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)). |
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| **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** |
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| **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. |
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| **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 |
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| **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: |       |
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| **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 |
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| **[ ]**  | 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:       |
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| **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 |       |