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A N D A S S O C I A T E S

YOUR FAMILY LAW SOLUTION

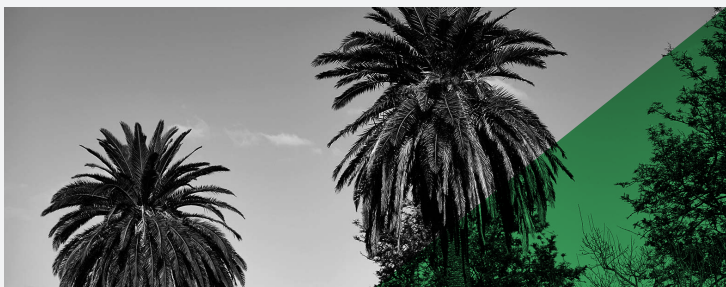
FAMILY VIOLENCE



Family Law Section
Law Council of Australia
Member



**LAW
INSTITUTE
VICTORIA**
LIV MEMBER



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WHAT IS FAMILY VIOLENCE?

Family violence is defined under the *Family Violence Protection Act 2008* as behaviour by a person towards a family member that:

- i. is physically or sexually abusive; or
- ii. is emotionally or psychologically abusive; or
- iii. is economically abusive; or
- iv. is threatening; or
- v. is coercive; or
- vi. in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or
- vii. behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, such behaviour referred to above.

FAMILY VIOLENCE CAN ALSO INCLUDE:

- threats and intimidation;
- stalking;
- financial abuse;
- coercion and control;
- gaslighting and manipulation;
- social violence (isolation from family members and friends);
- spiritual violence (prevention of practicing faith or culture).

[See next pages for more information](#)



WHAT CAN I DO IF THERE IS FAMILY VIOLENCE?

Make sure you and your children are safe.

You can:

- call the police on 000 for emergencies or attend your local police station;
- contact a family violence resource centre;
- obtain legal advice;
- apply for a family violence intervention order;
- keep your family and friends informed for support.

FAMILY VIOLENCE HELPLINES

- **Safe Steps Family Violence Response Centre**

(24 hours)

1800 015 188

- **1800 RESPECT**

(24 hours)

1800 737 732

- **Berry Street**

(9am – 5pm Mon – Fri)

03 9429 9266

- **Orange Door**

to find your local centre head to

www.orangedoor.vic.gov.au

- **Men's Referral Service**

1300 766 491



WHAT IS A FAMILY VIOLENCE INTERVENTION ORDER?

A family violence intervention order is an order made by a court in Victoria which prohibits another family member from committing family violence against an intimate partner / spouse or family member. The court makes different orders, depending on what each protected person needs. For example, the court might order someone not to:

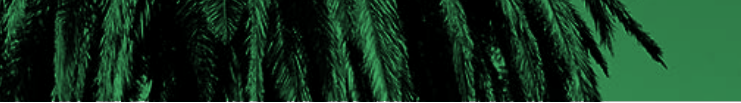
- commit family violence;
- damage property or threaten to do so;
- contact or communicate with the protected person;
- be within 5 meters of the protected person or 200 meters of anywhere they live or work;
- get someone to do things they are not permitted to do.

The court can also order someone to return the other person's property. Anyone who lives in Victoria can apply for a family violence intervention order.

If you have been granted an Intervention Order and move states, we suggest that you contact your local police station or court house in your new state to find out how you can obtain a further order in the relevant state or territory.

HOW DO I GET A FAMILY VIOLENCE INTERVENTION ORDER?

If you have contacted 000 or attended your local police station to advise the police of your circumstances, they may apply for an Intervention Order on your behalf. You can also



apply at any Magistrates' Court or online via the Magistrate's Court website. Depending on the incident/s detailed in the application, you may be granted an interim order which is temporary protection until your court date.

