

Family Violence

Regrettably family relationships and other intimate relationships can often be affected by family violence including physical and verbal abuse, bullying, threats and intimidation.

In December 2008 The *Family Violence Protection Act 2008* ("FVPA") took effect in Victoria, replacing the *Crimes (Family Violence) Act 1987* ("the old Act").

The FVPA is much broader than the old Act and introduces a range of new procedures and police powers.

The restraining orders previously known as "Intervention Orders" have been replaced with "Family Violence Intervention Orders", which can be granted by the Magistrates Court of Victoria in favour of, or against, people in "family-like relationships" and in favour of, or against, "associates of family members",

Family Violence Intervention Orders are imposed primarily for 3 purposes namely;

- a) To ensure the safety of the affected family member;
- b) To preserve any property of an affected family member;
- c) To protect a child who has been subjected to family violence.

These orders can be made on an interim (that is, on a temporary basis pending a final decision) or final (that is on a permanent) basis.

The FVPA provides that a "family-like" relationship is one where a relationship exists with the person you regard as being like a family member, if it is or was reasonable to regard that person as being like a family member, having regard to the particular circumstances of the relationship.

What is family violence?

Family Violence is defined broadly in the FVPA and extends to the following conduct:

- Physical and Sexual abuse
- Emotional and Psychological abuse
- Economic abuse, for example the withdrawal or deprivation of household funds
- Threatening behaviour
- Coercive behaviour

- Controlling and dominating behaviour that causes a family member to fear for their safety or well being.

For further advice on family violence, child custody and any other family law issues, please contact our Family Law partners:

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