

Family Violence Intervention Order

What is Family Violence?

Family violence is **violent, dominating or aggressive behaviour** by one person (the Respondent) against other people in the same family (the family members).

The conduct is often **intimidating, manipulative or controlling**. It causes the family members to **fear for their safety**.

Family members include:

- Spouses and former spouses
- De facto partners and former partners
- Children
- People who live in the same household
- Extended relatives
- People you treat as family members



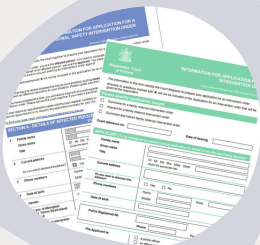
Family violence can be **physical, sexual, emotional, or financial**. It can include **assault, threats, property damage, and many other behaviours**.

If a **child hears or sees family violence**, the law considers that the violence has been committed against the child.

What is a Family Violence Intervention Order (FVIO)?

A Family Violence Intervention Order (FVIO) is a Court Order which aims to protect family members (affected family members) by ordering a Respondent to stop being violent towards them. FVIOs were formerly known as restraining orders.

An FVIO can order the Respondent to stop the violence, stay away from the affected family members, not communicate with the affected family members, and more.



When should I apply for a Family Violence Intervention Order (FVIO)?

You should consider applying for an FVIO if:

- The actions of a family member cause **you to fear for your safety, or the safety of other family members**; and
- You believe **the behaviour will continue**.



How to apply for a Family Violence Intervention Order

If the matter is **urgent** or **safety is at immediate risk** contact 000 or go to your local police station.

Police initiated

You can lodge an online application for a FVIO to be heard at all court locations.

Privately initiated

Application for interim intervention order made

Matter listed for mention

The application form has a list of 8 conditions for you to choose from. If you choose to include all 8, then it is known as a full order.

IF

Respondent negotiates conditions and consents to orders

IF

Respondent contests application

THEN

Final Orders made

THEN

Matter continues to subsequent court hearings and finally to a full hearing with witnesses and evidence

IF SUCCESSFUL

If unsuccessful

No orders made.
Matter finalised

1 Will I get a criminal record?

Getting an order against you is not the same as being charged with a crime. It is what is called a civil process. It is not on the public record, but the police and the court will have a record. But the police must investigate, and you can get into serious trouble if you:

- break the conditions of the order
- act violently towards your family member or damage their property, if there is an order or not.

These are crimes, so you could get a criminal record if you are found guilty of any of these.

2 Will the order affect my job?

If an order is made, it may affect your job if it stops you going to places you need to work at, or if you work with or near your family member. Talk to a lawyer if you are worried about this, because there may be options.

If you are found guilty of breaking the order you could get a criminal record. This may make it more difficult to get certain kinds of jobs or even travel in the future.

3 What happens in the court room?

When your name is called, go into the courtroom. Stand behind the table at the front of the court, facing the magistrate. The magistrate or clerk will tell you what to do. Speak clearly and answer all questions you are asked. Try to stay calm whatever happens. It will help your case.

What happens next depends on what you have decided to do. If you agree with the order the magistrate can look at the application and make a decision quite quickly. If there is a chance that you and the applicant can make an agreement, possibly with the help of a lawyer, the court may give you some more time.

If you want to argue against the order the court will list it for a contested hearing, on another date

4 Can the order be changed or cancelled?

If your situation changes, for example, you and your partner get back together, you must not ignore an intervention order. It needs to be changed, or cancelled.

Intervention orders can be changed or cancelled, but only the magistrate can make these decisions. Anyone named in an intervention order can apply to change the order at any time. If you want the conditions of the order changed, contact the court registrar.

You need to fill in forms explaining what has changed. Your family member will be told that you are asking for this. You will then have to go back to court.

The magistrate must ask if any children named in the order still need protection. The magistrate may not agree to cancel an order if there are children involved

5 Do I have to go to court?

If you signed a bail undertaking you have to go to court, or you may be arrested and charged.

If you get a summons, you do not have to go to court. But orders are serious and can be made even if you are not at court.

If you want to have a say about the order, you have to go to court.