

APPLYING FOR A FAMILY VIOLENCE INTERVENTION ORDER

If you are in immediate danger, please call 000 for Police assistance

Applying for an Intervention Order can feel like a difficult process. Here is some information that may help you fill in the application. You can apply for a family violence intervention order at your local Magistrates' Court.

An application is not an order. If you need protection straight away, you can apply for an interim intervention order. If you fear for your children's safety, you can include them in your application.

What is a family member?

A family member or partner includes anyone you have (or have had) a family or intimate personal relationship with, including your partner, ex-partner, children, relatives and may include anyone you treat (or have treated as family).

Short Family Violence Summary

A family violence intervention order is a court order to protect you from violence by restricting a person's behaviour towards you.

Every family violence intervention order has rules about how people behave. These rules can be different. For example, an intervention order can include rules that a person is not to contact any of their family at all. Or another person's intervention order might say that they can contact their family but not when they have been drinking alcohol or using certain drugs.

People can apply to the court themselves for an intervention order, or the police can apply on their behalf. A family member, or the police, can also make an application for an intervention order on behalf of children.

A family violence intervention order is not a criminal matter but breaking the rules of the intervention order is called breaching the order, and this is a criminal offence. Police can charge a person with a crime if they have breached the intervention order.

An example of an intervention order breach is if a person were to call, email, or use Facebook to contact a family member when the intervention order rules say they are not to contact that family member. It is also a breach if the person asks somebody else to contact their family member for them.

Party types

Affected Family Member: The person(s) who is or has been affected by family violence. After an order is in place then the Affected Family Member (AFM) may be referred to as the Protected Person.

Respondent: The person who has had an application for an Intervention Order made against them. Sometimes the Respondent is referred to as a Perpetrator, as they have perpetrated violence.

Children: By law, a child is 17 and under. Children are affected by violence not just by witnessing violence or having violence perpetrated against them, but also by witnessing the after effects of violence.

Applicant: The person who seeks the intervention order to be made to protect a victim of violence is called the applicant. The applicant could be the Affected Family Member, Police Officer, or other person with a legal authority, guardianship or consent of the Affected Family Member.

Police application: When an application is made by police against a Respondent to protect an Affected Family Member. Note: If police have any concerns for an Affected Family Member's safety they have to seek an intervention order to protect the Affected Family Member.

Making an application

Contact your local court to make an appointment, or speak to a court registrar about getting an intervention order.
www.mcv.vic.gov.au/going-court/find-court

Please remove Pages 1 and 2, and keep for your own information



SOME EXAMPLES OF FAMILY VIOLENCE

Behaviour	Some Examples
Physical violence	<ul style="list-style-type: none"> • Hitting, punching, pushing, pulling, kicking, choking
Sexual violence	<ul style="list-style-type: none"> • Pressuring someone into sexual acts; rape • Pressuring them to watch or join in pornography
Property damage	<ul style="list-style-type: none"> • Breaking or damaging someone's property or belongings, including jointly owned property or belongings
Economic abuse	<ul style="list-style-type: none"> • Controlling someone's money against their will • Forcing someone to pay or give money to others or taking your money • Stopping someone from working • Forcing or tricking someone to take on debts • Using dowry or family finance issues to control someone
Emotional, social or psychological violence	<ul style="list-style-type: none"> • Making someone feel that no one cares or will help them • Name calling or put downs • Making someone fear for their safety • Taunting someone about sexuality or gender identity • Sending abusive messages via phone, email or social media or monitoring what someone does online • Harming or killing pets
Threats	<ul style="list-style-type: none"> • To harm people (including themselves), property, or pets • To take children away or to have them taken by others, such as immigration authorities or Child Protection Services • To disclose someone's sexuality or gender identity • To post or send images held on a phone or device • To get someone deported
Coercing, controlling, dominating or terrorising	<ul style="list-style-type: none"> • Intimidating, bullying, frightening • Controlling where someone goes, what they wear or eat, when they sleep, who they can see • Stopping someone from seeing or speaking to others • Withholding mobility aids, disability equipment or medication • Forcing someone to marry without their consent

Hearing types

Application: An application is not an order. It details needed to seek an order. If you need protection straight away, you can apply for an interim intervention order.

Interim Intervention Order: An interim order is a short-term order made until a magistrate can hear evidence about your application and decide about a final order.

Final Order: A final order is a longer-term order made if a magistrate believes a person needs protection. A final order can be made at any hearing, as long as the application had been served on the respondent.

Mention Hearing: A court hearing when the magistrate will ask you or your lawyer brief details about your case. The magistrate will also speak with the other lawyer (or with police, if they are involved) or respondent. If your case is not sorted out, a date may be set for another hearing.

