



# A Practical Guide for Mothers Navigating Parenting After Family Violence



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FIERCELY HUMAN. FEARLESSLY STRATEGIC. LAW DONE DIFFERENTLY.

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If you are reading this, you have already done something incredibly hard you left. You did it to protect yourself and to protect your child.

For a moment, it may have felt like things might finally stabilise.

But then something happens that no one properly prepares you for.

You are told to:

- Facilitate time
- Communicate with the other parent
- Encourage the relationship
- “Co-Parent”

Even when it does not feel right.

What comes next can feel overwhelming, navigating parenting, Court, communication, and everything that comes with it, including fear and pressure.

This guide is here to give you clarity, not confusion. You do not need to do this perfectly, but you do need to approach it strategically.



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FOUNDER AND PRINCIPAL LAWYER

**15+ YEARS**  
EXPERIENCE IN FAMILY LAW

## WHAT WE CAN DO FOR YOU

- Provide urgent, trauma-informed advice in the first 24 to 72 hours
- Develop a clear strategy to protect you and your child
- Guide you through safe parenting arrangements without compromising your safety or position
- Assist with Intervention Orders and ensure they properly support yours and your children's protection
- Communicate with the other party or their lawyers on your behalf
- Represent you in negotiations, mediation, or Court proceedings
- Protect your position and prevent unsafe arrangements from becoming the status quo



## → Why This Feels So Hard

You are being pulled in two directions.

On one side:

- your experience
- your concerns
- Your instinct to protect your child

On the other:

- legal expectations
- pressure to cooperate
- fear of getting it wrong

And in the middle is your child.

In reality, this often looks like:

- a child who does not want to attend to time
- anxiety around changeovers
- ongoing conflict or pressure
- confusion about what you are required to do

You may find yourself asking:

- *“Do I have to make them go?”*
- *“What happens if I don’t?”*
- *“Am I doing the wrong thing?”*

**These are valid questions, and you are not alone in feeling this way.**

## → How the Court Looks at Your Case

Family law in Australia focuses on one central question:

## → What is in the child's best interests?

This includes:

- The benefit of having a meaningful relationship with both parents
- The need to protect the child from harm

These two considerations often sit in tension.

Where there is family violence, **protection from harm takes priority.**

## → Your Safety Comes First

Your safety and your child's safety are the priority, always.

This may include:

- Intervention Orders
- safe or supervised changeovers
- structured communication

An Intervention Order does not determine parenting arrangements, but it matters a lot.



## → Red Flags vs Green Flags

### RED FLAGS

- Withholding the child or threatening to
- Using the child as a messenger
- Speaking negatively about you to the child
- Ignoring agreements
- Controlling finances or communication
- Sudden push for equal time without history
- Minimising or denying violence
- Turning up unannounced or breaching boundaries

This is not just conflict. **It is a pattern.**

### GREEN FLAGS

- Calm, respectful communication
- Consistency and reliability
- Respecting boundaries
- Using structured communication tools
- Supporting the child's relationship with you

Green flags mean **safety and predictability.**

## → Evidence Matters

Your story matters. But in Court, evidence matters more.

Start gathering:

- Messages and Emails
- Police or IVO records
- Medical or counselling notes
- Timelines of incidents

Keep it:

- Factual
- Dated
- Clear

## → Communication: What to Say vs What Not to Say



### What to Say

- *"I am available for changeover at 3:00 pm."*
- *"Please confirm your availability."*
- *"I am happy to discuss arrangements for [child's name]."*

### Tone:

Calm. Neutral. Child-focused.



### What Not to Say

- *"You are a terrible parent."*
- *"You will never see the child."*
- Emotional paragraphs defending yourself

Even if true, **this will not help you in Court.**



### THE RULE:

**CLEAR. CALM. CHILD-FOCUSED. EVERY TIME.**

## → Parenting Arrangements

There is no automatic 50/50.

The Court looks at:

- Safety
- History
- Practicality

Options include:

- Supervised time
- Gradual progression
- Structured routines

You are not required to agree to unsafe arrangements.

## → **Intervention Orders vs Parenting Orders**

They are separate but connected.

- Intervention Orders = protection
- Parenting Orders = children

They must align.

Get advice early.

## → **The Risk of Doing Nothing**

- Delay creates a status quo.
- And the Court often preserves stability.
- Unsafe arrangements can become harder to change.

## → **The Emotional Reality**

You may feel guilt, fear, or pressure.

But protecting your child is not being difficult. It is being responsible.



## → REAL CASE SCENARIOS (BASED ON COMMON CLIENT EXPERIENCES)

### **Scenario 1: “I agreed just to keep the peace”**

A mother agreed to informal arrangements despite safety concerns.

Months later, the father argued this had been “working well” and should continue.

#### **Lesson:**

Early agreements can become evidence against you.

### **Scenario 2: “He said he would change”**

The father minimised past behaviour and pushed for immediate equal time. There was no demonstrated change or accountability.

#### **Lesson:**

The Court looks at behaviour, not promises.

### **Scenario 3: “I sent emotional messages”**

A mother sent long, emotional texts out of frustration. These were later used to paint her as unstable.

#### **Lesson:**

Your communication is evidence.

### **Scenario 4: “I waited too long”**

A mother delayed taking action. The existing arrangement became the status quo.

#### **Lesson:**

Delay can weaken your position.

## → **TOP 5 MISTAKES MOTHERS MAKE EARLY**

1. Agreeing to unsafe arrangements to avoid conflict
2. Not documenting incidents properly
3. Sending emotional or reactive messages
4. Delaying legal advice
5. Assuming the Court will *“just see it”*

The Court only sees what is presented clearly and supported.

## → **Practical Steps You Can Take Now**

- Get legal advice early
- Document everything
- Keep communication structured
- Do not agree to unsafe arrangements
- Build your support network

## → **When to Seek Urgent Help**

Seek urgent advice if:

- There are threats of escalation
- Your child is at risk
- The child is being withheld
- You feel unsafe

You are allowed to protect your child.

You are allowed to set boundaries.

You are allowed to take this seriously.

**You do not have to do this alone.**

## ⓘ **Important Disclaimer**

**This guide provides general information only and is not legal advice. Every matter is different. Your strategy should be tailored to your specific circumstances.**

# Need Advice Specific to Your Situation?

Melmark Law provides strategic, trauma-informed advice for mothers navigating separation and family violence.

**Book a confidential consultation today.**

**Ring (03) 9098 8749.**



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