

FAMILY VIOLENCE RESTRAINING ORDERS (FVROs)

This fact sheet may help if you are at risk of family violence and want to know more about a Family Violence Restraining Order (known as an FVRO) as one of the ways to increase your safety.

What is family violence?



Family violence is violent, threatening, scary, abusive or controlling behaviour to another family member. It includes financial, emotional, psychological and sexual abuse, fighting, shouting, choking, stalking, cyber stalking, and breaking or damaging things, or threatening to hurt or kill a family member's pet. Actions that make a family member, including kids, feel scared or fearful are family violence.

What is an FVRO?

An FVRO is a court order. It tries to help keep you or other family members physically and emotionally safe, by stopping the other family member or former family member, intimate partner or former intimate partner, from doing things that would make you feel or be unsafe.

It can be made to suit your situation and can stop a family member from doing things like:

- ◆ being near you, your home or work or your kids
- ◆ contacting you
- ◆ making threats
- ◆ sharing intimate images of you, or
- ◆ keeping track of you or following you.



The FVRO can be overridden by Family Court orders and can include exceptions. For example, an exception might allow you to still have limited contact with the respondent to talk about plans for your kids or to go to court.

When you apply for an FVRO, you can ask the court for an interim FVRO. This is a temporary order that can be made and enforced while you go through the court process to get a final, longer term FVRO.

You can ask for the first hearing of your application for an interim FVRO to have only you and the magistrate in court. In this case the other person will not know that you are asking for an FVRO until they get a copy of the interim FVRO from the police.

A final FVRO normally lasts for a fixed time, usually 2 years, but it can be longer or shorter.



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What can an FVRO do for me?

An FVRO is one tool that might help keep you safe from family violence.

Before you apply for an FVRO, you should think about whether having an FVRO will help improve your safety. There might be other orders in place, or other ways you can get protection from the police or the courts, without applying for an FVRO for yourself.

If you decide that an FVRO is something that will help your safety, you should also think about what rules or conditions, restrictions and exceptions you might want to have in the order.

Who can apply for an FVRO?

You can ask (apply) for an FVRO against someone you are or have been in a family relationship with. The law says this person is a family member.



The definition of family member is broad. It covers current and former spouses and partners, the former spouse or de facto partner of your current partner, siblings, kids, parents, grandparents and step-family relationships, as well as other relatives and members of intimate or family-type relationships.

You are called the 'applicant' or 'protected person' if an FVRO is made. The person you want the order against is called the 'respondent' or the 'person bound' if an order is made.

If you are 16 or older, you can ask for an FVRO yourself (or the police can ask for you).

Until you turn 18, a parent, guardian, child protection worker or the police can ask for an FVRO for you.

Where do I ask for an FVRO?

You might ask in person, or with the help of an approved legal service provider, online. You can download an application form from the [Magistrates Court of WA website](https://www.magistratescourt.wa.gov.au/). You are also allowed to post, fax or email your application to the court.



Which court you ask for an FVRO in depends on the ages of the people who will be protected by the FVRO, and the person you want the order against:

- ◆ If you want an FVRO against someone under 18 years old, you must ask in the Children's Court.
- ◆ If you are asking to protect someone under 18 years old and the FVRO is against someone older than 18 years old, you can ask in the Children's Court or the Magistrates Court.



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- ◆ Otherwise, you must ask for an FVRO in the Magistrates Court.

If you have a Family Court case or a Children's Court child protection case, you can ask for an FVRO to be made against another party to your case. It is best to get legal advice first in this situation.

Can I get an FVRO if the police haven't charged anyone?

Yes. You can ask for an FVRO if you feel like you need one to protect you or your family.

If you tell the police about family violence that has happened, they might charge the person with a criminal offence, but this is different from getting an FVRO.

What must I show to get an FVRO?

For the magistrate to say yes to your application for an FVRO against the respondent, you must prove to the magistrate one of these two things:

- ◆ the respondent has used family violence against you and is likely to use family violence against you in the future, or
- ◆ you have good reasons to fear that the respondent will use family violence against you.



If the magistrate agrees with you about either of those two things, the magistrate must make an FVRO against the respondent unless there are special circumstances that mean making the FVRO is not the right thing to do.

Keep your evidence



Evidence is anything you can use to show that your story is true. It is good to think about what evidence you can show police, your lawyer and the magistrate. This might be a text message, a photo, video or medical record. You should keep this evidence safe so that you can show a magistrate in court.

Will my FVRO protect me if I move interstate?

Yes. FVROs are national orders. When a magistrate makes an FVRO it has power in all parts of Australia. The respondent must follow the rules in an FVRO wherever they go in Australia, even when they cross the border.

