 1300 792 387

[legalaid.vic.gov.au](http://legalaid.vic.gov.au)

Offers legal advice and has language services. They can refer you to your local community legal service.

### Djirra

Ph: 1800 105 303

[djirra.org.au](http://djirra.org.au)

The Aboriginal Family Violence Prevention and Legal Service Victoria.

### Refugee and Immigration Legal Centre

Ph: 9413 0100

[refugeelegal.org.au](http://refugeelegal.org.au)

Offers support for migration law matters.

### Police

In a crisis always call 000.

If you need to speak to the police who came to your house, or you want to find out what is happening with your orders see the website [police.vic.gov.au](http://police.vic.gov.au).

### Magistrates court

[mcv.vic.gov.au](http://mcv.vic.gov.au)

This court is where you will go if the police apply for an intervention order or if you want to apply. Ask the police or see the website for your local Magistrates court.

### Family court

Ph: 1300 352 000

[fcfcoa.gov.au/fl](http://fcfcoa.gov.au/fl)

This court covers divorce, parenting after separation and property settlement. Recovery orders and passport watch applications are heard here.

### Family Relationships

Ph: 1800 050 321

[familyrelationships.gov.au](http://familyrelationships.gov.au)

Mediation or dispute resolution services help parents negotiate parenting plans. Tell them if you have experienced family violence so they can assess you for their service. The Family Relationships Advice Line can refer you to these services.

### Victims of Crime

Ph: 1800 819 817

[victimsofcrime.vic.gov.au](http://victimsofcrime.vic.gov.au)

If you or your children are victims of criminal family violence, you can apply for assistance. If your ex-partner is convicted and jailed, you can apply to be on the Victim Register, so the parole board considers your family's safety when granting bail.

### Tenancy rights

Ph: 03 9628 9755

Visit the VCAT website at [bit.ly/VCAT-familyviolence](http://bit.ly/VCAT-familyviolence)

If you have an intervention order with an exclusion clause, your ex-partner can be removed from your rental property lease. You can get support at the Victorian Administrative Appeals Tribunal or legal service.



# Services and support

If you are in immediate danger, call 000 for police or ambulance help.

## GenWest

1800 436 937

[genwest.org.au](http://genwest.org.au)

Family violence support service for Melbourne's western metro region.

## Berry Street

Northern suburbs - 03 9450 4700

Central Highlands (Western Victoria/Grampians)

03 5331 3558

[berrystreet.org.au](http://berrystreet.org.au)

Family violence support for Melbourne's north and Western Victoria.

## Safe Steps

1800 015 188

[safesteps.org.au](http://safesteps.org.au)

24 hours a day, 7 days a week

Family violence crisis response line.

## The Orange Door

Family violence support services under one roof.

Visit [bit.ly/genwest-TOD](http://bit.ly/genwest-TOD)

## InTouch

1800 755 988

[intouch.org.au](http://intouch.org.au)

Free and confidential support services or migrant and refugee women.

## Rainbow Door

1800 729 367 or text 0480 017 246

10am to 5pm, 7 days a week

For LGBTIQ+ people and their friends and families.

## Men's Referral Service

1300 766 491

[ntv.org.au](http://ntv.org.au)

24 hours a day, 7 days a week.

Family violence support line for men.

## Women's Legal Service Victoria

1800 133 302

[womenslegal.org.au](http://womenslegal.org.au)

## Kids Helpline

1800 551 800

24 hours a day, 7 days a week.

Free, private, and confidential counselling for young people aged 5 to 25.

## WIRE

1300 134 130

[wire.org.au](http://wire.org.au)

Free support, referrals & information on any issue for women, non-binary & gender diverse people in Victoria.

## Djirra

1800 105 303

[djirra.org.au](http://djirra.org.au)

Culturally informed family violence legal and support services, predominantly for Aboriginal and Torres Strait Islander women.

Read this publication online:

