

Domestic Violence Orders And Conditions

What happens, if I said to my ex-husband that I agree to him having visits with his children. The kids are feeling isolated at this time and would like to see him. We do not have any legal arrangements and I also have had a domestic violence order against him, which is still in place.

What are the consequences for him and for myself if we go ahead with this?

The domestic violence order ('DVO') will not automatically prevent the respondent from seeing their children. However, access to the children will depend on what is written in the DVO, whether parenting orders are in place and the level of the alleged domestic violence.

A DVO is a court order designed to prevent future domestic of family violence occurring. A DVO also protects children from witnessing or being subject to any form of abuse.

It is important for both the aggrieved and the respondent to understand the conditions that are included in the DVO. Children, relatives, and friends can also be included on the DVO as a 'protected person' if they are affected by the domestic or family violence.

The standard DVO conditions are:

- being of good behaviour toward you and any others named in the order; and
- not committing violence toward you and any others named in the order.

Common examples of extra DVO conditions that can be added to the order are:

- not having any weapons or a weapon licence;
- not coming within a certain distance of a specified premises (e.g a workplace, home);
- not contacting you in any way (by phone, SMS or social media);
- not approaching you or coming within a certain distance; and
- not going to the children's school or day care centre.

Ex-husband consequences

The ex-husband will need to ensure that he does not contravene any conditions on the DVO if he decides to visit and spend time with the children.

If the ex-husband breaches the DVO, he may be liable to a maximum of three year's imprisonment or a fine up to 120 penalty units (\$14,136). The type of penalties that a court may impose for a breach of a DVO is determined by the seriousness of the offence committed by the respondent.

Ex-wife consequences

The ex-wife will need to follow the conditions set out in the DVO. For example, if there is a condition that the ex-husband must not contact her then she should not contact him. It will be difficult for the ex-wife to prove that the ex-husband breached the order if she contacted him first.

What are some alternative options?

The COVID-19 pandemic should not be an excuse to stop parents from seeing their children.

The ex-wife could arrange regular Skype, Zoom or FaceTime calls with the ex-husband and children. This will ensure that the ex-husband will not breach the conditions in the DVO, and the children can continue to have a relationship with their father.

The ex-wife and the ex-husband should consider putting formal parenting arrangements in place to ensure that the children can have a meaningful relationship with their parents. Parenting arrangements can include where the children will live, who they will spend time with and how parents communicate with children.