



Family Law Factsheet No. 7 What is Family Violence?

Warning: This factsheet contains information that may trigger you. If you need support, contact 1800RESPECT or 1800 737 732.

If you or someone else is in danger, call 000.

Many people believe that family violence is when a person is hit by their partner. Family violence includes physical assaults but the Family Courts use a much wider definition of family violence. This factsheet will outline conduct that falls within the definition of family violence in family law and what you need to tell the court if you have experienced family violence.

What is family violence?

Family violence includes any behaviour that is used to threaten, intimidate, harass, control or force a person to do something. It includes:

- physical abuse
- sexual abuse
- financial abuse
- emotional or psychological abuse
- stalking.

Physical abuse

Physical abuse is any unwanted act that involves your person. It includes punching, grabbing, pinching, shoving, slapping, hitting, biting, arm twisting, choking, shaking and spitting.

Physical abuse also includes:

- being assaulted with a weapon, such as a knife, gun or any other implement
- holding, restraining or confining
- breaking bones or bruising
- burning
- stopping a person from having what they need for their health, such as food, medication, medical care or hygienic assistance
- forcing a person to drink alcohol or take drugs
- aggressive behaviour including standing over you
- throwing things at you.

Sexual abuse

Examples of sexual abuse include:

- sexual assault – this includes being forced to have sex, including during marriage
- unwanted touching
- being forced to have sex with others
- being forced into sex work
- being denied contraception when you want it
- being forced to undergo fertilisation treatments when you don't want to
- conduct or behaviour that undermines your sexuality.

Financial abuse

Financial abuse, also known as economic abuse, is a form of family, domestic and sexual violence.

Examples of financial abuse include:

- denying you access to money, bank accounts and/or credit cards
- maintaining control over money so that you are financially dependant on your partner
- preventing you from working or seeking work
- preventing you the use of a motor vehicle
- stealing money or assets
- selling or giving away your assets without your consent
- forcing you to enter into a loan, credit card, mortgage or provide a guarantee
- fraudulent behaviour including forging your signature and/or taking out a loan, credit card, mortgage or additional credit in your name
- forcing you to accept liability for a traffic infringement that you did not commit
- incurring parking fines or toll fines in your name without your consent
- any behaviour that does not include you in financial decisions, without your consent
- controlling how the household money is spent without your consent
- forcing you to take out social security
- transferring assets to a family member or friend so that you cannot make a family law claim
- cutting off electricity, water, gas, internet and other essential services without your consent
- cutting off services that benefit your children in an attempt to control you
- forcing you to enter into a will
- abusing a Power of Attorney
- checking all your spending, account or credit card transactions and interrogating you about the transactions
- destroying or damaging property.

Emotional or psychological abuse

- Emotional or psychological abuse is abuse that impacts the emotional wellbeing of a person and includes the following:

- name calling and insults
- belittling
- conduct that undermines your self worth
- repeated criticism
- verbal abuse
- yelling
- intimidating behaviour
- threats
- threats to another person including a child to control you
- threats to harm an animal
- gaslighting
- isolating you from friends or family
- isolating you from your culture
- threatening self harm or suicide to control you
- monitoring what you eat, wear, where you go and/or what you spend to control you
- denying you or your child something you need as a way to control you
- behaviour that causes you to feel afraid
- harassment
- non stop texting or phoning you
- encouraging your children to call you names and undermine your self worth.

Stalking

Stalking is when a person frequently approaches a person where they live, work or spend their time and following a person. This includes constantly driving past a person's residence or place of work.

Other

Please note that the above are just some examples of behaviour that constitute family violence. There are many types of behaviour used to control or coerce a person.

Another form of family violence is legal abuse. This is when a legal system is used to intimidate and/or threaten a person to control them. This includes behaviour such as denying you access to documents, making false allegations against you, or behaving in a manner that increases your legal fees.

When do I tell the court when I have experienced family violence?

If you are involved in family law proceedings, you should tell the court that you have experienced family violence. This should be done in a number of circumstances:

- If you have an Apprehended Domestic Violence Order (ADVO) for your protection, file a copy with any Application or Response that is filed by you.
- If you or the other party is seeking parenting orders, complete a form called Notice of child abuse, family violence or risk and file a copy.
- Include as many details of family violence in any affidavit filed by you.
- Inform a family consultant (who may prepare a report in relation to children) of any family violence.
- If you are attending court and are afraid for your safety contact 1300 352 000. Arrangements will be put in place for your safety.
- You do not have to disclose your address and other contact details in any court documents. You do have to file a document called a *Notice of Address for Service*. This document provides the court and the other party with an address where they can send documents to you. This can be a lawyer's address if you have a lawyer, a postal box, a family member's or friend's address.

What if the proceedings only relate to property?

You should still inform the court of any ADVO made for your protection.

You should also include any family violence you have experienced in any financial proceedings including property, spousal maintenance and when you are seeking an order that the other side move out of the home you have both been living in (exclusive occupation of the home).

If you are represented by a lawyer, give your lawyer details of all family violence you have experienced.

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This factsheet is not a substitute for legal advice. If you have a problem please seek legal advice from your local community legal centre.