

## If you are in immediate danger, please call the police on triple zero (000)

The police have power to make an application for an intervention order for your protection. You can discuss how and whether they will do this at your local police station. You may also make an application for an intervention order on your own behalf (or on behalf of another adult with their written consent).

You can apply for a family violence intervention order at the Magistrates' Court. An application is not an order. You can talk to a registrar about applying for an intervention order. If you fear for your children's safety, you can include them in your application.

Here is some information that may help you fill in the application form.

### 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).

### What is a Family Violence Intervention Order?

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

Every family violence intervention order has rules about how a person may behave toward another person, the affected family member. 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, through filing this form or completing an online application on the Magistrates' Court website via <https://fvio.mcv.vic.gov.au>. The police can also apply on a person's behalf. A family member, or the police, can also make an application for an intervention order on behalf of children or for other adults, or for a person they are making important decisions for under a power of attorney.

A family violence intervention order is not a criminal order but breaking the conditions 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

### Party types

**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.

**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.

**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.

**Respondent:** The person who has had an application for an intervention order made against them.

**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 the after effects of violence.

### Making an application

You can apply online [fvio.mcv.vic.gov.au](https://fvio.mcv.vic.gov.au) or contact your local court to speak to a court registrar about getting an intervention order. [www.mcv.vic.gov.au/going-court/find-court](http://www.mcv.vic.gov.au/going-court/find-court)

# SOME EXAMPLES OF FAMILY VIOLENCE

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

## Hearing types

**Application:** An application is not an order. It describes what is alleged to have occurred and why the order is needed to protect the affected family member/s. You can also ask the court to make an order for your protection straight away.

**Interim Intervention Order:** An interim order is a temporary order made by a magistrate until the court can hear more evidence about your application and decide about the need for a final order.

The order is only effective when it is served on the respondent.

**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 court hearing, as long as the application has 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 respondent, the respondent's lawyer, or the police (if they are involved). If your case is not finished (e.g. if there is no agreement for an order, and you want to continue with your application for an order), the magistrate may set a date for another hearing.

**Directions Hearing:** A hearing may be held to work out if there is any agreement to final order being made and if not, who should give evidence before the court to assist the court to decide whether an order is necessary for future protection.

**Contested Hearing:** Where the magistrate hears all the evidence and will make a decision about the need for a final order for future protection from the respondent.

**Applying for leave:** Where the applicant seeks permission to be able to make the application for themselves or another person.

**More information about family violence, and specialist family violence services can be found at**  
[www.mcv.vic.gov.au/intervention-orders/family-violence](http://www.mcv.vic.gov.au/intervention-orders/family-violence)

## Affected family member

**Who needs the Family Violence Intervention Order?** (Name of the person who is, or has been affected by family violence)

Date of Birth	Gender	Pronoun(s)
(or approximate age)	<input type="checkbox"/> Man <input type="checkbox"/> Woman <input type="checkbox"/> Non-binary <input type="checkbox"/> Transgender <input type="checkbox"/> Self-described: <input type="checkbox"/> Prefer not to say	She/Her He/Him They/Them Prefer not to say Other

**Are you Aboriginal and/or Torres Strait Islander?**

 Aboriginal  Torres Strait Islander  Both Aboriginal and Torres Strait Islander  No  Prefer not to answer

**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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**Do you have a disability or need additional support for your court hearing?**

 Yes  No  Prefer not to answer  
**If yes, please describe your support needs:**

**Address Details**

**Do you want to keep this address private?**

<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure	Your address does not have to appear on court documents. Tick 'Yes' to keep your address private – it will not appear on court documents. Select 'Not sure' to talk to a registrar about keeping the address private.
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**Does the respondent know this address?**

<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure	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.
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**What are the best and safest ways to contact you?**

Telephone:	Email:
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**What is your relationship to the respondent?**

**How long have you known the respondent?**

<input type="text"/>	<input type="text"/>
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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	<input type="text"/> <i>(If yes, please specify)</i>
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## Children's details

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

No – proceed to the next page    Yes – living with me    Yes – not living with me    Yes – other

Child's Name	Date of Birth	Gender	Relationship of child to respondent	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?

<input type="checkbox"/> No <input type="checkbox"/> Yes – specify what type of order	<input type="checkbox"/> Intervention Order
	<input type="checkbox"/> Other – please specify
	<input type="checkbox"/> Child protection Order <i>(including Department of Health and Human Services)</i>

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

Gender

Pronoun(s)

(or approximate age)

- Man  Woman  Non-binary  
 Transgender  Self-described:  
 Prefer not to say

- She/Her  He/Him  
 They/Them  Prefer not to say  
 Other

Is the respondent Aboriginal and/or Torres Strait Islander?

