

ENGLISH

Court Network



YOUR DAY IN COURT

A Guide

Family Violence
Intervention Orders in
the Magistrates' Court

IF YOU HAVE IMMEDIATE CONCERNS FOR YOUR SAFETY CALL 000

Family violence: harmful behavior that is used to control, threaten, force, or dominate a family member through fear or force. It can present in more complex ways than you might think, for a full definition and examples see www.vic.gov.au/what-family-violence.

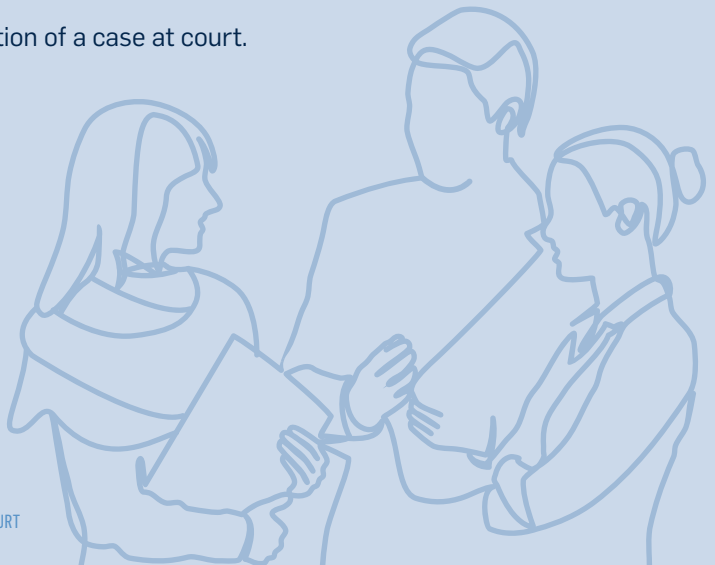
Family Violence Intervention Order (FVIO or IVO): A court order to protect a person, their children and their property from a family member, partner, or ex-partner.

Applicant: the person applying for a court order. Often the police or a victim/survivor of family violence.

Protected Person: a person who is protected under the intervention order. This can be the applicant and their children.

Respondent: the person accused of committing family violence.

Hearing: a presentation of a case at court.



FAMILY VIOLENCE INTERVENTION ORDERS (FVIO)

A FVIO is a legally enforceable court order that aims to provide a person, their children and their property with protection. The order is made by a magistrate in court.

The order has conditions to stop the respondent from using family violence against the protected person.

Depending on the conditions, the FVIO might require the respondent to:

- stop the behavior
- not contact or communicate with the protected person, or get someone else to do it for them
- not go to or stay near the protected person, or get someone else to do it for them.

FVIO is a civil matter. If respondent breaks a condition, report it to the police. Breaking the conditions is a crime.

APPLYING FOR A FVIO

If you are a victim of family violence, you can apply for a FVIO online or get more information here: www.mcv.vic.gov.au/intervention-orders

Sometimes, police can make an application to the court on your behalf.

ATTENDING COURT FOR YOUR FVIO HEARING

If the police are applying for the FVIO on your behalf, ask them if you need to attend court.

Safety concerns

- If you have safety concerns call the court before your hearing date. They may be able to support you with safe entry and waiting rooms.

If you need an interpreter

- If you need an interpreter to support you at court, call the court before your court date, you may be eligible for a free interpreter service.
- If you need an interpreter it is important you use one. It is important you understand what is happening in court.
- If you have booked an interpreter, your court hearing should not happen without the interpreter. If you are unsure if an interpreter has been booked check with the registry desk.

Court can take all day

- You could be at the court for a few hours or the entire day so try not to make any other appointments on your court day. If you have children or people you care for, try to organise someone else to care for them for the day.

Support

- If possible, bring a support person with you to court. This can be a friend or family member. If that is not possible or you would like additional support from someone familiar with the court and its processes, you can book support with **Court Network** on **1800 571 239**.
- If you need other support to attend court, you can ask the court or Court Network what is available.

What to wear and bring

- Wear: smart, clean clothes.
- Bring; snacks and water, fully charged devices and any documents relating to your case/matter.



COURT

When you arrive

- When you arrive at court go to the Registry Counter.
- Tell the registry staff you have a court hearing, show them your court documents.
- If the court has booked you an interpreter, ask the staff when they will arrive. If no interpreter has been booked but you need one, ask the staff if an interpreter is available.
- If you have not received legal advice and are not being represented (by a lawyer or police), tell registry if you want to speak to the duty lawyer.
- If you have safety concerns, tell registry.

