**BETTER PROTECTION FOR CHILDREN AFTER SEPARATION**

By Andrew Corish\*

Emotional abuse and violence can occur in up to a third of relationships. It’s often a major factor in a relationship breakdown - and it has a severe impact on the wellbeing of any children in the relationship, both before and after the breakup.

But now, thanks to recent changes in Family Law, children affected by a separation will have better protection from the effects of any violence in the relationship.

The changes to the law, known as the Family Violence Amendment legislation, came into effect in June this year. The new laws state that issues of family violence and child protection must be given priority when a couple divorces or separates.

In the past, the courts tended to give more importance to both parents having access to the children, to allow them both to have meaningful relationships with them. This encouraged parents to stay involved with their children, but unfortunately in some cases children were exposed to violence because of the access parents were given.

The changes to the law now state that, when it comes to choosing between parental access and safely of children, safety of children comes first.

In the past, there were obstacles to some people, especially women, raising issues of their partner’s violence. Some feared it would count against them, make them appear uncooperative and unwilling to encourage access to the children by their partners.

With the new laws, these obstacles have been removed, making it easier for one partner to raise issues of violence without it counting against them.

As well, the law now more clearly defines what family violence is. Some examples of what constitutes violence now include; repeated derogatory taunts, intentionally damaging property, and causing death or injury to an animal. Other examples are; unreasonably denying financial independence, or preventing a parent keeping a connection with his or her family or culture.

The law will place extra emphasis on cases where violence is coercive and controlling, or done to produce fear. Any past or present Apprehended Violence Orders (AVOs) taken out against partners, or other incidents of family violence reported to DOCS or other welfare agencies, will be given more importance.

Couples separating who have been in relationships where there haven’t been serious issues of family violence, won't be affected by the changes. But where family violence has been an issue, the new laws will hopefully result in children being better protected.

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