

Family Violence Restraining Orders (FVRO)

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If you need protection because of family violence, you can ask the court for a FVRO. It doesn't matter in which State you get your FVRO, you will be protected Australia wide. If the court thinks you need protection from family violence, they can order the person you need to be protected from to do certain things in order to stop the violent behaviour (or to stop the person exposing a child to the violent behaviour).

If you need an order urgently, you can contact the police for a 72-hour order while you talk with them and the court about a long-term order.

What is family violence?

Family violence does not mean just physical violence; it includes behaviour that threatens, controls, or causes someone to be fearful. Violence can also be emotional, psychological and financial abuse.

Some examples of violent behaviour include; hurting your pets, withholding money you depend on, stopping you from seeing your family and friends, damaging your property, or behaviour that makes you feel controlled or fearful.

Who can apply for a FVRO?

You can apply for an FVRO against someone who is a family member.

A family member includes -

- Spouses;
- Partners;
- Siblings;
- Children;
- Parents;
- Grandparents;
- Step-family relationships;
- Other relatives; and
- Members of intimate or family-type relationships.

Will my children also be protected by the FVRO?

Children can also be listed as a protected person on the same order. Even if the child has not suffered the family violence themselves, if they have seen or overheard the violence or are in danger of violence in the future, the court can make sure the order also protects the child. You can make a separate application for your child if you already have one yourself.

What will an FVRO do for you?

An FVRO can be made to suit your circumstances. It can stop a person being close to you, like coming near your home, workplace or your child's school. It can also stop them from contacting or trying to contact you in anyway. You don't have to cut contact entirely, but you can limit it in a number of ways like allowing text messages to organise contacting their child, allowing the person to only contact you for certain reasons, or in certain ways (for example, not speaking to you in a way you find threatening or distressing). Usually the court will also allow the person to collect any of their belongings that might be where you live (under the supervision of a police officer).

How to apply for a FVRO

The person that the FVRO is protecting is called the **protected person**.

The person who the order is made against is called **the respondent**.

You can get an application form from your local Magistrates Court. You can submit the form there when you are ready. If there is no court close by, you can go to a police station for help. The application form is also available on the Magistrates Court website

If you want an FVRO against someone under 18 years old, you must apply in the Children's Court.

How else can a FVRO be made?

FVROs can also be made during parenting cases in the Family Court, and during care and protection cases in the Children's Court.

What will happen once I apply for a FVRO?

Once you have applied, the court will try and have your application heard as soon as possible. You will be given a date for your first hearing.

At the first hearing, the court can make an interim FVRO. An interim FVRO is a temporary order put in place while the court considers making a final FVRO.

If the court grants you an interim FVRO, the police will give it to the respondent. The respondent will then have 21 days to reply (object) to the interim FVRO. The respondent will not be told where you live.

The court won't make a final FVRO until the respondent has been told about the FVRO and had a chance to tell the court their side.

What if the respondent does nothing?

If the respondent doesn't respond within 21 days then the interim FVRO will automatically become a final FVRO.

What if the respondent objects to the FVRO?

The interim order will stay in place until the matter is resolved. If the respondent objects to the FVRO, it does not mean it is cancelled. The respondent is bound (must follow the rules) by the rules listed in the interim order in the lead up to the final hearing.

If the respondent objects to the FVRO, then a date for the final hearing will be set. Both the person applying for the FVRO and the respondent will need to go to this hearing. They will need to bring evidence so show the court why or why not the FVRO should be made final.