Waiting for your case

- There is a waiting area for you to sit in while you wait for your case to be heard. Please be patient as you may be waiting a few hours.
- If you need to leave the courthouse for any reason, please tell Registry to ensure you don't miss your case.
- If an interpreter has been booked, your case should not happen until your interpreter arrives.
- When your case is ready, you will be called into the court room.

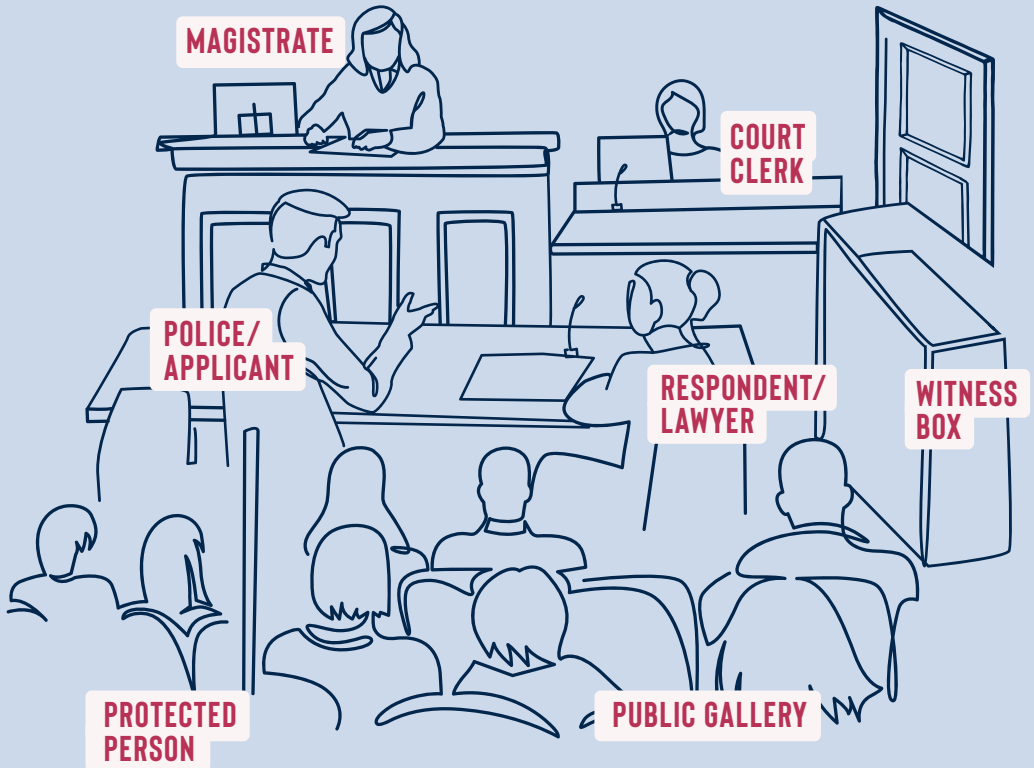


The Court Room

- When your case is called, go into the court room.
- Turn your phone on silent.
- Bow to the magistrate upon entry and exit.
- The magistrate may ask you, your lawyer or the police some questions about what is happening with your case.
- The magistrate may also hear from the respondent and/or their lawyer.
- After they have heard the case information, the magistrate will decide on what to do. You may need to come back to court, or your case might be finished on this day. The respondent might be issued an intervention order.
- It is ok to ask questions to the magistrate or police if you are not clear on what is happening. Call the magistrate "Your Honor".

After Court

- You may be asked to collect or sign documents after the magistrate finishes with your case. Go to registry desk and see if there is anything you need to do before you can leave court.
- If you have concerns about the outcome seek legal advice or speak to Registry.
- If you wish to change or extend your order, see how here www.mcv.vic.gov.au/family-matters/family-violence-intervention-orders-fvio



MAGISTRATE

COURT CLERK

**POLICE/
APPLICANT**

**RESPONDENT/
LAWYER**

**WITNESS
BOX**

**PROTECTED
PERSON**

PUBLIC GALLERY

Victorian Legal Services **BOARD + COMMISSIONER**

Funded through the Legal Services Board Grants Program

Court Network
1800 751 239
www.courtnetwork.com.au
admin@courtnetwork.com.au
Lvl 5, 555 Lonsdale Street,
Melbourne, Vic, 3000

This is a general guide to your day in court.
Information is subject to change as court
processes change.



For access to
resources online,
including in other
languages



To make a
referral to Court
Network