



Family Separation Services Guide

Ballarat | June 2023



Australian Government



Family Law
PATHWAYS
NETWORK



CatholicCare
VICTORIA

Acknowledgement of Country

The Ballarat Family Law Pathways Network and CatholicCare Victoria pay respect to and acknowledge the Traditional Custodians of country throughout Australia and their connections to land, waterways and community. We pay our respect to their elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

We acknowledge sovereignty of lands was never ceded and commit to the cultural safety of all Aboriginal and Torres Strait Islander people, which includes our staff and communities across Victoria.

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INTRODUCTION

This guide has been designed to provide information to assist families who have separated or are separating. The guide includes information about support services and outlines when it would be appropriate to contact each service. The guide will assist professionals supporting families to navigate the various pathways available after separation.

It should be noted that this guide provides introductory material and should not be substituted for actual advice. Families are encouraged to contact the service to receive information particular to their circumstances.

About the Family Law Pathways Network

The Ballarat Family Law Pathways Network is funded by the Australian Government through the Attorney General's Department. Membership is open to any organisation or individual that provides services to separating families. The Network is inclusive and belongs to its members. CatholicCare Victoria (CCV) is the auspice for the Ballarat Family Law Pathways Network - this means CCV is the funds holder and appoints a project officer to facilitate the Network.

The Network aims to improve the collaboration and coordination between organisations operating in the family law system to help separating and separated families obtain appropriate services.

The Network holds regular Network events throughout the region including information sharing sessions, court services, forums, training events and conferences, and produces a bi-monthly e-bulletin.

The Network aims to support the development of a coordinated family law service system in the Ballarat, Central Grampians and Wimmera region. The Network focuses on information-sharing and networking opportunities across the area in response to the needs of separated and separating families.

If you would like to receive more information about the Network or to be placed on the e-bulletin mailing list, please contact the Project Officer via email vicpathways-ballarat@catholiccarevic.org.au

COUNSELLING AND SUPPORT

Separation can be an emotionally traumatic process for a person in their life and during this time it can be helpful to talk to someone outside of the situation. Seeking a professional counsellor can be a good first step. Consultations are available by telephone or face-to-face. Counsellors will listen to you in a supportive and non-judgmental way, and can offer suggestions on how to deal with your situation.

Counselling and mediation services are often vital to resolving disputes following separation. If you are having trouble dealing with the trauma of separation, it is recommended that you contact your nearest counselling service and book an appointment.

See below for support and counselling for families and individuals (for private practitioners, look under "Counselling" in the Yellow Pages section of your phone book):

SERVICE	PHONE	WEBSITE/ EMAIL
Lifeline (24 hours)	13 11 14	www.lifeline.org.au
Men's Line (24 hours)	1300 78 99 78	www.mensline.org.au
Kid's Help Line	1800 551 800	www.kidshelp.com.au
Ballarat Community Health Centre	(03) 5338 4500	www.bchc.org.au
CatholicCare Victoria	Horsham: (03) 5362 4090 Ballarat: 1300 303 988	www.catholiccarevic.org.au
CAFS	(03) 5337 3333 1300 783 341	www.cafs.org.au
The Sexual Assault and Family Violence Centre Geelong- Wimmera	(03) 5381 1211	www.safvcentre.org.au
Women's Information and Referral Exchange	1300 134 130	www.wire.org.au
Men and Family Relationships Service	(03) 5337 3333 1300 783 341	www.cafs.org.au
Men's Referral Service	1800 065 973	http://mrs.org.au
Relationships Australia Ballarat	1800 050 321 (03) 5337 9222	www.relationshipsvictoria.com.au
Family Relationship Advice Line	1800 050 321	www.familyrelationships.gov.au
Parent line- VIC	13 22 89	https://services.dffh.vic.gov.au/parentline
Wimmera Uniting Care Horsham	(03) 5362 4000	www.unitingvictas.org.au/locations
Grampians Community Service	Ararat: (03) 5352 6200 Stawell: (03) 5358 7400 Horsham: (03) 5362 1200	www.grampianscommunityhealth.org.au



FAMILY DISPUTE RESOLUTION (MEDIATION)

Reaching agreements after separation about children or property can be quite difficult. If you are having difficulty discussing these issues with your former partner, mediation (Family Dispute Resolution) may be of assistance.

Family Dispute Resolution (FDR) is a process whereby a trained and independent mediator assists separated families to discuss issues such as property, children or other matters. It is the mediator's role to assist the parties in negotiating their options in the hope of a mutual and lasting agreement. Mediation is often less expensive, time consuming and confrontational than going to court.

