

Applying for an intervention order

An intervention order can help protect you and your family

An intervention order is a court order made by a magistrate. It can help protect you and your family from anyone who is violent or makes you feel unsafe.

Intervention orders have rules (called conditions) about how the person (called the respondent) can behave towards you. The respondent must follow the conditions of the order. If they don't, police can take action.

An intervention order can have conditions to stop the respondent from:

- harassing, threatening, or intimidating you
- being near your house
- contacting you in any way
- damaging your property.

Protection from harmful behaviour

You can apply for an intervention order against a person if they've done any of the following, and are likely to do it again:

- harassed you
- behaved in an offensive manner
- assaulted or threatened to assault you
- emotionally or psychologically abused you
- hurt or threatened to hurt your pets
- damaged or threatened to damage your property
- caused you to fear for your own safety or the safety of your family.

You can get an intervention order even if there has been no physical violence. The intervention order can also be used to protect your children or other family members.

Applying for an intervention order

You can get help applying for an intervention order.

Call the Victims of Crime Helpline on 1800 819 817 for more information.

It's a good idea to take someone with you when you apply for an intervention order. They can help you tell your story clearly and help you remember what you are told.

You can apply for an intervention order at any Magistrates' Court in Victoria.

You don't need the police to be involved to apply for an intervention order. If the police are involved, they may be able to apply for an intervention order and appear in court for you.

If police attend a family violence incident involving you and think that you need immediate protection, they may give you a family violence safety notice. The safety notice can protect you for up to 5 business days. This gives you some time to apply for an intervention order.

A police officer can apply for a safety notice even if you don't want them to. The officer will make it clear to the abusive family member that the safety notice was not your decision.

Applying at court

When you arrive at court, ask to see the family violence registrar. They will ask you about what happened, and why you believe it will happen again. Try to tell the family violence registrar everything you can about your situation.

Useful details include:

- if violence was used
- what type of violence was used (physical or threats)
- if there were any witnesses
- if the violence happened in front of your children or if your children were victims
- if other orders are in place (such as parenting orders).

Emotional abuse can be just as harmful as physical abuse. You should let the family violence registrar know if this has happened.

The family violence registrar will then fill out a complaint form. Make sure that all the details are correct, then sign it.

If you need protection right away, the family violence registrar can organise for a magistrate to make an interim order. This protects you until a final decision is made about your application.

To find your nearest Magistrates' Court, visit the 'Contact Us' page at www.magistratescourt.vic.gov.au.

The respondent is told

The police will give a copy of the complaint form and a summons to appear in court to the respondent. This is called serving the documents.

This can happen in two ways:

1. The respondent is served with a summons. This may take a few days. They will also get the interim order if one has been made.
2. The respondent is arrested. If they are released on bail, the bail conditions will be similar to the intervention order conditions.

Once the respondent gets the documents, they have three options:

1. agree to the intervention order
2. agree to the intervention order, but disagree with your version of what happened. They will have to come to the court hearing to explain why.
3. disagree with the intervention order being made. They will have to come to the court hearing to explain why.

Going to the court hearing

If you applied for an intervention order at court, the family violence registrar will tell you when the court hearing will be.

If the Police did it for you, they will tell you when the court hearing will be.

- Get to court at least 30 minutes before the case is due to start. There can be long delays at court, so you may have to spend the whole day there. Avoid bringing children if you can.
- When you arrive, tell court staff your name. Stay at the court, because you will need to be ready when your name is called.
- Ask if the court has a duty lawyer. They can help with your application and give you other legal advice.
- Ask if the court has an applicant support worker. They can give you information, support and connect you to other services that can help.
- If you are worried about your safety, tell court staff. You should be able to wait somewhere away from the respondent. In some courts, you may be able to give evidence from a separate room.
- If you need to go outside for any reason during the day, make sure you tell someone. Most courts have a loudspeaker that will alert you when your turn comes.
- 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.

If the respondent isn't there

You will have to sit in the witness box in the court room. The magistrate will ask you why you need an intervention order.

Show the magistrate any evidence you have, for example:

- a doctor's report
- photographs
- a police report or statement.

Tell the magistrate why you think the respondent will continue to be a threat to you.

If the respondent is there and agrees to the order

You and the respondent will stand behind a long table at the front of the court. The magistrate will check that the respondent agrees to the order being made.

If the respondent is there and disagrees with the order

The magistrate will either hear the case right away or put off the case to a later date.

If you have an interim order, the magistrate may ask you if the situation has changed. If the case is not heard right away, you may get another interim order for a few weeks.

When an intervention order is made

- If the magistrate believes that you need an order, they will read out its conditions. You can ask the magistrate to consider making changes.
- Once the order is made, wait in the foyer for your copy. If there is anything you don't understand, ask the court staff.
- The order doesn't start until the respondent knows what it says. If the respondent didn't appear in court, it may take a few days for them to receive it. Check with police or the court to find out if the order has been served.

Living with an intervention order

- Police can be there if the respondent moves out of your home, or if you want to collect your things from the house where the respondent is living.
- Carry your intervention order with you. Make copies and leave a copy at home, in your bag and in the glove box of your car.
- You must obey the order too. If you allow the respondent to ignore the order, you can be accused of not taking the order seriously.
- If the respondent breaks any of the conditions of the order, call the police as soon as possible. Police can charge the respondent with a criminal offence.
- If you want to change a condition of your order, you should contact the family violence registrar. A magistrate will then consider changing the order.
- Make a note of when the order ends. The court will not remind you when the order is about to end.
- If you need to extend the order, apply three to four weeks before it ends. You'll need to go back to court.

Keeping safe

Intervention orders aren't the only option to help improve your safety. There are things that can be done to improve your safety at home and online.

Visit www.victimsofcrime.vic.gov.au/safety for more information.

Where to get help

The Victims of Crime Helpline

Call: 1800 819 817

Text: 0427 767 891

Email: vsa@justice.vic.gov.au

Open: 8am to 11pm, 7 days a week

Information, advice and connections with other support services to help you apply for an intervention order.

We are National Relay Service and interpreter friendly.

Court Network

Court Network can provide a trained volunteer to support you at court.

Call: 1800 681 614

www.courtnetwork.com.au

Safe Steps Family Violence Response Centre

Free 24/7 family violence phone service

Call: 1800 015 188

www.safesteps.org.au

Victoria Legal Aid

The Victoria Legal Aid Legal (VLA) Information Service gives free general legal information over the phone.

Call: 1800 677 402

www.legalaid.vic.gov.au

Federation of Community Legal Centres

Community legal centres give free legal services to people who cannot afford a lawyer.

Call: 03 9652 1500

www.communitylaw.org.au