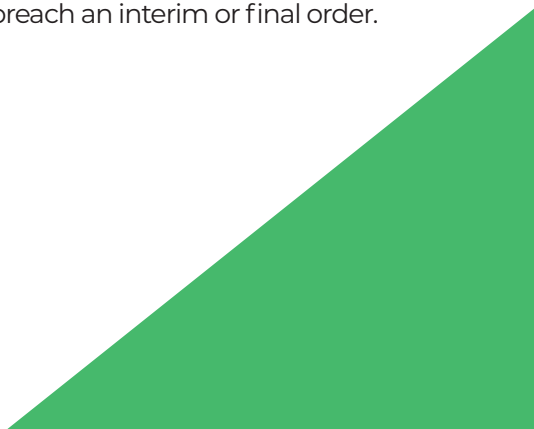
WHAT HAPPENS AT COURT?

If the police have applied on your behalf, a police prosecutor will be representing Victoria Police and your best interests for your protection. If you have applied on your own, you will have the opportunity to speak to a duty lawyer on the day or are welcome to attend with your own lawyer. If the respondent disagrees with an order being made, you may need to attend further court dates. However, if they agree, your matter can conclude the same day.

Please contact us to arrange a consultation with one of our family lawyers to discuss how we can prepare you for court.

WHAT IF THE ORDER IS NOT FOLLOWED?

If the respondent breaches the interim or final order, contact 000 for emergencies or attend your local police station to make a report. It is a criminal offence to breach an interim or final order.





CAN FAMILY VIOLENCE INTERVENTION ORDERS BE CHANGED?

Family violence intervention orders are usually implemented for a period of 12 months, however, it is at the discretion of the presiding Magistrate. You can apply for an Application to Vary/Revoke the order at anytime. Whilst matters in your relationship may have improved, you will need to provide evidence as to why it is necessary for the order to change or that it does not need to be in place at all. Whilst it is not impossible, it is a challenging exercise without sufficient evidence. The court has an obligation to ensure your safety and the safety of any children.

Please contact us to arrange a consultation with one of our family lawyers to assist you in making this application.

WHAT IF THERE IS A FAMILY VIOLENCE INTERVENTION ORDER AGAINST ME?

Contact us to arrange a consultation with one of our family lawyers.

If an intervention order has been made against you:

- Abide by the order, even if you do not agree with it. Read it carefully. For example, you may be able to stay at home, but cannot commit family violence;
- Attend your court date. An order can be made even if you do not go;
- Obtain support from family, friends or a support service.

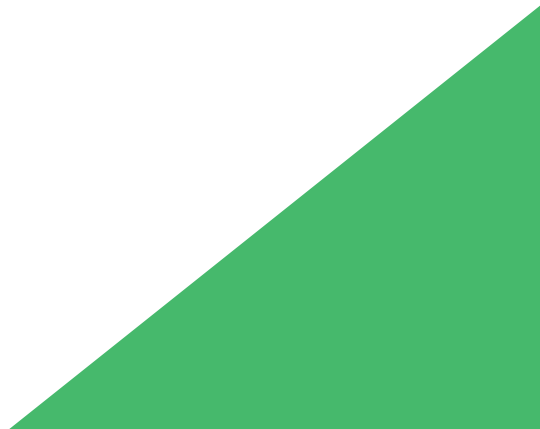


CAN I STILL CONTACT MY CHILDREN?

A family violence intervention order may have exceptions in place that allow you to do anything permitted by a family law court order / agreement. Read the order carefully. Please call our office for more information.

WHAT IF IT IS NOT SAFE FOR CHILDREN TO HAVE CONTACT WITH A PARENT?

The court will not let a parent see or communicate with their children if they do not think it is safe. This might mean that the court stops or changes a parenting order. If you are worried that your children might get hurt physically or psychologically by their other parent, please contact our office for urgent advice, or for emergencies, call 000.



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Family Law

Wills & Estates

Will Disputes

Employment Law

Business Law

Conveyancing



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