

Most men facing hostile family law proceedings are now at risk of false violence accusations leading to an AVO. Violence intervention orders - known as AVO's or IVO's depending on the state or territory – are now routinely used by divorcing women to gain advantage over their former partners.

Read this [blog](#) from the American National Parents Association summarising how the poisonous role of AVOs in influencing the Australian Family Court system is now internationally recognised. In our Family Law pages we mention statistics showing most Australian magistrates are aware of the proliferation of false allegations, and both judges and lawyers are now speaking out about the injustices arising from this unfair use of violence intervention orders. The use of false allegations is also one of the terms of reference in the current Senate Family Law Inquiry.

The power of the AVO

The reason why false allegations are becoming increasingly common is they work wonders for women who want to deprive their ex-partners of a proper fathering role in their children's lives.

A false violence accusation will almost invariably result in an interim order – granted “ex parte” – based purely on a woman's say-so. That means that police can remove your son from his home and deny him contact with his children until the matters are dealt with in the courts. Given the delays in our legal system, it might be six months to a year before he, or your family members, have any chance of access to the children.

That means, when parenting matters are finally decided in court, sometimes years after the initial accusation, the mother will be firmly entrenched as the primary carer, and the father distanced from his children. So, these fathers usually are up against it when it comes to fighting for shared care, and the mothers gain more child support, and often a bigger slice of the marital assets. Plus, the violence accusation also gives her a fast track when it comes to court proceedings and all sorts of extra support and special conditions. It's a win-win for the women.

(Yes, sometimes it is men making the false accusations but with police far less likely to believe male victims of domestic violence, the chances of a man achieving an AVO through unproven allegations are far less likely.)

False violence accusations also damage the man's reputation, often cutting him off from support from families and friends, losing him jobs, destroying his career. The huge costs of fighting legal cases can easily destroy what's left of his assets.

False violence accusations also put women in an extraordinary position of power. The interim order is heard in a Magistrates Court and the offence is civil, not criminal. But violating the order is a criminal offence, potentially resulting in huge fines and possible jail time.

Know that any woman who is capable of making a false accusation to get an AVO against your son is also capable of faking breaches to that order – which could see your son end up in prison.

How to deal with a violence charge

If your son is facing an AVO, treat it very seriously. Of course, it is very distressing to know his ex-partner has convinced police that he has been violent, but it's important that he does not over-react. He needs to remain calm and find out what his options are when it comes to defending himself.

There are two ways to defend against one of these orders: with a lawyer or self-representing. If your son decides to 'lawyer up' to fight these allegations then he should expect to part with around \$10,000-\$15,000.

Many men can successfully defend themselves by self-representing in court. Obviously then the financial costs are much reduced but doing this effectively requires a good brain, a cool head, and time to devote to reading up on the law, amassing evidence, planning strategies and so on. See our section on [self-representing](#) for some starting points.

Here are some of the key issues your son needs to think through:

First contact with police

If the police ask your son to come in for an interview, he should decline and exercise his right to silence – see more about this in our police section.

But it is different if the police arrest him because that means he's now facing a criminal offence. Once again, he should exercise his right to silence but now he should find a lawyer to steer him through interactions with the police. Even if your son plans to self-represent, it's really advisable to have a lawyer deal with the police at this initial stage, to make sure he doesn't incriminate himself.

Orders without admissions

Lawyers often recommend the best strategy for dealing with intervention orders is to consent to an order "without admission." This means that your son agrees to an order being in place with specific conditions attached but does not admit to any wrongdoing. While this is by far the cheapest and easiest way to deal with these orders, this strategy can have negative consequences.

Most importantly, once the interim order is in place, it is very easy for his ex to set up breaches to the orders. Like inviting him to meet to talk about reconciliation. When your son shows up, he'll be in breach of the orders and could end up being sent to jail.