Mediation is now an established part of the family law system, with it being mandatory to attempt mediation before seeking court orders in relation to children (subject to some exemptions, e.g. where there is significant risk to parties).

FDR is offered locally through the Family Relationship Centre Ballarat and Relationships Australia Victoria (RAV) Ballarat. If you are seeking mediation, you should contact each service for further information.

For private practitioners, look under "Mediators" in the Yellow Pages section of the phone book or see below for contact details:

SERVICE	PHONE	WEBSITE
Family Relationship Advice Line Ballarat Centre	1800 050 321	http://www.familyrelationships.gov.au
Ballarat Family Relationship Centre (Ballarat FRC)	1300 303 988	https://www.catholiccarevic.org.au/frc
Victorian Legal Aid – Ballarat Office	(03) 5329 6222	http://www.legalaid.vic.gov.au/contact-us/our-offices
Relationships Australia Victoria (RAV) - Ballarat	(03) 5337 9222	www.relationshipsvictoria.com.au
Better Place Australia Mediation and Counselling	1800 639 523	www.betterplaceaustralia.com.au

WHEN DO I NEED LEGAL ADVICE?

All separated parties should consider getting legal advice to help understand their rights, responsibilities and options. Even if court action is unlikely, legal advice can still play an important role in achieving fair and lasting agreements.

Legal representation is provided by a range of legal organisations and private practitioners. All parties should be able to obtain some preliminary legal advice for free or at minimal cost, with ongoing representation being dependent upon the nature of cases and the circumstances of the parties.

There are many legal services that provide free legal advice on the phone or face-to-face. See below for details:

SERVICE	PHONE	WEBSITE
Central Highlands Community Legal Centre	(03) 5331 5999	www.chclc.org.au
Ballarat Magistrates Court	(03) 5336 6200 1300 352 000	https://www.mcv.vic.gov.au/court/ballarat-magistrates-court
Victorian Legal Aid Central Highlands – Ballarat Office	(03) 5329 6222 1800 081 719	http://www.legalaid.vic.gov.au/contact-us/our-offices
Victoria Legal Aid Wimmera Horsham Office	(03) 5381 6000 1800 177 638	http://www.legalaid.vic.gov.au/contact-us/our-offices
Women's Legal Service	1800 133 302	http://www.womenslegal.org.au
Family Relationship Advice Line	1800 050 321	http://www.familyrelationships.gov.au
Law Institute of Victoria – Find a Lawyer	(03) 9607 9311	www.liv.asn.au
Victorian Aboriginal Legal Service – Ballarat	1800 064 865 (03) 5331 3211	http://vals.org.au

Private law firms will also be able to provide legal advice for payment of their professional time. Details of local family lawyers are listed under "Solicitors" in the Yellow Pages section of the phone book, or visit <http://www.liv.asn.au/>





CHILD WELLBEING

The law says that children and young people must be protected from harm, including child abuse. This includes hurting or threatening to hurt a young person physically, sexually or emotionally, exposing them to danger, neglecting a child and others. If you have a belief that a child's welfare is in danger you must notify child protection authorities.

Please see the list below that may assist you, if you believe a child's welfare is at risk. The services below may also be able to provide support and assistance to help enhance a child's wellbeing.

SERVICE	PHONE	WEBSITE
Department of Health and Human Services – Child Protection West region	(03) 5333 6530 1800 000 551 13 12 78 (emergency 24/7)	https://services.dffh.vic.gov.au
CAFS	(03) 5337 3333 1300 783 341	www.cafs.org.au
The Orange Door - Central Highlands (Family Violence and Child Wellbeing Referrals)	1800 219 819 21 Armstrong St, Ballarat	https://www.orangedoor.vic.gov.au
The Orange Door - Wimmera (Family Violence and Child Wellbeing Referrals)	1800 271 042 3-7 Madden Street, Horsham	https://www.orangedoor.vic.gov.au
CatholicCare Victoria	1300 303 988	www.catholiccarevic.org.au
Maternal and Child Health - City of Ballarat	(03) 5320 5720 13 22 29	
Relationships Australia Victoria (RAV) - Ballarat	1800 050 321 (03) 5337 9222	www.relationshipsvictoria.com.au
Ballarat Community Health Centre	(03) 5338 4500	www.bchc.org.au
Koori Family Services Centre - BADAC	(03) 5335 8025	www.badac.net.au
Goolum Goolum Aboriginal Co-operative Horsham	(03) 5381 6333	www.goolumgoolum.org.au
Victorian Aboriginal Legal Service – Ballarat	1800 064 865 (03) 5331 3211 (Ballarat Office)	http://vals.org.au
Kids Helpline	1800 551 800	www.kidshelp.com.au

HELP WITH HOUSING

Following separation, many people find themselves without a place to stay until they can arrange their own housing. If you find yourself in this situation there are many organisations that can help you. Short term crisis housing can be arranged for families in urgent need of temporary accommodation.

