



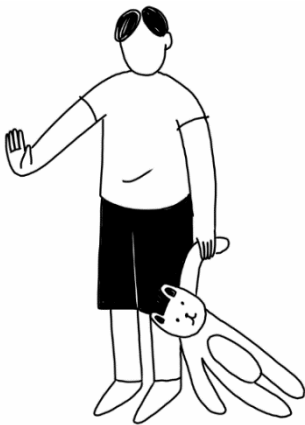
FAMILY VIOLENCE LAW HELP

www.familyviolencelaw.gov.au

Can I make arrangements for children when there's a Domestic Violence Order?

Domestic Violence Orders are also known as Intervention Orders, Family Violence Orders, Apprehended Domestic Violence Orders or Restraining Orders

If you have experienced domestic and family violence and are thinking making arrangements for your children, it is important to get legal advice and consider how domestic and family violence affects children.



A Domestic Violence Order may affect your arrangements for the children. It will depend what your order says and on your situation so you should get legal advice.

If there's a Domestic Violence Order in place, parents may be able to:

- Do Family Dispute Resolution (mediation) to try to reach an agreement about the children. Some but not all people prefer to do mediation rather than go to court. In some cases you may need to change the Domestic Violence Order to go to mediation.
- Go to the Family Courts for Parenting Orders. You must give the Family Courts a copy of any Domestic Violence Orders and it is very important to tell the court about any family violence.



Each case is different, so if you have a Domestic Violence Order and want to know what you can do, get legal advice.

What happens when there are Parenting Orders before a Domestic Violence Order



If you are in the Magistrates' Court or the Local Court for a Domestic Violence Order and there are already family law Parenting Orders in place, you must tell the court.

The court can change or stop the Parenting Orders if they are not safe or if they would not work with the Domestic Violence Order. It's important to get legal advice about this.

If the court doesn't change the Parenting Order and those orders are not safe or don't work with the Domestic Violence Order, get legal advice.

You may need to go back to the Family Courts.



Sometimes, the Family Courts may change or stop your Parenting Order. Or sometimes, the Family Courts can also make Parenting Orders that override parts of your Domestic Violence Order. The Family Courts think very carefully before doing either of these options. It will depend on your situation.

If there are differences between a Parenting Order and a Domestic Violence Order, the Parenting Order overrides the Domestic Violence Order to the extent of the difference.

However, it can depend on what your Domestic Violence Order says and on what your Parenting Order says. What you should do will also depend on what happened in your situation, so it is important to get legal advice.



You can visit www.familyviolencelaw.gov.au for more information.

While we have tried to make the information here as up-to-date and accurate as possible, the law is complex and always changing. All legal problems are different. You should see a lawyer to get advice about your problem. Legal Aid NSW, National Legal Aid and the Commonwealth Attorney-General's Department are not liable for any errors or omissions, or for any loss or damage that arises from any person who relies on any information on this factsheet. This factsheet was developed in 2019.



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