Direction Hearing: A hearing that happens before a contested hearing as an attempt to settle an Intervention Order application. The Magistrate may ask information to decide how long a contested hearing will take to complete.

Contested Hearing: Where the Magistrate hears all the evidence and can make a final order.

More information about family violence, and specialist family violence services can be found at www.mcv.vic.gov.au/intervention-orders/family-violence

Affected family member

Who needs the Family Violence Intervention order?

<p>(Name of the person who is, or has been affected by family violence)</p>

Do you need an interpreter in court? If so, an interpreter can be arranged by the court, free of charge.

<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure	Language:
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Date of Birth

Gender

	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other: <i>(Please specify)</i>
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Address Details

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Does the respondent know this address?

<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure	<i>Does the person committing the violence against you know your address? Your address can remain confidential. Your address does not have to appear on any court documents.</i>
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Confidential Address

<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure	<i>Tick 'Yes' in the Confidential Address box, or 'Not sure' to talk to a registrar about your address details.</i>
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What are the best ways to contact you?

Telephone:
Email:

What is your relationship to the respondent?

How long have you known the respondent?

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Have you separated from the respondent?

If yes, how long have you been separated?

<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure	<i>(If yes, please specify)</i>
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Are you Aboriginal and/or Torres Strait Islander?

<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Both Aboriginal and Torres Strait Islander
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Do you have a disability? If so, please specify, so the court can consider any special arrangements.

<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>(Please specify)</i>
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Children's details

Do you have any children or are there any children living in the house with you?

No - proceed to next page Yes - living with me Yes - not living with me Yes - other

Childs Name	Date of Birth	Relationship of child to respondent if different to AFM	Address of child, if different to AFM	Include on Intervention Order?
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

Are any of the children Aboriginal and/or Torres Strait Islander?

	<i>(Please specify)</i>
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Children's Court

Are there any children involved in Children's Court applications or orders?

No Yes - specify what type of order Intervention Order
 Other - please specify
 Child Protection Order
(including Department of Health and Human Services)

Please specify

Date of last order

Next court date

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Family Law Courts

Are there any family law orders that apply to the child/ren?

Yes No Not sure

Do you have a copy of the orders? If not, let the court registrar know.

Are there any other hearings at the Family Law Courts about the child/ren or any other family law matters?

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The Magistrates' Court has some ability to hear family law disputes in relation to parenting. This includes changing or stopping existing Family Law Act 1975 parenting orders if there are new allegations of violence. Speak to the Registrar for more information.

Respondent

Name of person committing the violence against you

Date of Birth (or approximate age)

Gender

Male Female Other:

(Please specify)

Current address

Any other address where respondent may be living

Does the respondent operate a business from either address?

Yes No Not sure

What is the best way to contact the respondent?

Telephone:

Email:

Does the respondent need an interpreter at court?

Yes No Not sure

Language:

Is the respondent Aboriginal and/or Torres Strait Islander?

Yes No Not sure

If yes: Aboriginal Torres Strait Islander Both Aboriginal and Torres Strait Islander

Do you know if the respondent has a gun, access to guns, a firearms license, or any weapons?

Yes No Not sure

(Please specify)

If the respondent has a gun or access to a gun or weapon, where are they located?

Do you know if the respondent has any disabilities?

Yes No Not sure

(Please specify)

Applicant

Are you the person that has been affected by the family violence?

- Yes - proceed to Page 7
 No - if no, complete below

If you are making this application on behalf of someone, please provide your details in this section. If you are the Affected Family Member, you are not required to fill in these applicant details.

Name

Address

Date of Birth

Gender

<input type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other:
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What is the best way to contact you?

Telephone:	Email:
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The applicant is:

- An adult (over 18) with the written consent of an affected family member
 A parent of an affected family member who is a child
 A person with the written consent of a parent of the child
 A person who seeks to make an application with permission of the court (leave of the court)
 The guardian of an affected family member

Have you had an IVO made against this respondent in this state or any other state or territory?

- Yes No Not sure

(Please specify)

Does the affected family member consent to you seeking an order?

- Yes No Not applicable

If the affected family member has a guardian, does the guardian consent to the making of the final order?

- Yes No Not applicable

History of Family Violence Incidents

Being able to describe incidents of violence in detail is difficult. Try in your words to answer the following questions about the incidents that occurred. Approximate dates and timeframes are also important to include with the allegations. Trying to provide a near to, or "on or about" time/date is okay if you can't remember the exact day and times.