- Aboriginal  Torres Strait Islander  Both Aboriginal and Torres Strait Islander  No  Not sure

Does the respondent need an interpreter in court?

- Yes  No  Not sure

Language:

Do you know if the respondent has any disabilities?

- Yes  No  Not sure

*(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:

Do you know if the respondent has a gun, access to guns, a firearms licence, 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?

# 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

### Pronoun(s)

<input type="checkbox"/> Man <input type="checkbox"/> Woman <input type="checkbox"/> Non-binary <input type="checkbox"/> Transgender <input type="checkbox"/> Self-described: <input type="checkbox"/> Prefer not to say	<input type="checkbox"/> She/Her <input type="checkbox"/> He/Him <input type="checkbox"/> They/Them <input type="checkbox"/> Prefer not to say <input type="checkbox"/> Other
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## Are you Aboriginal and/or Torres Strait Islander?

- Aboriginal  Torres Strait Islander  Both Aboriginal and Torres Strait Islander  No  Prefer not to answer

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

- Yes  No  Not sure

Language:

## Do you have a disability or need additional support for your court hearing?

- Yes  No  Prefer not to answer **If yes, please describe your support needs:**

## What is the best way to contact you?

Telephone:

Email:

## The applicant is:

- An adult (over 18) with the written consent of an affected family member or the guardian of the 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 intervention order made against this respondent in this state or any other state or territory?

- Yes  No  Not sure

*(Please specify)*

## Do you have written consent of the affected family member agreeing to you applying for 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

To apply for an intervention order, you need to describe what has happened to you. We understand this may be difficult. Please answer the questions below as well as you can.

It is important you include approximate dates and times with the allegations if you can. Providing a near to, or “on or about” time or date is acceptable if you can’t remember the exact day and times.

You can talk to a registrar before you make your application. They can help you with this part. It is important you try to explain the incidents as best you can. You can also bring to court any copies or screenshots of social media, text messages or emails that support your application.

### Has the respondent behaved in a manner that:

- |  |   |
|--|---|
| <input type="checkbox"/> <b>Is physically or sexually abusive</b><br>This can include physical or sexual assault, rape or pressuring you to do sexual acts. It also includes, choking, strangling or suffocating you   | <input type="checkbox"/> <b>Is economically abusive</b><br>This can include 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"/> <b>Is emotionally or psychologically abusive</b><br>This can include repeated name calling or taunts about racial, sexual or gender identity, threats to disclose personal information or threatening to send images held on a phone or device. It also includes threats to withhold medication; socially isolating you; or threats of self-harm or making you fear loss of ability to breathe or death | <input type="checkbox"/> <b>In any way controls or dominates you and causes you to feel fear for your safety or wellbeing or that of another person</b><br>This includes intimidation, controlling where you go, who you see, what you wear or eat and when you sleep. Withholding mobility aids, equipment or medication you may need. Using choking, strangulation or suffocation as a form of manipulation to control or influence you |
| <input type="checkbox"/> <b>Is threatening</b><br>This can include threatening harm to people, including themselves, pets or property. Threats to choke strangle or suffocate. Threats to damage property, threats to withhold children or finances  | <input type="checkbox"/> <b>Forcing you to marry without your consent and/or uses dowry or family finance issues to control you</b>   |

### 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 |   |

Many of the behaviours listed above are criminal offences. If you have experienced any of these, you may report this to the police. The police may charge the respondent with these offences.

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

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

## 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.



## 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

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

## Victims of Crime Financial Assistance Scheme (FAS)

*The Victims of Crime Financial Assistance Scheme (FAS) provides financial assistance to victims to help them recover from violent crime. As a victim of family violence, you may be eligible for financial assistance through the FAS. For more information or to discuss your eligibility, please call the Victims Legal Service on 1800 531 566 or go to the FAS' website [www.victimsofcrime.vic.gov.au/fas](http://www.victimsofcrime.vic.gov.au/fas)*

## 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

<input type="text"/>	<input type="text"/>
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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?**

**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

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.

**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.*

## Types of protection on a 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 help 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

## Types of protection on a 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**

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*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.*

## Other useful information

**Are you in a rental property?**      **Is there an existing joint tenancy agreement?**

<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>(Please specify)</i>
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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-vcats/family-violence-support](http://www.vcat.vic.gov.au/customer-support-at-vcats/family-violence-support)

## Signature of Applicant/Affected Family Member

**Did anyone help you fill out this form?**

<input type="checkbox"/> Yes <input type="checkbox"/> No   Name _____ Organisation _____
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Applicant/Affected Family Member — Signature	Date

**Please provide the completed application form to the court registrar at your appointment**