



LEAVING AN ABUSIVE RELATIONSHIP



WHAT DO YOU NEED TO CONSIDER WHEN LEAVING?

Leaving an abusive or controlling relationship can be a very stressful and dangerous time as family violence is often heightened during a separation. Every woman's situation is different but you don't have to face separation alone. A family violence counsellor can provide you with emotional support and safety planning, particularly in the event you have to leave your partner in a hurry.

This booklet provides general information about things you should consider when preparing to leave. It is important to understand your legal rights and options as early as possible to increase your ability to create a realistic and workable plan. Laws relating to separation can be quite complex so please discuss your situation with a lawyer to obtain specific advice.

Call the police on 000 immediately if you or someone else is in imminent danger.

If you or someone else is at risk or in danger and it is not an emergency, you can call the 24-hour Family Violence Response Referral Line on **1800 633 937**.

You may have grounds to obtain a Family Violence Order from the Magistrates Court. This can restrict contact between people and impose conditions on their behaviour. Contact the Police, Women's Legal Service or Legal Aid for advice about your eligibility.

What is family violence?

Family violence includes physical abuse, sexual assault, verbal,

economic abuse, emotional abuse, social and spiritual abuse.

HOUSE

RENTING?

If your partner remains living in the property and your name is on the lease:

- You can re-enter the property to collect your personal belongings, unless you have a Family Violence Order against your partner;
- You remain jointly liable for any damage

that your partner may cause to the property.

If your partner remains living in the property and you want to remove your name from the lease:

- The owner/agent for the property will need to assess your partner's capacity to undertake the lease obligations alone;
- You will not be able to re-enter the property to collect your personal belongings and if you do you could be charged with trespass and theft;
- You may lose your bond.

- If you have grounds to obtain a Family Violence Order the Magistrates Court can remove your partner's name from the lease.

MORTGAGE?

Do I lose any rights if I move out of the family home or leave property behind

If both you and your partner vacate the property and you have a lease:

- You remain liable for rent payments until the end date or until a new tenant moves in;
- You can be charged for reasonable costs of finding a new tenant, such as advertising but not a "lease break fee".

If you remain living in the property and you want to remove partner's name from the lease:

- The owner/agent for the property



will need to assess your capacity to undertake the lease obligations alone; or

- Your entitlements to property are based on your contributions and future needs not whether you remain in the property, you should speak to a lawyer to discuss this;
- You should take your personal belongings and important documents with you as it may be difficult to regain access to the property;
- If possible, photograph and record details of the property you are not taking with you
- You can ask the police if they are willing to help you collect your belongings however, this is very dependent on their resources;
- You should double check the Title status of property ownership through your bank or the Land Titles Office.

The property and mortgage are in my partner's name:

- Legally your partner can ask you to leave the home and change the locks;
- If you believe your partner is going to sell a property that you have an interest in, you may need to obtain a caveat

and should seek legal advice; Do you know the value of the property or the mortgage amount owing or can you safely obtain a property appraisal/valuation before leaving?

- Generally, when there is more than one motor vehicle, you would keep the one you have been driving prior to separation. If that vehicle is in your partner's name the registration will need to be transferred to your name.

The property and mortgage are in joint names:

- You can change the home's locks but cannot legally deny access to your partner without a Family Violence Order or Sole Occupancy Order;
- Talk to your bank and ensure access to the account or any redraw facilities are 'two to sign' to prevent any withdrawal of funds or increase to the mortgage without your knowledge;
- You are both jointly liable for mortgage payments. If your partner stops paying you will need to make payments to prevent the bank foreclosing on the property as you may end up with a debt and bad credit rating;

- If you have difficulty meeting payments speak to your bank about financial hardship options;
- If a car is in joint names you both have the same legal rights to ownership. Ensure all insurance premiums are current.