Or she might show up at his front door which means he has to leave by another exit in order to comply with the distance section of the order. If he doesn't immediately get out of there he will be in breach. She could show up at his workplace and once again he'd have to leave straight away to comply with the order. She could have kids call him and if he accepts the call, he'd be in breach of the order.

Men often aren't warned of the very dangerous consequences of accepting an intervention order – until it is too late.

Websites shaming men with AVOs

There are now websites being set up to name men who have violence orders against them. See one example [here](#). Luckily, this one was taken down, presumably after hackers put their skills to good use to destroy it. Given how easy it is for false allegations to be used to force men into this situation it is just extraordinary that so many people are being hoodwinked into thinking it is a public service to name and shame such men.

But that is the current state of play. We are likely to see more attempts to set up such sites which means any man who ends up with an AVO runs the risk this could be made public information which could have consequences for his career, ruining his reputation and destroying his social and family life. Just one more very good reason why your son must do everything he can not to accept the AVO order.

When to accept the order without admissions

There are, however, a few good reasons why your son might accept the order. Firstly, if he is guilty, this is obviously the best option. If your son has been violent, it is best he is proactive and takes immediate action to show he is taking responsibility for his actions and seeking to change. There are decent courses available for men to learn to control their anger – although stay away from the Duluth model versions which are all about feminist indoctrination rather than effective behaviour change. Ideally you will find someone who will write a report for the court to vouch for your son's genuine desire for change.

Your son might also accept the order if there have been cross-applications made – see below - and both parties have orders against them.

Sometimes the order covers only the ex and not the children so your son can continue his relationship with them. However, as unlikely as it may sound, there are couples who share custody but still take out intervention orders.

Filing cross application

One strategy which can be helpful when your son learns he is facing a hearing based on false allegations is to immediately file a cross application to be heard at the same hearing for final orders. He should not ask for an interim order, just the final order.

He should put together an affidavit outlining her domestic violence against him, (especially any physical violence) and the possibility of any of her friends or family (physically) attacking or stalking or intimidating him. He needs to gather witnesses of her poor treatment of him in social settings and file all this information.

This is a controversial strategy, which will annoy the magistrate and your son's ex, because it will add a lot of time to the proceedings. But some of our group have found it can work well because it adds weight to

your son's defence against the allegations his ex is making and lowers her credibility as a plaintiff/witness. Sometimes magistrates deal with cross-applications by throwing the whole thing out - refusing to deal with the claims and counterclaims and demanding the couple just finds a way to sort out the issues.

It also offers your son time to try bargaining to settle matters before the actual hearing commences. He should argue to make the interim order as least restrictive as possible. It's important to add to the affidavit anything your son is doing to try to reconcile, especially activities the couple has tried together such as joint counselling, or couple's communication courses.

Argue to remove the kids, their school, organised sport, etc. from the interim order, to make sure your son's relationship with the children can continue.

Instead of the order, suggest joint undertakings – to agree not to yell at each other.

Your son needs to do everything he can to have the violence accusations thrown out in the Magistrates Court so they have no consequences when it comes to the family law proceedings.

Living with an interim order

If your son is forced to spend time living with an AVO, he needs to be very, very careful. In our [family law](#) pages you will see detailed advice on how men can protect themselves when dealing with a crumbling marriage, advice very relevant for this situation as well.

Your son needs to keep a diary, recording what he does every day, where he went, what he saw. Use Google Maps to track his movements, take regular photos of his activities with his phone, be extremely careful to keep all communication with his ex, document his involvement with his children. He shouldn't meet in private places for the handover of children but rather find somewhere public like a McDonalds where there is CCTV.

Compiling evidence of his everyday activities will give him vital information which he can use in court to protect himself if facing allegations of a breach. But the tragedy is that every new allegation means more cost, more stress for him and the huge risk that he could end up in prison or facing large fines. Even if her allegations fall apart, there are no negative consequences for her whatsoever. Here's a system absolutely designed to bring out the worst in women – and it is doing precisely that.