



Interim Family Violence Orders

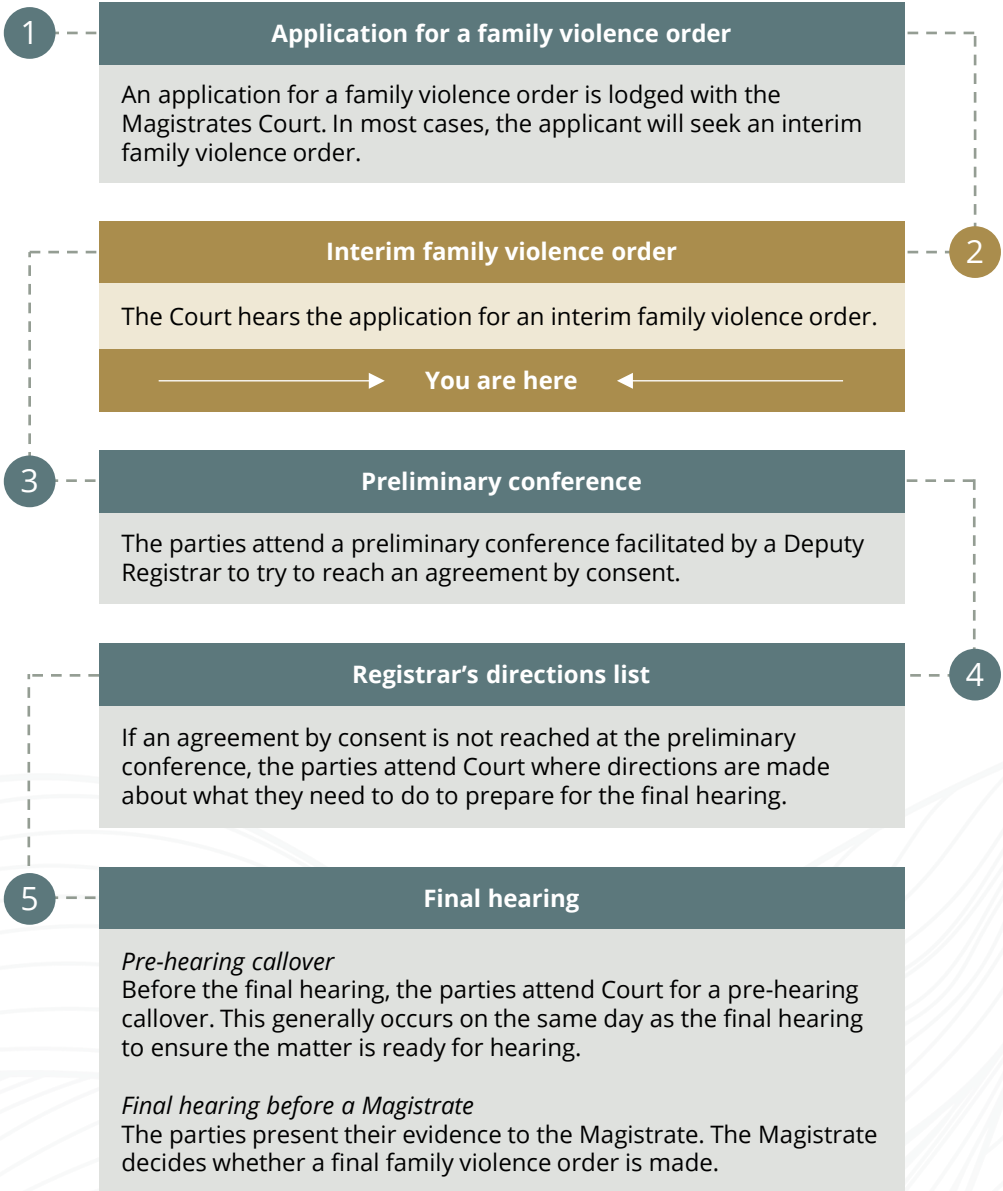
Applicant



**Courts and
Tribunal**

Pathways for family violence applications

There are a number of steps in an application for a family violence order:





Safety

If you have urgent concerns for your safety, you should contact the Police on 000, even if there is an interim family violence order in place.