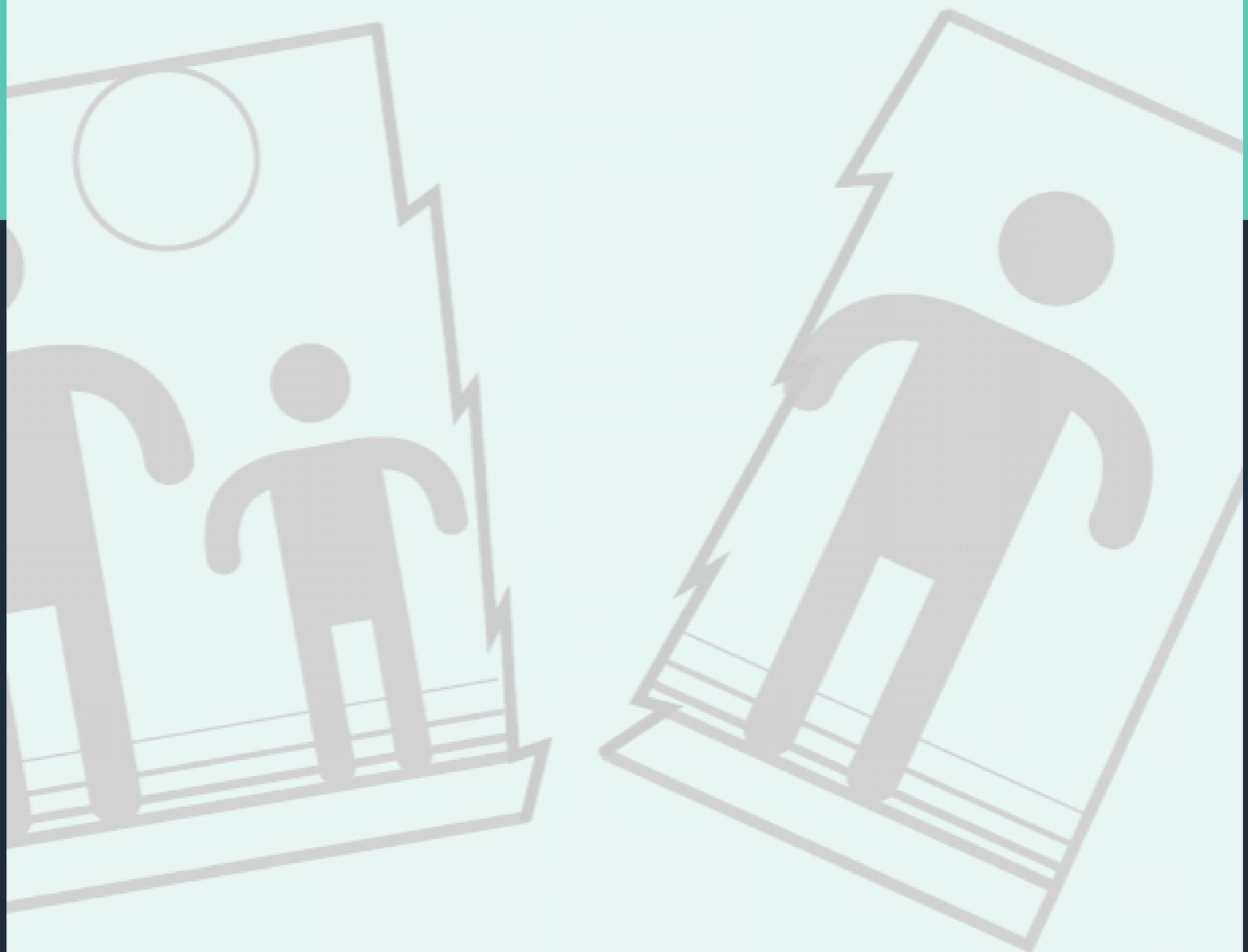
If the court decides the FVRO is appropriate, the FVRO will become final. If they do not think it is appropriate, then the FVRO application (including the interim order) will be dismissed (not be in place anymore).

How long will the FVRO last?

If a FVRO is made final, they will usually last for 2 years unless the court says otherwise.

What happens if a person breaches the final FVRO?

A person who does not follow the rules in a FVRO is committing a crime. If they do anything not allowed by the FVRO the protected person should contact the police immediately. Breaching an FVRO carries a fine of up to \$6,000 and a risk of imprisonment.



The information provided within this fact sheet is to be used as a general guide only. It is not legal advice. Unless we speak to you, we cannot guarantee the information provided on this website will apply to your situation. Please call 1800 752 992 if you require further assistance. Information is correct as at February 2020.