



## FAMILY LAW FACTSHEET 6:

# FAMILY VIOLENCE RESTRAINING ORDERS (FVRO)

*If you are in immediate danger call the Police on 000*

### WHAT IS FAMILY VIOLENCE

Family violence is any behaviour by a family member that causes another family member to be afraid. Family members include a spouse, partner, child, carer or someone considered a family member. The behaviour can include threats, physical violence, stalking, sexual violence, verbal abuse, economic abuse, and controlling behaviour.

### DOMESTIC VIOLENCE ADVOCACY AND SUPPORT

The PCLS Domestic Violence Support Worker can assist you if you are seeking protection from a family member. They can help you find safe accommodation, assist with filling out an FVRO application and refer you to other services that may be able to help you. If you need legal advice, a Lawyer from PCLS can assist you.

### EXAMPLES OF FAMILY VIOLENCE

- ✓ Hitting, kicking, pushing
- ✓ Sexual assault
- ✓ Stalking or cyber-stalking
- ✓ Repeated insults
- ✓ Damaging property
- ✓ Controlling finances
- ✓ Keeping a family member away from family, friends or culture
- ✓ Sharing or threatening to share intimate photos/videos
- ✓ Exposing a child to family violence

### FAMILY VIOLENCE RESTRAINING ORDER (FVRO)

If you need protection from a family member, you can apply to the Court for an FVRO. An FVRO is a Court Order that stops a family member from behaving in a way that causes you fear. The Order can be worded to suit your situation.

The Court can make an FVRO against another family member (**the respondent**) to protect you from family violence if the respondent has committed family violence against you and is likely to commit family violence again in the future or you have good reason to fear that the respondent will commit family violence against you. The Court may also extend an FVRO for the benefit of the children if they have or might be exposed to family violence. If a child hears, sees or experiences the effects of family violence this means they are exposed to family violence.

*An FVRO can stop someone from:*

- ✓ Coming to your house or work
- ✓ Being at or near a certain place
- ✓ Coming within a certain distance of you
- ✓ Trying to communicate with you in anyway

*Disclaimer: This factsheet provides general information and is not to be taken as legal advice. Published 2019.*



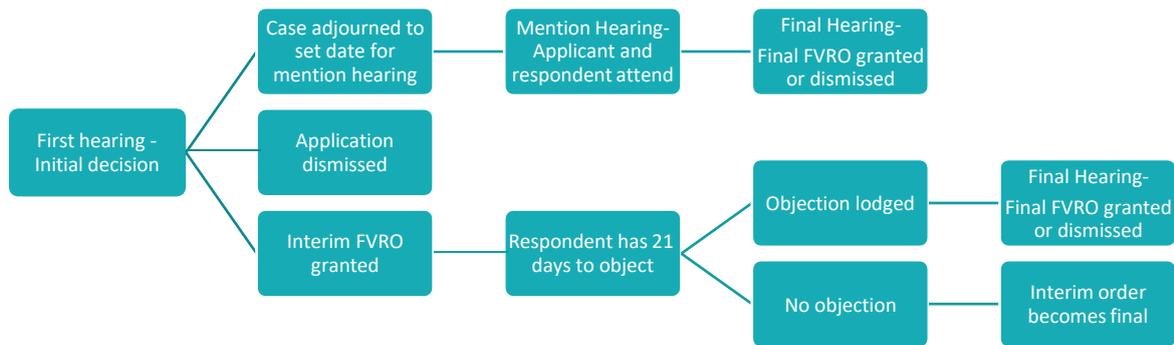
## WHO CAN APPLY FOR AN FVRO

- ✓ If you are in a family relationship with the person
  - ✓ Any person at least 16 years old
  - ✓ A parent, guardian or a child welfare officer for a child or young person under 18
  - ✓ A police officer on behalf of any child or adult
- If you are unsure whether you are or were in a family relationship with the person, you should seek legal advice.

## HOW DO I APPLY FOR AN FVRO

- ✓ If the person to be protected is a child, you can apply in the Children's Court or the Magistrates Court
- ✓ If you want an FVRO against a person under the age of 18, you must apply in the Children's Court
- ✓ If the application is not for or against a person under the age of 18, you must apply in the Magistrates Court
- ✓ You cannot make an Order against a person under the age of 10

## PROCESS AFTER AN APPLICATION FOR AN FVRO IS FILED



## DO YOU HAVE A CURRENT ORDER FROM ANOTHER STATE OR TERRITORY?

Restraining orders relating to family violence can now be recognised nationally and enforced by police and Courts anywhere in Australia. An existing order will automatically be recognised if it was made on or after 25 November 2017, was made or varied in a Victorian Court on any date or was made in New Zealand and registered in Victoria on any date. If your order is not automatically recognised nationally, you can apply for national recognition of your existing order rather than applying for a new FVRO. Speak to a lawyer at PCLS for more information.

## WHAT HAPPENS NEXT

A final FVRO against an adult usually lasts for two years but you can ask for this to be longer or shorter. An FVRO is breached when the person bound is doing something that the FVRO says they cannot do. You should report any breaches to the Police. You also have the opportunity to apply for an extension when your FVRO is reaching the expiry date. You should seek legal advice when you have 6 months remaining to allow time for your application to be considered while you are still protected.

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