

## Family violence & legal issues

### Fines

Parking and toll road fines incurred by an ex-partner who is still driving the client's car can mean the client is still legally responsible for the fines.

### Debt

Joint loans for a car in their ex-partner's possession, or joint mortgages for property controlled by an ex-partner can result in ongoing debt even though the client no longer has possession of the property.

### Other issues

Might include visa issues, child protection and victim of crime applications

### A lawyer can:

- advise on legal problems that might be connected to family violence
- represent the client at court
- represent the client after their court hearing with ongoing problems
- advise family violence and other support workers on legal issues linked to family violence so that they can support their clients.

## Where to get help

Peninsula Community Legal Centre  
Head Office  
441 Nepean Highway  
Frankston  
VIC 3199  
[pclc.org.au](http://pclc.org.au)

**(03) 9783 3600**

We assist people living or working in our catchment area experiencing disadvantage who are facing legal issues arising out of family and relationship breakdown.

We offer the following assistance to family violence support workers:

- In person or over-the-phone secondary consultations in family law and family violence law.
- Where appropriate, legal representation for your client.

Victoria Legal Aid  
Legal Helpline: 1300 792 387

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

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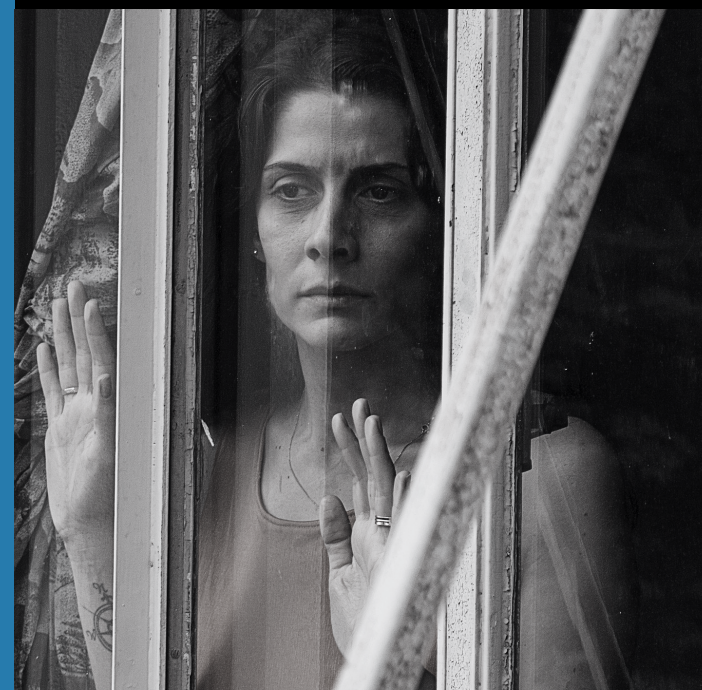
**Victoria Law  
Foundation**



Peninsula  
Community  
Legal Centre

# Working with family violence clients?

**Seek advice  
from a lawyer**



Peninsula  
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## How a lawyer can help

Clients who are experiencing family violence or are separating from a violent partner are likely to come into contact with the law.

Going through the legal process is an important step in protecting themselves and their family.

It is important for the client - or their family violence worker - to speak to an experienced family lawyer to get the right information as soon as possible.

Not all clients experiencing family violence will need a lawyer, but for those who are also dealing with issues of separation and care of children, having access to early legal advice and information on family law issues is critical.

**The laws about family violence and family law are complicated.**

Everyone's situation is different so it is important to get the right advice. Getting the right information early gives your clients a better understanding about the legal steps they might need to take and what options are available to them.

## 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.

## Family violence & legal issues

### Family Law

Mothers separating from their violent partner might need to resolve whether and how their children should spend time with their partner, as well as financial and property arrangements.

Encourage your client to get legal advice from the outset when it comes to Family Violence Intervention Orders. The lawyer will help navigate the client through the different sets of rules and different courts which are involved when there are family violence and family law matters.

Without legal advice/representation there is a risk that the two courts will deal with different matters in isolation from each other. This can result in serious problems for the client.

### Housing issues

Rental property leases in joint names can result in continuing legal obligations for the client after leaving the family home. If the client wants to stay but the lease is in the violent partner's name, the lease can be changed so that the client can stay.