My partner has caused damage to my property or my belongings:

- Keep records of the damage, including photographs, police incident reports or statements and valuations of the property.
-

The property and mortgage are in my name:

- Legally you can ask your partner to leave the home and change the locks;
- You are solely liable for the mortgage regardless of who has been making payments throughout the relationship;
- Your partner may have an interest in the property depending on the contributions and future needs of you both;
- If the car is in your name, legally your partner cannot take it unless you agree. If this is the case, ensure that your insurance covers your partner as a driver.
- You may remain liable for fines that are incurred while your partner has control of the car.

FINANCIAL

Are you eligible for Centrelink or Child Support payments?

- As a single person you may be entitled to new payments, including rent assistance.
- You may be entitled to a one off 'crisis payment' when leaving the relationship due to family violence;
- The care arrangements for your children will determine the level of family assistance payments you receive;
- In order to receive the maximum family assistance payments you will need to apply for a child support assessment;
- If you have concerns for your safety when applying for child support you should speak to a Centrelink social worker as you may be eligible for an exemption.

How can you have financial independence?

- Open a new bank account in your sole name and redirect your wages and/or Centrelink payments;

- Ensure payments for any loans in your name or joint names are being made.

Need to sort out the bi

- If you leave the home you should disconnect any utilities or services in your name as you will remain liable for the accounts;
- If the services are in joint names and your partner remains in the home, contact the service provider to arrange your name to be removed from the account;
- You will remain liable for any joint accounts until they are paid;
- Consider what insurance you will need and ensure payments are up to date;
- If you made payments for accounts solely in your partner's name, you do not need to continue, but you should advise him if you stop payments;
- If you are having trouble meeting payments contact the service provider and/or a financial counsellor.



Can I get help with whitegoods?

-
-
- Ensure bank statements are sent to a safe.....
address and change your
telephone and internet
banking passwords;
- If you have a joint account
ensure it is 'two to sign' so that
your partner can not remove
money without your knowledge
or permission;
- Consider cancelling any
supplementary credit cards to
your primary accounts as you
remain liable for any charges;
-

CHILDREN

Will I be disadvantaged by leaving the home without the children?

- The 'status quo' of children's care arrangements will be taken into consideration when making final arrangements. If they have remained with your partner for a long period of time following separation there is a higher chance of that continuing;
- If you have been the primary carer of the children and you leave without them there is a higher chance of a shared care arrangement in the future;
- If you leave without the children your partner may make it harder for you to see them on a regular basis;
- You need to consider what your partner may say to the children in relation to your leaving.

My partner has taken the children and won't let me see them:

- You should seek urgent legal advice about applying for an urgent recovery order and/or parenting orders. Contact Legal Aid: 1300 366 611 to discuss your eligibility.

Does my child's school need to be made aware of any changes?

- You should advise the school if the care arrangements change and if there are any safety issues for the children;
- You should provide the school with copies of any current Family Violence Orders and ask them to contact you immediately if your partner attempts to remove the children from school.





OTHER THINGS

We have pets:

- If you are keeping your pet take ownership papers, prescriptions, medical records & vaccination records;
- Update your microchip address details, if your partner's name is on the microchip you will need your partner's written permission to change the ownership to you;
- Temporary housing for pets of people who have escaped domestic violence may be available. Contact your local pet shelter.

Health records:

- It is a good idea to keep a copy of childrens' vaccinations and other medical records somewhere safe. Take all current medications and prescriptions;
- Advise your doctor of your safety concerns which may assist in the scheduling of future appointments;
- If you have the same General Practitioner as you partner, consider if you need to change to avoid the risk meeting your partner in the waiting room.

Do I need a doctor to record my injuries sustained by my partner?

- See a doctor if you have been physically or psychologically injured so that there is a medical record;
- Police may take photos of injuries to assist in the prosecution. You may choose to take photographs or bruising etc following the incident to provide to police.

Online security:

- You should change passwords and security questions to all your accounts, including email accounts, social networks, online calendars, credit and bank accounts, and not use passwords that your partner may easily guess such as childrens' or pets' names.
- For other ideas see: www.esafety.gov.au/women



SUPPORT
HELP
EMPOWERMENT