



Shaida is a fictional character. Read the case study in full and find out what the legal and non-legal issues are by clicking on the highlighted text on the next page.

Blue boxes represent legal issues. Orange boxes represent non-legal issues.

Shaida

(CALD, Children, Recovery Order)

Shaida and Nabil recently arrived in Australia from Lebanon. They were married 5 years ago in Lebanon and have two children aged 2 and 4 years old. Nabil's brother lives in Australia and Shaida has a cousin living interstate.

The move to Australia has been very stressful. Nabil has not been able to secure employment. Nabil and Shaida have been constantly fighting.

Shaida has been going to an English class at the local community centre to try and improve her English language skills and to meet other women and families who have migrated to Australia.

Nabil does not like it when Shaida goes to these classes. Shaida says: "When I come home, Nabil can be in a terrible mood and pick a fight with me about the smallest things."

On a number of occasions, Nabil has thrown objects at Shaida including a glass, which narrowly missed her face and hit the wall.

Shaida says that Nabil gets angry quite a lot. He shouts at her and tells her that everything is her fault. He is much taller than her and often when he is angry he hovers over her and holds his fist up to her face.

Shaida tried to leave Nabil. However, when she said she was going, Nabil said: "Well you better say your good-byes to your children because you will never see them again. I'll make sure of it." Shaida became stressed and worried that if she did leave Nabil he would take the children from her.

Shaida has arrived at your service crying and in a panic. Shadia says to you: "I came home from doing the shopping and Nabil and the children were gone. I don't know what to do"



Legal and Non-Legal Issues

Shaida and Nabil recently arrived in Australia from Lebanon*.

** Shaida may require some immigration advice if she is on a temporary spousal visa. See the 'Living without violence Immigration and DV factsheet' for assistance and refer Shaida to the Immigration Advice and Rights Centre for some advice. (LINK to FACTSHEET)*

** Also see our webinar and factsheet on 'Domestic Violence and Immigration' (LINK to PAST WEBINARS).*

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Shaida has been going to an English class at the local community centre to try and improve her English language skills and to meet other women and families who have migrated to Australia*.

** As a recently arrived migrant to Australia Shaida may be facing some unique barriers such as language difficulties, isolation from family, friends and community back in Lebanon, and experiencing racism and discrimination. See our webinar and factsheet on 'Working with CALD Women' (LINK to PAST WEBINARS).*

** Shaida may benefit from being referred to a specialised support service for women who are from cultural and linguistic diverse backgrounds and are new to Australia. See the CALD Service Page for more information and links to appropriate services (LINK to CALD PAGE)*

** Shaida may need the assistance of an interpreter when dealing with support services. See the fact sheet 'Quick Guide to Working with Interpreters in Legal Settings' for some useful information about working with interpreters. (LINK to FACTSHEET)*

Nabil does not like it when Shaida goes to these classes. Shaida says: "When I come home, Nabil can be in a terrible mood and pick a fight with me about the smallest things."*

** Domestic violence comes in many forms and can include emotional or psychological abuse. See the Factsheet 'Emotional Abuse is Real' and ' You have a right to feel safe in your own home' for information on the different forms of abuse. (LINK to FACTSHEETS)*

On a number of occasions, Nabil has thrown objects at Shaida including a glass, which narrowly missed her face and hit the wall*.



** Throwing or damaging property is domestic violence. It is physical abuse and a form of intimidation. See the Power and Control Wheel for insight into how physical abuse and intimidation can be used in power and control. (LINK to DIAGRAM)*

Shaida says that Nabil gets angry quite a lot. He shouts at her and tells her that everything is her fault*.

** Making someone feel guilty is a form of emotional or psychological abuse. See the Factsheet 'Emotional Abuse is Real' and 'You have a right to feel safe in your own home' for information on the different forms of abuse. (LINK to FACT SHEETS)*

He is much taller than her and often when he is angry he stands over her and holds his fist up to her face*.

** Shaida's personal safety is a priority. Shaida should be told about the benefits of an Apprehended Domestic Violence Order. See the factsheet 'The law and domestic and family violence' for more information about AVOs and legal protections for victims of domestic violence. (LINK to FACTSHEET)*

** See also our webinars and factsheets on AVOS (LINK to PAST WEBINARS)*

Shaida tried to leave Nabil. However, when she said she was going, Nabil said: "Well you better say your good-byes to your children because you will never see them again. I'll make sure of it." Shaida became stressed and worried that if she did leave Nabil he would take the children from her*.

** Shaida needs to get some family law advice to find out how decisions about parenting arrangements for children are made in Australia. See the Living without violence factsheet 'Parenting after Domestic Violence' and 'Legal Aid's Best for Kids website for more information www.besyforkids.org.au (LINK TO FACTSHEET)*

** Also see our webinars and factsheets on 'Family Law 101: Parenting Arrangements' (LINK to PAST WEBINARS).*

** If Shaida is worried Nabil may try to take the children back to Lebanon, she should seek legal advice about having the children placed on the airport watch list. See our webinar and factsheet on 'The Hague Convention on Child Abduction' (LINK to PAST WEBINARS).*

Shaida has arrived at your service crying and in a panic*.

** Shaida will need emotional support and may benefit from counselling. Victims Services offers 10 hours of free counselling for victims of crime including victims of domestic violence. For more information see the Victims Services website for details: www.victimsservices.lawlink.nsw.gov.au*



Shadia says to you: “I came home from doing the shopping and Nabil and the children were gone. I don’t know what to do”*.

** Shaida needs to seek some **urgent** legal advice about how to go about locating her children.*

As a community worker ask Shaida questions such as: “Do you know where Nabil has gone or where he is likely to go?” “Have you tried contacting Nabil?” and “Do you have current passports for the children?”

The answers to these questions will help a solicitor advise Shaida about how to get her children back.

** When a parent has taken a child without the consent of the other parent, they can apply to the Family Law Court for a **recovery order**. A recovery order is like a warrant for the return of the children and empowers the state, territory and federal police to find and return the children. If a parent does not know where the child has been taken they can also apply for a **location order** to get information from individuals or government departments like the Commissioner for Taxation, Centrelink or Housing NSW about where the other parent is and where the children may be. For more information see the booklet ‘Women and Family Law 10th Edition’ (LINK to BOOKLET).*

See our webinar and factsheet on ‘Family Law: Recovery Orders’ (LINK to FACTSHEET).

**Shaida may benefit from having counselling to help her heal from the domestic violence that she has experienced. Victims Services offers 10 hours of free counselling for victims of crime including victims of domestic violence. For more information see the Victims Services website for details: www.victimsservices.lawlink.nsw.gov.au*

**Shaida should seek legal advice about personal injury and victims support – to ensure that she knows about all her legal options as a victim of violence. For more information on victims support see the Victims Services website: www.victimsservices.lawlink.nsw.gov.au*

For more information, see our webinar and factsheet on ‘The New Victims Support Scheme’ (LINK to PAST WEBINARS).