FOrm FVIO11

Minutes of PROPOSED consent orders

For use in applications made under the *Family Violence protection act 2008*

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| --- | --- | --- | --- | --- | --- | --- |
| To be completed by legal representatives (and police representative, if applicable).  **Please note:** Final determination of an application is a decision for the court.  The court may refuse to make an order in the terms agreed to by the parties, if the court believes the order may pose a risk to the safety of one of the parties or a child of the affected family member or respondent (s.78(5)). | | | | | | |
|  | | | | | | |
| **In the Magistrates’ Court at** | | | | | **Case No** | |
|  | | | | | | |
| **Applicant** | | |  | | | |
| **Applicant’s lawyer or police representative** | | |  | | | |
| **Affected Family Member** | | |  | | | |
| **Affected Family Member’s lawyer** | | |  | | | |
| **Respondent** | | |  | | | |
| **Respondent’s lawyer** | | |  | | | |
| **Respondent agrees to receive service documents by email?** | | | Yes, email: | | | |
| No | | | |
| **Parties must notify the court of any change of address** | | | | | | |
|  | | | | | | |
| **The following children may be included as protected person(s) in the order:** | | | | | | |
| **Name** |  | | | **M** **F** | | **DOB:** |
| **Name** |  | | | **M**  **F** | | **DOB:** |
| **Name** |  | | | **M**  **F** | | **DOB:** |
| A separate page may be attached where more children are to be included. | | | | | | |
|  | | | | | | |
| **The proposed order is:** | | | | | | |
|  | An interim intervention order | | | | | |
|  | A final intervention order | | | | | |
|  | By consent | | | | | |
|  | By consent without admission of what is said in the application | | | | | |
|  | | | | | | |
| **Duration:**  Submissions in relation to the duration of an order may be considered. Final determination is a decision of the court with consideration given to safety of the protected person(s) and risk assessment of the respondent (s.97(2)). | | | | | | |
|  | Interim Order to last until final order served on respondent | | | | | |
|  | Final Order to last until | | | | | |
| Submissions relating to duration: | |  | | | | |
|  | | | | | | |
|  | | | | | | |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **The respondent is prohibited from:** | | | | | |
|  | | Committing family violence against the protected person(s)  Note: The Family Violence Protection Act 2008 defines family violence as behaviour by a person towards a family member of that person that is physically or sexually abusive, emotionally or psychologically abusive, economically abusive, threatening, coercive, or in any other way controls or dominates a family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person. Family Violence includes behaviour that causes a child to hear or witness or otherwise be exposed to the effects of these behaviours | | | |
|  | |
|  | | Intentionally damaging any property of the protected person(s) or threatening to do so | | | |
|  | | Attempting to locate, follow the protected person(s) or keep him/her/them under surveillance | | | |
|  | | Publishing on the internet, by email or other electronic communication any material about the protected person | | | |
|  | | Contacting or communicating with the protected person(s), by any means | | | |
|  | | Approaching or remaining within       metres of a protected person | | | |
|  | | Going to or remaining within       metres of       or any place where a protected person lives, works or attends school/childcare | | | |
|  | | Getting another person to do anything the respondent must not do under this order | | | |
| **The respondent may:** | | | | | |
|  | | (a) Do anything that is permitted by a Family Law Act order, a child protection order or a written agreement about child arrangements; or | | | |
|  | | (b) Negotiate child arrangements by letter, email or text message; or | | | |
|  | | (c) Communicate with a protected person through a lawyer or mediator; or | | | |
|  | | (d) Arrange and/or participate in counselling or mediation; or | | | |
|  | | (e) Go to the home of a protected person in the company of a police officer or a person chosen by the applicant, to collect personal property | | | |
|  | | **BUT ONLY** if the respondent does not commit family violence while doing so | | | |
| **It is also agreed:** | | | | | |
|  | | The respondent must arrange to return person property belonging to the protected person(s) within two days of the service of the order | | | |
|  | | The respondent must arrange to return jointly owned property within two days of the service of the order | | | |
|  | | Any firearms authority held by the respondent to be cancelled. The respondent must hand any firearms in his/her possession to police immediately | | | |
|  | | Any weapons approval or weapons exemption help by the respondent to be revoked. The respondent must hand any weapons in his/her possession to police | | | |
|  | | The respondent will contact the Men’s Referral Service (Ph: 9428 2899 or 1800 065 973) to obtain information about services that may assist him. | | | |
|  | | Other: | | | |
|  | | | | | |
| **Signed by or on behalf of the parties:**  If signed on behalf of a party the court deems any required consent has been obtained | | | | | |
| Applicant, lawyer or police representative | | |  | Date |  |
| Affected Family Member or lawyer | | |  | Date |  |
| Respondent or lawyer | | |  | Date |  |
|  | | | | | |
| **Victoria Police declaration:** | | | | | |
|  | I have obtained oral consent from the **affected family member** to sign this document on their behalf. | | | | |
| Name: | | | Signed: | Date |  |