

Family Violence

and Grandparents



What is family violence?

Family violence occurs commonly in families. Family violence can happen to you, your grandchild or to the parents of your grandchild.

Family violence is much more than just physical violence, such as hitting, pushing and kicking. Family violence can be **physical**, but it can also be verbal, such as yelling, threats, and offensive remarks about your ethnicity or a disability.

Family violence can be **psychological**, such as making you feel afraid, or stupid, or helpless and dependant.

Family violence can be **social**, for example by stopping you from having contact with friends and family, even on the telephone, or not allowing you to do the activities in the community that you usually enjoy.

Family violence can be **sexual**, ranging from any unwanted touching to forcing you to have sexual intercourse. It can even be making suggestive remarks to you, or forcing you to watch pornography.

Family violence can also be **economic**. Sometimes this type is called financial, for example by taking your pension, controlling how much money you have to spend, making you change your Will, or making you sell or transfer your home or your car to another person.

Family violence and children

Family violence affects children when it happens directly to them, and when they see it or hear it happening to another person in their

family. Family violence also affects children when they see the effects of family violence, for example when they see bruises or when they see broken or damaged furniture.

Family violence can affect the way that children's personalities develop and they can learn how to behave from a poor example of adult behaviour.

As a result of family violence children can feel fear, anxiety, anger and helplessness. They can suffer nightmares and intense fears. They can show aggressive behaviour and low self-esteem. Their learning achievements might slow down or even go backwards.

The other big effect of family violence on children is that children learn their behaviour from adults. If children see family violence regularly they accept that it is part of normal family life. They learn that violence is an acceptable way to control other people. This creates the beginnings of family violence in their own family lives, when they grow older.

Family violence and you

Family violence of all kinds can happen to grandparents. There can be threats to prevent you from spending time with your grandchildren. There can be threats to withdraw support and care for you in your old age.

There can be interference with enjoyment of your usual activities in the community, or cutting off contact with extended family so that you feel isolated and dependant. There can be neglect of your health care needs.

There can be economic control if the parent of a grandchild expects you to care for a grandchild, without providing enough money for you to do it properly. The parent of the grandchild might claim an income support payment for the care of a child, but keep the money for their own use.

Here is an example illustrating the meaning of "family violence"

Maria's son Nick and his wife have three children. Maria loves them very much and she sees them often. One day Nick tells Maria that his wife is expecting another baby and she will have to stop work. They will not be able to keep paying for their house unless Maria lends them money. The only way Maria can get the money is to sell her house. She doesn't want to sell her house or move away from her neighbourhood. Over the next few months Nick keeps asking for the money. He tells Maria that he will have to move to a city 500 kilometres away because the houses are cheaper. He says that if he moves his family



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there, Maria will only be able to see her grandchildren when he can afford to bring them to her.

This behaviour is a form of family violence and is not acceptable.

What could Maria do?

What can you do about family violence?

Some families become so used to family violence occurring that they see it as part of normal family life. Community attitudes have changed a lot. Violent family members are expected to change the way that they behave towards other family members.

If family violence is happening in your family there are services that can help you, and other services that can help your family, such as counselling and mediation.

You can go to a Magistrates' Court and apply for a Family Violence Intervention Order that prohibits family violence. To do this you will need to complete a form and explain your request to the court staff. Ask for an interpreter. You can ask for help in completing the form from a free community legal service, or from court staff or a police member.

Your case will be listed for a hearing in a few weeks when all the people involved, including you, should attend and give evidence. It is best if children do not attend the hearing. You will have to describe the family violence that has occurred, explain why you want it to stop, and what level of protection you need.

A Magistrate can make a range of Court Orders. These may include an Order to stop committing family violence towards you, prohibiting verbal threats and economic control. It may include an Order prohibit-

ing the person from contacting you, or from coming near you, or from living in your house.

How does the Family Court view family violence?

The *Family Law Act* (1975) guides the Family Court and all of us in making decisions about children, including decisions about who they live with and who they spend time with. Decisions about children must be guided by considering what is in the "best interests of the child". This means considering the child's care, welfare and development both now and in the future.

Family violence is clearly relevant to the child's welfare. Exposure to family violence can result in physical or mental harm to the child. The courts must consider any family violence that has occurred when making decisions about the amount of time that is to be spent with a child, or the way that time is spent with a child.

Family violence will be treated very seriously by the Family Courts. This might result in special conditions being imposed on a parent of a child. For example, time with the child might be restricted to certain times of the day, or there might be a condition that time with a child can only be spent in the home of another person, or with another family member present.

The Family Courts can order that a parent of a child first undertake training in parenting skills, or to undertake counselling to control anger problems, or to control alcohol or other drug use, before any time is spent with a child.

The Family Courts will also consider how well a person can protect a child from family violence by others.

This might be relevant if a person is pretending that family violence is not happening, or that it is not important.

How does the Family Court view "child abuse"?

"Child abuse" has a narrow meaning in the *Family Law Act* (1975). It means an assault, including a sexual assault, which amounts to a state crime, or involving a child in sexual activity.

Many of these cases have already been investigated by state police and state child protection authorities before the case starts in the Family Courts. If a child is in the care of a person under a state Child Protection Order, the Family Courts will not usually make an Order.

The Family Courts have special procedures for handling these cases. The court must be alerted to the allegations even if they are not proven. The court makes an assessment of the level of risk that child abuse will occur if a child spends time with a particular person. The allegations do not have to be proven for the court to make an assessment that there is an unacceptable level of risk that child abuse will occur.

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