

***B & K* [2001] FamCA 880 (14 August 2001) – Full Court of the Family Court of Australia**

‘Parenting orders’ – ‘Relevance of family violence in cases concerning the welfare of children’ – ‘Sexual and reproductive abuse’

Proceedings: Appeal against residence orders and property settlement.

Facts: The parties had two children. The trial judge made an order for shared residency of the children. The trial judge accepted evidence that the husband had anally raped the wife.

Issue/s: Did the trial judge give sufficient weight to the family violence the husband had inflicted on the wife and the subsequent effect or impact on her of that violence in making residence orders?

Reasoning/Decision: The appeal was dismissed. At [32] the Court noted the authorities referred to by counsel for the wife in support of the argument that the trial judge did not give sufficient weight to the effect of the domestic violence perpetrated by the husband against the wife: *JG and BG* (1994) FLC 92-515, *Patsalou* (1995) FLC 92-580, *Blanch v Blanch & Crawford* [1998] FamCA 1908; (1999) FLC 92-837, and *Re Andrew* [1996] FamCA 43; (1996) FLC 92-692.

The Full Court determined that consideration of the family violence and its effect upon the wife was adequate and orders for fortnight-about care of the children was within the trial judge's discretion.