



# Changes to Family Law from **7 June 2012**

## **From 7 June 2012, changes to Family Law will take effect that will place children and their safety front and centre in family law matters.**

The Australian Government strongly supports happy, healthy relationships between children and their parents and supports shared care where this is safe for the child.

Unfortunately, more than half of the parenting cases that come to courts involve allegations by one or both parties that the other has been violent. Family violence and child abuse cannot be tolerated under any circumstances. This is why the Australian Government has amended the Family Law Act to:

- Prioritise the safety of children in parenting matters by giving greater weight to the protection from harm when determining what is in a child's best interests.
- Change the definition of 'family violence' and 'abuse' to reflect a contemporary understanding of what family violence and abuse is by clearly setting out what behaviour is unacceptable, including physical and emotional abuse and the exposure of children to family violence.

- Better target what a court can consider in relation to family violence orders as part of considering a child's best interests.
- Strengthen advisers obligations by requiring family consultants, family counsellors, family dispute resolution practitioners and legal practitioners to prioritise the safety of children.
- Ensure the courts have better access to evidence of family violence and abuse by improving reporting requirements.
- Make it easier for state and territory child protection authorities to participate in family law proceedings.

These changes will help people within the family law system to better understand, disclose and act where there are family violence and child abuse concerns.

Family courts will be able to access better information on which to assess risk to families and the best interests of children, helping to improve the appropriateness of parenting orders.

The Family Law Act will continue to promote a child's right to a meaningful relationship with both parents where this is safe for the child.

### **WHAT THE FAMILY VIOLENCE ACT DOES NOT DO**

The Family Violence Act does not 'roll back' the 2006 shared parenting reforms. Parenting arrangements will continue to be made in a way that promotes a child's right to have a meaningful relationship with both parents where this is safe.

The Family Violence Act will not impact outcomes for separating families where there are no family violence or child abuse concerns. For those cases where there is no risk of violence or abuse and it is in the child's best interests, the courts will continue to apply the presumption of equal shared parental responsibility and consider equal time or, as the case requires, substantial and significant time.

The family courts will not lose the ability to award costs where a party knowingly makes false statements. The family courts will retain a broad power to make costs orders. In addition, it remains a criminal offence to knowingly make a false statement during court proceedings.