You can talk to a Court Registrar before an application is prepared who will help you with this part. It is important that you try to explain the incidents as best you can as a start. You may also have a court support person help you where they are available.

Has the respondent behaved in a manner that:

- | | |
|--|---|
| <input type="checkbox"/> Is physically or sexually abusive | <input type="checkbox"/> Is threatening |
| <input type="checkbox"/> Is emotionally or psychologically abusive (such as repeated name calling or putdowns); threats to disclose your sexual orientation; threats to withhold medication; socially isolating you; or threats of self-harm | <input type="checkbox"/> Is economically abusive (such as; removing or disposing of property without permission; preventing you from seeking employment, coercing you to sign a financial contract or relinquish control over assets, income or finances) |
| <input type="checkbox"/> Forcing you to marry without your consent and/or uses dowry or family finance issues to control you | <input type="checkbox"/> In any way controls or dominates you and causes you to feel fear for your safety or wellbeing or that of another person |

Has the respondent:

- | | |
|--|---|
| <input type="checkbox"/> Assaulted or threatened to assault you | <input type="checkbox"/> Caused or threatened to cause the death of, or injury to, an animal so as to control, dominate or coerce you |
| <input type="checkbox"/> Damaged your property or threatened to do so | <input type="checkbox"/> Caused a child to be exposed to any of these behaviours |
| <input type="checkbox"/> Deprived you of your liberty or threatened to do so | |

What was the most recent incident of family violence by the respondent? What happened? When and where did it occur? Please describe below

History of Family Violence Incidents continued...

Have there been other incidents or patterns of family violence by the respondent in the past?

Yes No

You may wish to keep a list of incidents to refer to when you come to court. This could be used in addition to support your application for a Final Intervention Order.

What happened? When and where did it occur?

You can add more details about what has happened on additional paper if you need to.

Are you feeling unsafe? Do you need protection immediately from when the application is served on the respondent?
(Application for an Interim Intervention Order)

Yes No Not sure

If you are unsure about your safety, speak to the court registrar at the court, where you are filing this application.

Related matters

If possible, please provide the details of other court hearings and related information. It may be required or necessary for the court to consider this information when assisting you through the court hearings.

VCAT (Victorian Civil Administrative Tribunal)

Are you in a rental property?

Yes No

Is there an existing joint tenancy agreement?

Yes No

(Please specify)

Did you know that through an application to VCAT under the Residential Tenancies Act 1997, a person protected by an intervention order can:

- *Change the locks on their residential property*
- *Stay in their current rental property but change the lease to their own name through the creation of a new tenancy agreement*
- *Leave the property and reduce the term of their tenancy*

Call 1300 01 8228 or go to www.vcat.vic.gov.au/customer-support-at-vcat/family-violence-support

Property

Has the respondent removed any of your personal property or the personal property of another family member against your wishes?

Yes No

Please tick as appropriate

- Passports, drivers licence, citizenship, migration, tax, Centrelink, birth certificates, identification and personal papers for any protected person
- Personal clothing, shoes, toiletries, jewellery
- Phone, computer equipment, chargers
- Sporting equipment
- Keys or security passes to the protected persons home, garage, business, motor vehicles
- Furniture, appliances, beds and bedding and household goods
- School, hobby and children's items

Some other disputes in relation to the division of property may best be dealt with by seeking Family Law Act 1975 orders. The Magistrates' Court may be able to hear some disputes about the division of small property pools and superannuation under the Family Law Act 1975. As this can be complex, it's best to speak to a lawyer.

Victims of Crime Assistance Tribunal (VOCAT)

The Victims of Crime Assistance Tribunal (VOCAT) provides financial assistance to eligible victims of violent crime committed in Victoria to help them recover from the effects of the crime. VOCAT can award payments in recognition of a crime's impact on victims and may also pay for some expenses incurred as a result of the crime. As a victim of family violence, you may be eligible for financial assistance through VOCAT. For more information or to discuss your eligibility, please call 1800 882 752 or go to the Tribunal's website www.vocat.vic.gov.au.

Police

Did the police attend the most recent incident or has it been reported to the police?

Yes No - proceed to 'Related Intervention Orders'

If yes, give name of person who reported it to the police

Do you know the name of the police officer who attended the incident or who it was reported to, and which police station they work at?

Yes No

Name/Rank of Officer

Police Station

Have you made a report to police about any family violence?

Yes No

(Please specify)

Has the respondent been charged with a criminal offence in relation to this incident?

Yes No

If yes, what has the respondent been charged with?

(Please specify or describe charges if you know them)

Have police taken other action?

(Please specify or describe action taken by police that you know about)

Related Intervention Orders

Is this the first time you have applied for an intervention order against the respondent?

