

# FAMILY VIOLENCE INTERVENTION ORDERS (IVO)

## What happens when police have applied for an intervention order

### What is an IVO?

An IVO is a court order made by a magistrate. It can help protect you and your family from anyone who is violent or making you feel unsafe. IVOs have rules (called conditions) about how the person using violence (called the respondent) can behave towards you. The respondent must follow the conditions of the order. IVOs are a civil matter.

### The process begins with a family violence safety notice

The family violence safety notice is like a short-term intervention order (IVO). It is issued by police to protect people until they can attend court. It acts as an application to the Magistrates' Court for an IVO, and as a summons for a respondent to attend court on the first mention date. It has the same effect as a Interim IVO.

### Do I need legal advice?

When police have applied for an IVO on your behalf, it is the responsibility of the police prosecutions team to present the case before the court. However, as the IVO hearing is a legal process, it is a good idea to seek legal advice and information. You might like to do this before the court hearing, so you understand your rights and options. Contact the services opposite for further information.

### What conditions can be included on the intervention order?

The conditions listed on the application form for an IVO include stopping the respondent from:

- Committing family violence against the protected person or persons
- Exposing children to family violence
- Intentionally damaging the protected person's property or threatening to do so
- Attempting to locate or follow the protected person or keeping them under surveillance
- Publishing material about the protected person on the internet, by email, or via any other electronic communication.
- Contacting or communicating with the protected person by any means
- Approaching or remaining within a certain distance of where the protected person lives, works, or attends school or childcare.
- Getting another person to do anything the respondent must not do under the order.

It is important to note that Family Law Court Orders override the conditions of an IVO. If you're unsure of what this means for you, we encourage you to seek legal advice. You can contact:

#### **The Federation of Community Legal Centres Victoria**

Ph: (03) 9652 1500

[www.communitylaw.org.au](http://www.communitylaw.org.au)

#### **Victoria Legal Aid (VLA)**

Ph: 1300 792 387

[www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)



## Do I have to go to court?

The Magistrate's Court of Victoria are encouraging people to participate in their court hearings online. This means that people will join in by video (laptop, tablet, phone etc.) or phone. The court is using a program called WebEx for these hearings. You do not have to participate in the online hearing. However, if you don't, the police and Magistrate could make decisions that aren't what you are looking for.

## How do I let the court know what I need?

The Family Violence Court Liaison Officer (FVCLO), who is a member of the Police, will contact you to discuss your concerns and position regarding the IVO. The FVCLO may call before or on the day of the court hearing. You can talk with the FVCLO about what conditions, or rules, you feel are needed to protect you and, if relevant, your children. You can also participate in the court hearing if you wish.

## Is there anything I need to do?

You need to complete an online form if you are attending court for a family violence intervention order matter. By completing this form, you are letting the court know about your legal and support needs. You can find this form here:

[Pre-court information form](#)

If you request to participate in the court hearing, a link will be sent to your email address at least 15 minutes before the hearing.

It is good to make yourself available for the whole day as unfortunately the hearings are not scheduled for specific times.

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## What happens during the court hearing?

The Magistrate will:

- Listen to both legal representatives and may ask you directly what has been happening.
- Decide if an IVO is needed to provide protection and prohibit further violent behaviour
- Consider what conditions are needed and how long the order will last.

The Magistrate's decision will replace the Family Violence Safety Notice (FVSN) or change any existing IVO.

If you're unsure of the outcome of the hearing, you can email the court with a copy of your photo ID and ask for a digital copy of the IVO to be sent to your email address.

## Contacts

### MELBOURNE MAGISTRATES' COURT

Phone: (03) 9628 7777

Email: [mmcfamilylawoffice@courts.vic.gov.au](mailto:mmcfamilylawoffice@courts.vic.gov.au)

### SUNSHINE MAGISTRATES' COURT

Phone: (03) 9007 7100

Email: [sunshineivo@courts.vic.gov.au](mailto:sunshineivo@courts.vic.gov.au)

### WERRIBEE MAGISTRATES' COURT

Phone: (03) 8744 5600

Email: [werribeeivo@courts.vic.gov.au](mailto:werribeeivo@courts.vic.gov.au)

## Questions? Need help contacting the court?

Contact Women's Health West's First Response team on:

phone 9689 9588

SMS only 0437 377 140

Email [courtsupport@whwest.org.au](mailto:courtsupport@whwest.org.au)



# GLOSSARY

## FAMILY VIOLENCE INTERVENTION ORDERS (IVO)

**Affected Family Member (AFM):** A term used by police in the context of family violence intervention order applications (police-made), to describe the person who is to be protected on the order. Sometimes also referred to as protected person. The term 'other party' is used to describe the person against whom the order is sought.

**Civil Matters:** Legal matters to do with non-criminal disputes between individuals or organisations, such as immigration, social security, mental health or discrimination. Civil law involves enforcing a person's rights.

**Contested Hearing:** Both parties can bring forth witnesses to provide evidence. A final determination of the IVO is made by the Magistrate.

**Directions Hearing:** A hearing where orders are made to assist parties to prepare a case for another hearing. It helps the Magistrate decide how much time is needed for a contested hearing. Parties advise how many witnesses there will be.

**Duty lawyer:** A duty lawyer is a free lawyer who may be able to give you legal advice or help with your criminal law matter on your court date. If you've been charged with a criminal offence and you're going to the Magistrates' Court, they may be able to help.

**Final Family Violence Intervention Order:** A longer-term IVO made once the Magistrate has made a decision about what type of conditions and IVO is required to protect a person. IVOs are usually made for 12 months.

**Interim Family Violence Intervention Order:** This is a temporary order that protects an AFM (and any children) from a family member who is using family violence until the magistrate can hear all the evidence and make a decision. A court may make an interim order where an intervention order application has been made, and the AFM needs immediate protection before the application can be determined by the court.

**Magistrate:** The person who hears cases and makes decisions in the Magistrates' Court. They decide what happens to a case, whether a case will have to go to another court or be put off until another day, whether the defendant is guilty or not guilty, and any penalty that will be given to the defendant.

**Mention hearing:** The first court attendance for the intervention order application is known as the mention hearing. It is a short hearing and an opportunity to resolve the matter. A mention hearing can occur more than once.

**Registrar:** A court officer responsible for maintaining a register or record of court proceedings.

**Respondent:** Term used to describe the person against whom the order is sought.

Produced by Women's Health West.

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phone 9689 9588

SMS only 0437 377 140

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April 2021