Key terms

- **Applicant** – The applicant is the person who has applied to the Court for a family violence order.
- **Respondent** – The respondent is the person against whom the family violence order is sought or made.
- **Protected person** – The protected person is the person or people protected by a family violence order. The applicant can also be the protected person.
- **Served/Service** - Served (also called service) means a family violence order or other orders in the proceedings has been hand-delivered to the respondent.
- **Breach** – A breach is where a term of a family violence order has been broken by the respondent. A breach may be a criminal offence.
- **Interim family violence order** – An interim family violence order is a short-term order made until the application for a final order is decided by the Court. An interim order is usually heard without the respondent being present.

What happened in Court today?



1

In Court today, you were granted an interim family violence order for your protection, and/or for the protection of someone you are responsible for, like your child (a protected person).

2

The interim family violence order provides short-term protection until your application for a final family violence order is finalised.

3

The interim family violence order stays in place until the application for a final family violence order is finalised, unless the Court orders otherwise.

4

An application for a final family violence order can be finalised by consent (or agreement) between you and the respondent, or after a hearing where the Court decides the outcome.

5

You must come back to Court for the next step, which is a preliminary conference. If you do not attend, the interim family violence order and your application for a final order may be dismissed in your absence.

What happens now?

1. The interim family violence order, the application form, and any other documents lodged with the Court, will be personally served on the respondent by Police as soon as practicable.

2. Personal service means the documents are personally given to the respondent. The documents cannot be given to someone else to give to the respondent or left in a letterbox.

3. The interim family violence order is in force after it is served on the respondent. At this time, the respondent is aware that they are required to comply with the interim family violence order.

4. If the interim family violence order is served within the ACT, you will receive a text message from Police confirming when it has been served.

5. If you have **questions about service of the interim family violence order, contact the Canberra City Police Station on 13 14 44.**



6. If you think the interim family violence order has been breached, you should report it to the Police, not to the Court.

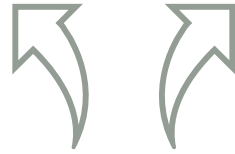
How are you protected?

- Once the interim family violence order is served, it may be a criminal offence to breach the conditions of the order.
- Penalties for breaching an interim family violence order may include a fine, imprisonment for up to 5 years, or both.
- When a breach of a family violence order is reported to Police, Police will assess whether criminal charges will be laid.
- Interim family violence orders are automatically recognised throughout Australia and New Zealand.

Amending the interim family violence order

- The applicant or respondent can make an application to amend (change) the interim family violence order. Court staff can provide you with the application form.
- If you believe the amendment (change) needs to be made urgently, you need to clearly communicate this to the Court when lodging your application.
- Even if you have applied to have an interim family violence order amended, all parties must comply with the conditions of the interim family violence order until the Court makes a decision about the application to amend the order.
Breaching the interim family violence order could result in a criminal charge.

Seeing each other in Court



There are measures in place for the safety of parties during the proceedings. These include:

- All people attending Court are required to go through security screening at the entrance to the Court.
- Security staff and Court Sheriffs are present throughout the Court building at all times.
- Your next Court attendance will be for the preliminary conference. You won't be in the same room as the respondent during the preliminary conference.
- You may encounter the respondent in public areas of the Court and/or the carpark.
- If you are concerned about attending Court because you feel it is unsafe, you can make an application for alternate arrangements. This could be attending by phone, by video call, or attending in a remote witness room. **Alternate arrangements must be approved by the Court prior to attendance – if these are not approved, you must attend in person as directed by the Court.**
- If you have any questions or require support, you should contact the Court as soon as possible.

Next step – Preliminary conference

The next step in this process is a preliminary conference. The purpose of the preliminary conference is to provide you and the respondent with the opportunity to reach an agreement by consent rather than a final hearing before a Magistrate at a later date.

