

Family violence & legal issues

Fines

Parking and toll road fines incurred by an ex-partner who is still driving a car registered in your name can mean you are still legally responsible for the fines.

Other issues

These might include: visa issues, child protection, and victims of crime applications.

A lawyer can:

- help you understand all of the legal problems that might be connected to family violence and all of your legal options
- explain how to apply for a family violence intervention order
- help you with legal paperwork and filling in forms (eg intervention order applications, divorce applications)
- represent you at court
- work on your case and represent you after your court hearing with ongoing problems.

Where to get help

Peninsula Community Legal Centre
Head Office
441 Nepean Highway
Frankston
VIC 3199
pclc.org.au

(03) 9783 3600

We offer free legal services to people who live, work or study in the municipalities of Frankston, Casey, Cardinia, Glen Eira, Kingston and Mornington Peninsula.

Free legal advice is available to most people, but ongoing assistance is subject to guidelines that prioritise clients experiencing disadvantage.

Victoria Legal Aid
Legal Helpline: 1300 792 387

Law Institute of Victoria
Find Your Lawyer Referral Service
(03) 9607 9550

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Are you afraid of your partner?

Don't go through this alone

Seek help from a lawyer



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How a lawyer can help

If you are experiencing family violence or are separating from a violent partner, you will probably come into contact with the law. Going through the legal process is an important step in protecting yourself and your family.

The laws about family violence and family law can be confusing and complicated.

Everyone's situation is different so it is important to get the right advice. You might have problems that you are not even aware of that can be solved by a lawyer.

Seeing a lawyer early on will help you to understand what options are available to you. Getting legal advice does not necessarily mean a court battle - in fact it often means you can avoid court altogether.

Myths about family law

MYTH: You are entitled to 50/50 custody

TRUTH: The law does not say that children automatically spend equal time with their parents. This might work for some families but not for all - especially if one parent is violent. The court makes decisions about children's living arrangements based on what is in the children's best interests.

MYTH: You have a right to see your children

TRUTH: Parents do not have a legal right to see or live with their children. The court decides whether parents can see their children based on what is in the children's best interests.

MYTH: Your partner owns the house so you should leave

TRUTH: The financial contributions of each partner are not the only factors that are assessed in deciding property matters. Other non-financial contributions, such as care of the children and the home and unpaid work in a family business, are also taken into account.

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Family Law

If you have children and you are separating from your violent partner, you will need to sort out whether and how your children should spend time with your partner. You will also need to work out financial and property issues.

Housing issues

If you rent a property with your partner and need to leave because of family violence, you can still be legally responsible for the rent unless you have your name removed from the lease. If you want to stay but your partner's name is on the lease, you can apply for the lease to be changed into your name.

Debt

If you took out loans in your name for property like a car or a mortgage for a house that is still in your ex-partner's possession, you can still be obliged to pay even if you no longer have anything to do with the property.