

29 March 2021

Legal assistance for property settlement a big help for Claire keeping her home

Without the Hume Riverina Community Legal Service (HRCLS) lawyer and the Victoria Legal Aid Small Property Pilot Program, Claire* was looking at upwards of \$5000 for a private lawyer, forcing her to choose between refinancing her house and paying legal fees. There was also the deep stress of potentially losing the home she hoped to raise her two young children in, having to negotiate with her violent ex, and the anxiety of trying to get a fair outcome.

Through the HRCLS partnership with the Centre Against Violence (CAV), Claire was referred for legal advice in July 2019. This was a month after Claire had separated from her abusive partner, with whom she had spent 10 years and had two children to in that time.

Claire had sought support from CAV before ending her relationship. She reported significant emotional and verbal abuse, coupled with manipulating and controlling behaviours. Despite this, Claire elected not to seek an intervention order, however, obtained safety planning and counselling through CAV. No incidents had been reported to police.

The comprehensive legal advice regarded parenting, property settlement child support and intervention order options. Our lawyer heard how Claire had tried to leave the defacto relationship many times, but with no family support behind her, and the ongoing emotional manipulation from her partner, it had proved too difficult to make the break. So Claire continued to endure “gaslighting” and verbal abuse.

During the legal advice appointments Claire revealed how the intimidating behaviour had escalated when she was pregnant with each child and after their births. Constant putdowns and verbal threats and abuse eroded her self-esteem and confidence. The bullying continued after separation, with Claire’s ex using manipulative tactics to coerce her to comply with his demands regarding parenting matters.

Claire wanted her share of the small property pool that existed. This included a house with limited equity, a car each and superannuation. Claire was receiving parenting payments and also working part time, but had no capacity to pay a private lawyer and no power or the strength and resolve needed to negotiate with her ex directly.

Our lawyer successfully applied for a grant through VLA to represent her in the small property mediation process. It was really important to Claire to be able to keep the home for her and the children to offer stability, but also it would be very hard for her to enter the property market again as a single mother on a part time wage. However

 1800 918 377 or
(02) 6055 8090

 cls@umfc.com.au

 27-29 Stanley Street, Wodonga 3690

 (02) 6055 8079

 www.hrcls.org.au

 PO Box 31, Wodonga VIC 3689

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a mortgage broker had indicated Claire may be able to refinance in her sole name, and also pay a lump sum to her ex as part of a settlement.

Our lawyer attended mediation with Claire in July 2020 via telephone, advocating on her behalf to her ex. The matter was settled, with Claire keeping the home, transferring mortgage into her sole name, and paying \$17,000, which wiped out Claire's savings. Orders were made in late-September, with the house settled in mid-October.

*not real name/client consent granted