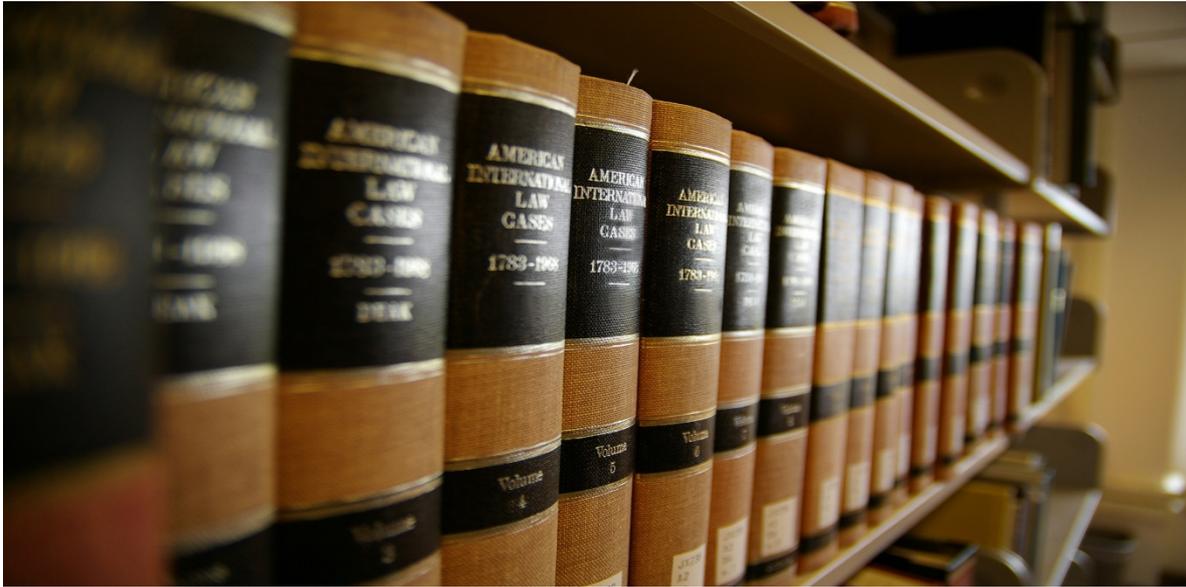


BURKE & MANGAN

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DOMESTIC VIOLENCE AND FAMILY LAW

Domestic violence permeates all sections of our society and is not distinguished by gender, age, level of education, economic or social status, it is not restricted to physical violence, but also includes emotional abuse, restricting access to finances, deprivation of liberty, denying access to family, friends and preventing one from engaging in their culture.

When considering what parenting arrangements are best for children caught in situations of domestic violence, the need to protect them from harm or exposure to family violence is to be given greater regard than the benefit to the child to a meaningful relationship with the perpetrating parent. The children's best interests is always to be the paramount consideration when making parenting arrangement.

In determining each party's entitlement to property division after separation, domestic violence is considered when determining a

party's contributions to the relationship. If a party has been subjected to a violent course of conduct during the relationship, which has had a significant adverse impact upon that party's ability to contribute to the relationship, then they may be entitled to more of the property given their role in the relationship was made significantly more difficult because of the domestic violence. For example, a party repeatedly subjected to domestic violence may take extended leave of absence from employment to recover both physically and emotionally or may not return to the workforce. That party may receive a greater percentage of the property than their contributions would ordinarily result in on account of effectively being prevented from contributing to the relationship.