Yes No - provide details of previous application/order

Court location

Date

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Court Reference Number

Was an intervention order made?

Yes No Not sure

You can ask the registrar to look up the details of previous applications/orders that have been made to protect you or have been made against you.

Has the respondent applied for an intervention order against you?

No Yes - provide details Not sure

Court location

Date

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Court Reference Number

Was an intervention order made?

Yes No Not sure

Associate Applications

NOTE: An associate of an Affected Family Member, or a protected person, is a person who provides the Affected Family Member, or a protected person, with assistance or support.

Is there an associate of the Affected Family member who seeks to make an application as an additional applicant?

Yes - you will need to complete an additional form (FVIO2) No

NOTE: An associate of a respondent is a person so closely connected with the respondent that the respondent can influence the actions of the person, whether directly or indirectly.

Is there an associate of the respondent against whom the Affected Family Member seeks to make an application as an additional respondent?

Yes - you will need to complete an additional form (FVIO3) No

*Speak to the registrar about associate applications and whether it is safe for the parties.
An associate application is not heard by the court until a final order is made in this application.*

Conditions of Family Violence Intervention Order

I want the respondent to be prevented from:

(You may choose as many as you like from the list, but the magistrate may not include all the conditions you choose on the order. If there is something you do not want the respondent to do which is not covered in this list, you should discuss this with the Court Registrar, and note it in the box provided)

Committing family violence against the protected person(s)

Note: The Family Violence Protection Act 2008 defines family violence as behaviour by a person towards a family member of that person that is physically or sexually abusive, emotionally or psychologically abusive, economically abusive, threatening, coercive, or in any other way controls or dominates a family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person.

- Family Violence includes behaviour that causes a child to hear or witness or otherwise be exposed to the effects of these behaviours
- Intentionally damage any property of the protected person(s) or threaten to do so
- Attempting to locate, follow the protected person(s) or keep him/her/them under surveillance
- Publishing on the internet, by email or other electronic communication any material about the protected person
- Contacting or communicating with the protected person(s), by any means
- Approaching or remaining within _____ metres of a protected person
- Going to or remaining within _____ metres of _____ or any place where a protected person lives, works or attends school/childcare
- Getting another person to do anything the respondent must not do under this order

I would like exceptions included in this order:

- The respondent may
- (a) Do anything that is permitted by a Family Law Act order, a child protection order or a written agreement about child arrangements; or
 - (b) Negotiate child arrangements by letter, email or text message; or
 - (c) Communicate with a protected person through a lawyer or mediator; or
 - (d) Arrange and/or participate in counselling or mediation; or
 - (e) Go to the home of a protected person in the company of a police officer or a person chosen by the applicant, to collect personal property

BUT ONLY if the respondent does not commit family violence while doing so

I want the Court to order:

- The respondent must arrange to return person property belonging to the protected person(s) within two days of the service of the order
- The respondent must arrange to return jointly owned property within two days of the service of the order
- Any firearms authority held by the respondent to be cancelled/The respondent must hand any firearms in his/her possession to police immediately
- Any weapons approval or weapons exemption held by the respondent to be revoked. The respondent must hand any weapons in his/her possession to police

I want the Court to encourage:

- The respondent to contact the Men's Referral Service

Conditions of Family Violence Intervention Order

Children's arrangements:

- I would like the Family Law Act order about my children to be revived, varied or suspended
- I do not believe that my safety or the safety of my child/ren will be jeopardised by the child/ren living with, spending time with or communicating with the respondent. I understand that the court will require children's arrangements (including handover arrangements) to be in writing

I believe that it may jeopardise my safety and/or the safety of my child/ren for my child/ren:

- To live with the respondent
- To spend time with the respondent
- To communicate with the respondent

Other conditions on the order that you would like the court to make

*The **Family Violence Information Sharing Scheme** allows certain organisations to request and share information to assess and manage family violence risk. The purpose of the scheme is to keep victims safe and to hold perpetrators to account. The registrar will provide you with a Family Violence Information Sharing Consent Form to complete. This form will allow you to indicate if you consent to the Court sharing your information.*

Signature of Applicant/Affected Family Member

Did anyone help you fill out this form?

- Yes No

Name	Organisation
<div style="border: 1px solid black; height: 30px;"></div>	<div style="border: 1px solid black; height: 30px;"></div>

Applicant/Affected Family Member - Signature

Date

<div style="border: 1px solid black; height: 67px;"></div>	<div style="border: 1px solid black; height: 30px;"></div>
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Please provide the completed application form to the court registrar at your appointment