

S Courts in Suva, Lautoka and Labasa, Fiji Islands can hear your Family Court

Suva - Government Buildings, Telephone: Government Buildings, Suva. • **Navua** - operates on ad hoc basis. Contact Suva Family Magistrate's Court, Telephone: 3390466, PO Box 102, Nausori. • **Nausori** Magistrate's Court, Telephone: 3390466. • **Vunidawa** - Vunidawa Court - Adoni Magistrate's Court. • **Korovou** - Tailevu Magistrate's Court, Telephone: 3440355, PO Box 66, Levuka.

Lautoka Magistrate's Court - Telephone: 6701322, PO Box 1275, Nadi. • **Ba** - Ba Magistrate's Court, Telephone: 6674096, PO Box 430, Ba. • **Tavua** - Tavua Magistrate's Court, Telephone: 6680023, PO Box 516, Rakiraki, Telephone: 6680023, PO Box 516, Rakiraki.

Labasa Magistrate's Court, Telephone: 8880081, PO Box 160, Savusavu. • **Nabouwalu** - Nabouwalu Magistrate's Court, Telephone: 8850272, PO Box 160, Savusavu. • **Savusavu** - Savusavu Magistrate's Court, Telephone: 8880081, PO Box 160, Savusavu.



THE ASIA FOUNDATION



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FAMILY VIOLENCE AND CHILD ABUSE



Supported by the Fiji Young Lawyers Association

CHILD ABUSE

Child abuse is any behaviour that causes harm to a child, such as neglect and any emotional, physical or sexual assault on a child. It is also child abuse when someone uses a child, directly or indirectly, as a sexual object. Living in a home where there is any family or domestic violence is also harmful to the child.

FAMILY LAW AND CHILD ABUSE

Any child abuse is a very serious matter and the Court will always put the best interests of the child first. This means that the court has to look at the safety, the protection and the wellbeing of the child. You can file an urgent application on **Form 15 Notice Of Child Abuse Or Risk Of Child Abuse** at any Court Registry.

When you file FORM 15, the Registrar of the Family Court will immediately notify the child welfare authority - the Social Welfare Department.

The Social Welfare Department will carry out an investigation on the complaint and notify the Court of their findings. This report will help the magistrate or judge in making a decision that ensures that the child's welfare and protection are taken care of.

To protect the child, the Court may make orders changing where the child stays and who is allowed to see the child. The Court can also make Restraining Orders or Injunctions, which can prevent the person who has abused your child from coming near the child. The Court can also appoint a lawyer for the child (Child's Representative), to help the court find the best possible solution for your child. The Court can also ask for reports from the Court Counselling Services or other counselling organisations about the child's case.

FAMILY VIOLENCE

Family violence can be physical, sexual or emotional. It can affect women, men and children. If your husband, wife or partner or any person abuses you or your children, this is a crime and you can make a complaint to the police.

If you are in the Family Court, and you are concerned that your husband, wife, partner or some other person might abuse you while you are waiting or when in Court you should tell the Court staff who will see that the Court Orderlies keep him/her away from you.

If your case is in the Family Court already and you or your children are still being abused you can ask the Court for a Restraining Order. This Order will tell the person doing the abusing to stop hitting you or your children or to stay away from your home. If the person disobeys the Restraining Order, you can report it to the police and they should be arrested and brought before the court.

URGENT PROTECTION

If you need urgent protection, you can ask to the Court for an Interim (temporary) Restraining Order. This means that you can go to your court hearing without your husband, wife or partner being present in court and you tell the Magistrate why you want this Urgent Protection. Remember that any order made in this case will be temporary and you will still need to get a permanent order.

CHILD ABDUCTION

If your child has been abducted (i.e. taken away from your care and control without your agreement) you should report the matter to your nearest Police Station. You can also seek urgent legal advice.

You can seek the return of your child by filing **Form 12 Application For Interim Orders & Child Recovery** in the Court Registry nearest to you. The Court will then make a **Recovery Order (Form 18)**. A Recovery Order is an order made by the court that will help you to get your child back and you can also get the Police to help. If you are represented, then your lawyer will file an Order but if you are not represented, the Registrar of the Family Court will prepare and issue an Order on your behalf. As soon as the child is returned, you must inform the Registrar of the Family Court that issued the Recovery Order.

WHAT IF MY CHILD IS TAKEN OUT OF FIJI?

If your child has been illegally removed from Fiji, you should take urgent action. Report the matter to the Police and seek legal advice immediately. You can also file a complaint in the Family Court Registry as soon as possible. Once a child has been illegally removed to another country, the laws of that other country and International Conventions apply. These laws can also help in getting your child back.

If you think that your child is about to be taken out of the country, you must go the Family Court Registry immediately and let them know. Ask to see a Counsellor straight away. They will be able to assist you and can refer the matter to a magistrate straight away.