You should be aware that:

- You must attend the preliminary conference.
 - You do not need to present evidence during the preliminary conference.
 - You will not be in the same room as the respondent – the Deputy Registrar will facilitate the conference by going between you and the respondent.
 - The preliminary conference is confidential, and you are not permitted to record the proceedings.
- If you and the respondent reach an agreement, the agreement will be written down and you will be asked to sign the agreement.
 - If you and the respondent do not reach an agreement by consent at the preliminary conference, the matter will proceed to a final hearing before a Magistrate at a later date.
 - The final hearing will be several months after the preliminary conference. In the final hearing, anything that is said, and any evidence that is presented, is on the Court record.

Preparing for preliminary conference



You will have received a notice with the date and time of the preliminary conference at the time of your application for an interim family violence order hearing.

You may bring one support person with you to the preliminary conference. This is in addition to a lawyer (if you are legally represented) and litigation guardian if required. Anyone else who attends with you may be asked to wait outside in the Court's foyer.

It is not appropriate for children to attend a preliminary conference and the Court does not have childcare facilities. You need to make your own childcare arrangements prior to the preliminary conference. Please contact the Court if you have questions about who can attend the preliminary conference with you.

Before coming to the preliminary conference, you should consider:

- ✓ getting legal advice.
- ✓ whether you want the interim family violence order to become a final order.
- ✓ if you want any of the terms or conditions of the interim family violence order and/or final order to be changed. If so, in what way? You will need to be specific about this.
- ✓ if you would be prepared to accept an undertaking from the respondent or make an undertaking to the respondent. How long would you agree to an undertaking? An undertaking is a promise to the Court to comply with terms and conditions. Unlike an order, an undertaking is not legally enforceable, and a breach of an undertaking is not an offence.

Legal advice and support in the ACT

There is help if you need it through the following organisations:



Legal Aid (ACT) helps people in the ACT with their legal problems for free. Legal Aid has a walk-in service every day at the Magistrates Court to assist with family violence and personal protection matters.

Helpline number: 1300 654 314 or 6207 1874

Email: DV@legalaidact.org.au

Website: www.legalaidact.org.au



Women's Legal Centre (ACT) assists women through specialist legal representation, support and advocacy. Their intake and advice line is open 9 to 5pm Monday to Friday.

Phone numbers: 6257 4377 or 1800 634 669

Website: www.wlc.org.au



Aboriginal Legal Service (NSW/ACT) (ALS) provides free and holistic support, both legal and non-legal. Their family violence prevention unit is open Monday to Friday 9am to 5pm.

Phone: (02) 6120 88522

Email: fvpunit@alsnswact.org.au

Website www.alsnswact.org.au



Domestic Violence Crisis Service (DVCS) provides a range of free support including legal support and advocacy, including preparing a safety plan. DVCS may also be able to assist with childcare services while you are at Court.

Phone: (02) 6280 0900 (24 hours every day).

Email: crisis@dvcs.org.au

Website: www.dvcs.org.au

Getting ready for Court

You should seek legal advice before coming to Court.

Court processes may involve long wait times. It is best to plan to be at Court for several hours.

There is a coffee shop in the Court building and others are nearby.

There are no childcare facilities at Court. You need to make your own childcare arrangements. It can be difficult to freely discuss issues with children present.

You can bring a support person with you to Court. It is important to choose a person who is not a witness in the case.

Attending Court

There is information about attending Court and how to get here on our website: www.courts.act.gov.au

You need to attend Court on the date your matter is before the Court. If you do not, the matter could be dealt with in your absence.

If you are unwell or unable to attend your next Court date, you must contact the Court as soon as possible. You must provide evidence of your inability to attend, such as a medical certificate from a registered medical practitioner. You must attend Court unless you receive confirmation from the Court that you are not required to attend.

Security and assistance at Court

Security staff and Court Sheriffs provide security at Court. Everyone coming to Court is required to be security screened.

Requests for assistance for example interpreters, or disability support may be made to the Court Assistance team on:

(02) 6205 0322 or CourtAssistance@courts.act.gov.au

How to contact the Court

Family and Personal Violence Unit

(02) 6205 4939 or Protection@courts.act.gov.au





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