Many of these services below can also refer you to services that provide longer term accommodation.



SERVICE	PHONE	WEBSITE
CatholicCare Victoria (Ballarat)	(03) 5337 8999	www.catholiccarevic.org.au
Peplow House	(03) 5332 4466	www.catholiccarevic.org.au
Berry Street	(03) 5330 5000	https://www.berrystreet.org.au/contact-us/western-region-ballarat-office
CAFS	(03) 5337 3333 1300 783 341	www.cafs.org.au
Department of Health and Human Services- Housing	1300 360 462	https://services.dffh.vic.gov.au/housing
Crisis Accommodation Information Line	1800 825 955	
Ballarat Community Health Centre – Youth Housing	(03) 5338 4500	www.bchc.org.au
SalvoConnect Western	(03) 5329 1100	https://www.salvationarmy.org.au/locations/victoria/salvoconnect-western/
Uniting (Ballarat)	(03) 5332 1286	www.unitingvictas.org.au/locations
WRISC	(03) 5333 3666	www.wrisc.org.au/
Uniting (Horsham)	Horsham: (03) 5362 4000	www.unitingvitas.org.au/locations
Grampians Community Health	Ararat: (03) 5352 6200 Stawell: (03) 5358 7400 Horsham: (03) 5362 1200	https://gch.org.au

FAMILY VIOLENCE

Family violence is any threatening, coercive, dominating or abusive behaviour that occurs between family members, domestic or intimate relationships, or former intimate relationships, that causes the person experiencing the behaviour to feel fear. This includes emotional and financial abuse, as well as physical violence and sexual abuse.

If there has been a recent incident of family violence, then the police should be contacted first. If a person is in fear of violence, then they should contact their nearest legal service for legal advice. Support and counseling options are also available, please see below.

SERVICE	PHONE	WEBSITE
Ballarat Police Station	(03) 5336 6000 000	www.police.vic.gov.au
Horsham Police Station	(03) 5382 9200 000	www.police.vic.gov.au
Ararat Police Station	(03) 5355 1500 000	www.police.vic.gov.au
Stawell Police Station	(03) 5358 8222 000	www.police.vic.gov.au
National Domestic Family and Sexual Violence Counselling Service	1800 737 732	www.1800respect.org.au
Safe Steps	1800 015 188	www.safesteps.org.au
WRISC Family Violence Support	(03) 5333 3666	www.wrisc.org.au/
The Sexual Assault and Family Violence Centre Geelong-Wimmera	(03) 5381 1211	www.safvcentre.org.au
CAFS – Referrals via the Orange Door	1800 015 188	www.orangedoor.vic.gov.au
Sexual Assault Crisis Line	1800 806 292	www.sacl.com.au
Berry Street	(03) 5330 5000	https://www.berrystreet.org.au/contact-us/western-region-ballarat-office
Grampians Community Health	(03) 5358 7400	https://gch.org.au

CHILD SUPPORT

Every parent is responsible for financially supporting their children whether they live with the other parent or not. The key components of the child support formula include both parents' income, the costs of raising children of different ages and the contribution a parent makes towards the costs, through direct care.

For more information, please contact the Child Support Info Service. If you require legal advice with regards to child support, please contact the Victorian Legal Aid – Child Support Advice Line or contact a family lawyer.

A child support agreement offers parents a flexible way of arranging child support. You can ask a Child Support Agency (CSA) to accept your agreement, and collect and transfer the payments for you, or you can make private arrangements. There are two types of agreements:

- **Limited Agreements:** a formal agreement that must be in writing and signed by both parents. Legal advice is not needed before entering into a limited agreement. Before a CSA can accept the agreement, two conditions must be met:
 - there must be a Child Support Assessment already in place
 - the annual rate payable as set in the agreement must be equal to or more than the annual rate of the Child Support Assessment.
- **Binding Agreement:** must be in writing and signed by both parents. However, both parents must seek independent legal advice to enter into or end the agreement. Binding agreements can include lump sum payments (including transfer of property) to be credited as Child Support instead of monthly cash or electronic payments.

