

Intervention Orders

Intervention Orders, also sometime known as restraining orders, have gained prominence during the past few years. This is mainly due to a number of high profile cases. Police statistics show that in Victoria the number of applications for Intervention Orders have risen significantly in the past two years particularly in relation to family violence.

What is an Intervention Order?

An Intervention Order places legal restrictions against another person in terms of what they can and can't do. It may prohibit an individual from being within a certain distance from another person. It may also place restrictions on a particular person communicating with another.

Under *The Family Violence Protection Act (2008)* ("the Act") anyone with a family relationship to another may apply for an Intervention Order against the other person. The family relationship has a broad definition under the Act. Although Intervention Orders are civil orders, there are dealt within the jurisdiction of the Magistrates Court.

In some instances application for an Intervention Order is made by the Police on a person's which may result in a family safety notice being issued immediately for that person's protection. In other circumstances a person will be required to make their own application. This will involve making an application to the Magistrates Court. An appointment with the Family Violence coordinator is recommended here.

If a matter involves someone outside of a family relationship, for example, a neighbor, then an application for an Intervention Order will be made under the *Personal Safety Interventions Order Act 2010*.

The person making the Application is called the Applicant or in the case of family violence the Affected Family Member and the person the application is made against is known as the Respondent. Intervention orders are not simple and can have far reaching consequences particularly where children are named on an order. Therefore, it is important that one understands all of the restrictions imposed by an Intervention Order.

Legal assistance

If you are considering making an application for an Intervention Order it is advisable that you seek legal advice. If you are the Respondent and an Interim Intervention Order is sought against you or has already been made against you by a family member or by Police on behalf of a family member then it is important that you obtain legal advice.

There are decisions that you will need to make regarding an application against you if you choose to contest the Order. In this respect there is a process that will need to be followed for this to happen. For example, a court will not allow you to cross examine the Affected Family Member in Family Violence matters. Further, it will be necessary for you to be legally represented.

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How to apply for an Intervention Order

You may make an application to the Court for an Intervention Order. If your application is heard on an ex parte basis, that is, without the Respondent present then the Magistrate may grant you an Interim Order.

If an Interim Order has been taken out against you and you are the Respondent you will be served a copy of the order. This means the Police will contact you in relation to the Interim Order and the Police will provide you with a copy of the Interim Order.

It is important that you understand the potential consequences of any breach of an Interim Intervention Order. Even when you have not yet been afforded an opportunity to present your side of the story to the Magistrate in a contested hearing, a breach is still considered serious. A breach of an Interim Order may have criminal consequences. This means that you might be charged by Police if you have breached an Interim Order.

It is important that you understand how an Intervention Order works both as an Applicant or Affected Family Member and as a Respondent.

If you require further assistance or would like to confidentially discuss making an application for an Intervention Order or responding to an application against you please do not hesitate to contact us.

Michelle Jeffery
Solicitor

This information is based on the Victoria Legal Aid Intervention Order Fact Sheet 2013
This information is intended as a guide only. Please seek legal advice as individual circumstances vary.
Please call 000 if you feel you are in danger.