

Breaches of the interim order

If the Respondent makes prohibited contact with you after the order has been served, you should contact your local police station to report the breach. Record the names of any police officers you speak with.

You should write down and keep the dates, times and other details of the breaches.

Police will only charge the Respondent for a breach if they think that there is evidence which proves 'beyond reasonable doubt' that the breach happened.

Photos of damage and/or injuries, names of witnesses and medical reports are useful. Keep copies of texts, emails and Facebook messages.

In circumstances where it is your word against the Respondent's, it is helpful to police if you can remember details such as what the Respondent was wearing when you saw him or her, what sort of car he or she was driving, its registration number etc.

Breaching an interim or final intervention order is a criminal offence. If the Respondent is found guilty he or she may be imprisoned for up to 5 years and receive significant fines.

Darebin Community Legal Centre (DCLC)

DCLC provides free legal assistance and referral for some legal problems that are separate from, or related to, family violence. You must be an existing client of DIOS or live, work or study in the City of Darebin to use our service. Telephone our office on 9484 7753 for more information.

Tips for safety

- Change the locks and install new deadlocks, security doors, window locks, alarms and sensor lights.
- Financial assistance to make your home safer may be available from the Victims of Crime Assistance Tribunal (VOCAT). Speak to your lawyer or the Court's Applicant Practitioner about VOCAT.
- Turn off location settings in your mobile phone and keep the phone charged.
- Consider buying a pre-paid mobile so the Respondent doesn't know your number. If you drive, keep petrol in your car.
- Keep important documents in a safe place outside the family home.
- Carry a copy of the interim or final intervention order with you so you can show it to police if you need to.
- Give a copy of the order to your children's school or childcare centre.

For more information telephone:

Darebin Community Legal Centre

279 Spring St, Reservoir 3073

Phone 9484 7753

Monday - Thursday

9.30am - 1.00pm and 2 - 4.30pm



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Family Violence
Intervention Orders

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HOW DO INTERIM INTERVENTION ORDERS WORK?

Can I get immediate
protection from the
Court system?



I need urgent protection. Where can I get help?

If you are in **immediate danger**, call **Police on 000**. Safe Step Family Violence Response Centre provides emergency accommodation and a free 24-hour crisis line. For support and information call **1800 015 188**.

You can get **immediate protection** from the Court system by applying for an interim intervention order. **Legal advice and representation** is available at the Heidelberg Magistrates' Court from the **Darebin Intervention Order Service (DIOS)**, a free duty lawyer service offered by Darebin Community Legal Centre.

Your safety while at Court is a high priority

Security staff are present at all times and special arrangements can be made to protect you. If you are feeling threatened at the Court, tell your lawyer, the Registrar or Court Security staff. You do not have to speak directly with the Respondent or their lawyer. Applicants and Respondents must sit in separate waiting areas of the Court. You can also ask the Registrar for a screen to protect you from seeing the Respondent in the Courtroom.

What is an interim intervention order?

An interim intervention order is a temporary order that gives you (**the Applicant**) protection from the violent person (**the Respondent**) while you go through the Court process of seeking an intervention order. An interim order may be made on the day you first make your application and usually it will last until the Court makes a final intervention order or your application is otherwise finalized.

How do I apply for an intervention order?

1. Go to Counter 1 at the Court and tell the staff member (**Registrar**) that you want to apply for an interim intervention order. If your matter is less urgent you can telephone the Court on 8488 6700 and make an appointment.
2. A court staff member will help you fill in an application form explaining why you need protection. You will need to describe what the Respondent has been doing to you, when it happened and why you think it will happen again.
3. Your application will be sent into Court and your name will be called over a loud speaker asking you to go into a courtroom.
4. Enter the court room. Call the Magistrate 'Your Honour'. The Magistrate may ask you questions about the violence, why you think it will happen again, current arrangements with your child/children and if you want your partner removed from the home.
5. The Magistrate will make an interim order if satisfied that it is immediately necessary to ensure your personal safety and/or to protect your property.
6. The Court will also set a first hearing date (first mention) for approximately two weeks after the day of your application. In this time police should **serve** (formally give) the application on the Respondent so he or she knows what you say about their behaviour and the date they should attend Court.
7. If an interim order is not made, your application can still proceed and it may be possible to obtain a final order at a later date in the Court process.

Interim orders - things to think about

- An interim order does not take effect until it has been served on the Respondent by the police.
- Where will you and your children be when the order is served? Will you still be living with the Respondent? Plan for your safety - the Court's Applicant Practitioner can help you with this.
- Urgent financial assistance to change locks and improve security at your home may be available from a variety of government funded programs. Speak to the Applicant Practitioner or your lawyer.

A few days before your next Court date, check with police or the Court to find out if the order has been served on the Respondent.

What if the police cannot serve the order?

If the police are unable to find the Respondent, the Court may order that he or she is served in a different way, for example by text message or by delivery to an alternative address. This is called **substituted service**.

The Magistrate must believe that the application will come to the Respondent's attention by the proposed method of substituted service.

Police may not charge a Respondent with breaching an interim or final intervention order if it was not served on him or her.