Please contact a CSA for further information:

SERVICE	PHONE	WEBSITE
Australian Government Child Support Information	13 11 07	https://my.gov.au/en/services/raising-kids/separated-parents/managing-finances/child-support
Child Support – General Enquiries	13 12 72	www.servicesaustralia.gov.au/contact-child-support
Victoria Legal Aid - Child Support General Enquiries	1300 792 387	https://www.legalaid.vic.gov.au/other-support-parenting-arrangements-child-contact-and-child-support

FINANCIAL ASSISTANCE

Many people experiencing separation face some form of financial difficulty and often need some assistance to help them get back on their feet. There are support services that can assist with donations, financial counselling as well as some government agencies, that can provide urgent loans or grants and advanced benefit payments. Please see services below:

SERVICE	PHONE	WEBSITE
Centrelink	13 61 50	www.servicesaustralia.gov.au/centrelink
Child Support Info Service	13 12 72	https://my.gov.au/en/services/raising-kids/separated-parents/managing-finances/child-support
Victims of Crime Victoria	1800 000 055	www.victimsofcrime.vic.gov.au/
Salvation Army	1800 007 007 (03) 5337 0600	www.salvationarmy.org.au
Anglicare (Ballarat)	(03) 5338 8651	www.anglicarevic.org.au
CAFS – Financial Counselling - Ballarat	Ballarat: (03) 5337 3333 Ararat : (03) 5352 2910	www.cafs.org.au
Uniting (Wimmera) – Financial Counselling	Horsham: (03) 5362 4000	www.unitingvictas.org.au



PARENTING INCLUDING POST-SEPARATION PARENTING SERVICES

Separation or divorce does not normally end your involvement and responsibility as a parent. Children require the love and support of both parents. This requires cooperation with your child's other parent, which may not always be easy.

Programs are available for parents to be able to reflect on their experiences and gather information in a supportive environment. For example, Child and Family Services (CAFS) offers a Post Separation Cooperative Parenting Program designed to encourage separating and separated parents to consider the best interests of their children. CatholicCare Victoria offers various parenting workshops through their Regional Parenting Program. Berry Street offers free educational programs for supporting parents after separation to:

- navigate the challenges of their separation
- develop effective child focused strategies for co-parenting
- understand how conflict affects a child's development
- develop self-care

Berry Street's educational program is funded by the Federal Attorney-General's Department and administered by the Australian Government Department of Social Services.

Programs such as these allow parents to review the impacts of the separation on themselves and their children and build relationships as co-parents, ensuring the interests of the child are kept at the forefront. Parents are also able to gain information regarding issues of child behaviour and stages of child development through these programs.

CAFS also operates a Children's Contact Centre which provides a safe and nurturing environment for children to continue to have contact with their parents, even if they aren't living with them so that the children are not exposed to ongoing parental conflict. Please see next page for list of services.



SERVICE	PHONE	WEBSITE
CAFS Ballarat	(03) 5337 3333 1300 783 341	www.cafs.org.au
CAFS Ararat	(03) 5352 2910	www.cafs.org.au
Berry Street	(03) 5330 5000	https://www.berrystreet.org.au/contact-us/western-region-ballarat-office
Ballarat Family Relationship Centre (Ballarat FRC)	1300 303 988	https://www.catholiccarevic.org.au/frc
CatholicCare Victoria	Ballarat: (03) 5337 8999 Horsham: (03) 5362 4090	www.catholiccarevic.org.au
Relationships Australia Victoria (RAV) - Ballarat	1800 050 321 (03) 5337 9222	www.relationshipsvictoria.com.au
Victoria Legal Aid – Child Support Advice Line	1300 792 387	www.legalaid.vic.gov.au
Parent line – VIC	13 22 89	https://services.dffh.vic.gov.au/parentline
Ballarat Community Health	(03) 5338 4500	www.bchc.org.au
Uniting (Wimmera)	Horsham: (03) 5362 4000	www.unitingvictas.org.au
Grampians Community Health	Ararat: (03) 5352 6200 Stawell: (03) 5358 7400 Horsham: (03) 5362 1200	https://gch.org.au

MOVING INTERSTATE

Every person has the right to move freely throughout Australia as provided in the Constitution. If you are thinking about relocating and there are children involved, legal advice is strongly recommended before any move. You should note that a court is able to order that the children be returned to their place of origin in some circumstances.

Contact your nearest legal service or private solicitor to arrange an appointment. See “When Do I Need Legal Advice?” on page 9 for a list of services that offer legal advice.

PROPERTY

Following separation, it is necessary for the property that has been accumulated together to be divided between the parties. If there is any significant property, it is essential that each party obtain legal advice. Knowing your entitlement and rights is crucial to enabling an agreement to be reached. Parents may need financial counselling, superannuation advice, advice from their accountant, real estate agent, or property valuator.

If parties can reach an agreement about the distribution of the property on their own, it will save them time, money and distress. However, it is important to ensure that legal advice is obtained, and full disclosure of all assets is given prior to reaching any agreement. The parties are advised to file an agreement with the court; this can be done by using a 'Consent Orders Kit' available at www.fccoa.gov.au/fl/forms/app-consent-kit. It is advisable to engage a lawyer to draft consent orders if there is significant property.

Relationships Australia Victoria (RAV) and the Ballarat Family Relationship Centre (Ballarat FRC) provide property dispute resolution services in relation to property matters as well as children's matters. See "Family Dispute Resolution (Mediation)" on page 8 for contact details.

Property arrangements can be negotiated through the Family Dispute Resolution process or with the support of a solicitor through the legal process. The following services provide family dispute resolution (mediation) for property matters.

SERVICE	PHONE	WEBSITE
Ballarat Family Relationship Centre (FRC)	1300 303 988	https://www.catholiccarevic.org.au/frc
Relationships Australia Victoria Ballarat	1800 050 321 (03) 53379222	www.relationshipsvictoria.com.au



GOING TO COURT

Going to court should always be a last resort but if necessary, then obtaining legal advice is vital. Contact your nearest legal service or private solicitor to arrange an appointment. See “When Do I Need Legal Advice?” on page 9 for a list of services that offer legal advice.

The Family Law Courts and the Federal Magistrates Court websites also have useful information about going to court. See below for more details:

SERVICE	PHONE	WEBSITE
Ballarat Magistrates’ Court	(03) 5336 6200	https://www.mcv.vic.gov.au/court/ballarat-magistrates-court
Ararat Magistrates’ Court	(03) 5352 1081	https://www.mcv.vic.gov.au/court/ararat-magistrates-court
Stawell Magistrates’ Court	(03) 5358 1087	https://www.mcv.vic.gov.au/court/stawell-magistrates-court
Horsham Magistrates’ Court	(03) 5362 4444	https://www.mcv.vic.gov.au/court/horsham-magistrates-court
Federal Circuit and Family Court of Australia	1300 352 000	www.fccoa.gov.au
Court Network	1800 571 239	www.courtnetwork.com.au

LEGAL SUPPORT SERVICES

Do you have a court date for a Family Violence Intervention Order?

A specialist Family Violence Court Information and Referral Officer (IRO) can help you before, during and after court.

The Information and Referral Officer can:

- Give you information about what to expect on your court day.
- Try and find you a lawyer who may:
 - Give you advice before court
 - Represent you on the day
 - Help you after court to understand what happened and what to do next
- Find help for other legal issues related to your family case, including parenting arrangements, child protection and migration.
- Connect you with culturally safe and specialist support such as counselling, housing and health services.

The Information and Referral Officer can help anyone in the specialist Family Violence Court even if you are not a current Victoria Legal Aid client.

Call the Information and Referral Officer on (03) 5329 6222 or email ballarat@vla.vic.gov.au.

If you are planning to end a relationship or have already ended a relationship, there is an online self-service tool which can assist you to understand more about domestic, family, and sexual violence. It has been developed with people with lived experience of family violence. The service tool is available here: <https://www.legalaid.vic.gov.au/my-safety>

OUR CHILDREN

Most parents who have separated reach their own verbal agreements about which parent their child will live and spend time with. It is not necessary to have a formal agreement in most situations. However, should the parties feel the need for a formal arrangement in writing, then they have two options:

Parenting Plans

A parenting plan is a written agreement, which is signed by both parents. A parenting plan is not legally enforceable and is different from a parenting order, which is made by a court. Various mediation services help parties draft parenting plans after an agreement is reached.

Consent Orders

Consent orders are an agreement between you and the other party which is approved by the court and then made into a court order. A Consent Orders Kit (do it yourself) can be obtained at www.fccoa.gov.au/fl/forms/app-consent-kit. The kit contains the required forms and instructions.

If you have any difficulty reaching an agreement you should try mediation. If mediation does not help you to reach an agreement, then it may be necessary to get some legal advice (see page 9).



The Ballarat Family Law Pathways Network would like to acknowledge the Albury Wodonga Family Law Pathways Network for their permission to reproduce some of the information contained in this guide.



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