

# Your Family Violence Court Hearing

## IMPORTANT INFORMATION FOR COURT USERS

Issued December 2021

### What do I need to do?

You **must** contact us **seven days** before your hearing to help us prepare your case for court. The information you provide will ensure that we have your current contact details and that we can connect you with legal and support services to help you prepare for court.

If you do not contact us before your hearing day, the court can hear your matter in your absence.

### How do I complete the form?

- You can complete the form online using the QR codes below:

#### Applicant form

Person protected by the order



<https://www.mcv.vic.gov.au/pre-court-information-form-applicant-and-affected-family-member>

#### Respondent form

Person the application is against



<https://www.mcv.vic.gov.au/pre-court-information-form-respondent>

### Otherwise, you can:

- complete the attached pre-court information form and provide it to the court where your case is listed
- call or email the court where your matter is listed. You can find the contact details for your local court on our website [www.mcv.vic.gov.au](http://www.mcv.vic.gov.au).

### Do I need to come to court for my hearing?

The court will decide how you participate in your court hearing. In most cases, the **respondent** (the person the applicant is against) must take part in the court hearing in person. **Affected family members** (the person protected by the order) can choose how they want to take part in the court hearing.

The court must comply with public health directions issued by the Chief Health Officer, and this may affect how you participate in your hearing. Check the [Magistrates' Court of Victoria website](http://www.mcv.vic.gov.au) for the latest advice on attending court.

### Should I get legal advice?

You are encouraged to get legal advice before your court hearing. The following legal services may be able to provide some free legal advice, or you can contact a private lawyer in your area:

Victoria Legal Aid	<a href="http://www.legalaid.vic.gov.au">www.legalaid.vic.gov.au</a>	1300 792 387
Community Legal Centre	<a href="http://www.fclc.org.au">www.fclc.org.au</a>	1300 792 387
Victorian Aboriginal Legal Service	<a href="http://www.vals.org.au">www.vals.org.au</a>	1800 064 865
Djirra Legal Services	<a href="http://www.djirra.org.au">www.djirra.org.au</a>	1800 105 303

## FVIO Pre-court information

If you are in immediate danger, call '000'.

This form will help us prepare your case for court. This form gives the court information about your legal and other needs, as well as the best way to contact you.

Please complete this form and return it to your local Magistrates' Court by email or mail no later than seven days before your court hearing, otherwise [contact your closest court](#).

### How the court will use this information

The court will:

- include the information in this form on the court file
- use the information in this form to assist with giving you of any documents
- ask for your approval before it shares any of your information with an outside support agency, such as Victoria Legal Aid.

The court **will not** share any personal information you include on this form with any other person involved in this case.

### About your hearing

Please provide your hearing details if you know them. If you don't know your hearing details, we will use your contact details to locate your hearing information.

<b>Case number (if known)</b>		<b>Court date (Date of hearing)</b>	
<b>Court location</b>			

I am the:  **Applicant/Affected Family Member** (the person applying for, or to be protected by the order)  
 **Respondent** (the person the order has been made against)

**Please provide the name of the other party involved in this matter:** \_\_\_\_\_  
*This is to help the court locate your matter if you have not provided a case number*

### Your contact details

<b>Name:</b>		<b>DOB:</b>	
<b>Preferred name:</b>			
<b>Phone</b>		<input type="checkbox"/> <b>My number is confidential</b>	
	<b>Does the other person know your phone number?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure	
<b>Email</b>		<input type="checkbox"/> <b>My email is confidential</b>	
	<b>Does the other person know your email address?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure	
<b>Address</b>		<input type="checkbox"/> <b>My address is confidential</b>	
	<b>Suburb</b>	<b>Postcode</b>	
	<b>Does the other person know your address?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure	

**The safest way to contact me is by:**  Phone  Email  Mail

Please note: If the court is contacting you by phone, this will occur between the hours of 9am and 5pm Monday to Friday

## Victoria Police

Did the police apply for the family violence intervention order?  Yes  No  Unsure

If **Yes**, have you spoken to the police about your upcoming hearing?  Yes  No  Unsure

In **No**, do you agree with the court sharing the information in this form with the police?  Yes  No

(The police will need to talk about the case with you or your lawyer before the hearing date)

## Legal support services

We recommend that you get legal advice before your court hearing. You can:

- talk to one of the free legal services listed on the 'Your Family Violence Court Hearing' page; or
- contact a private lawyer.

You can also ask to talk to a duty lawyer on your hearing day. The duty lawyer gives free legal advice to people going to court on their hearing day.

Is a lawyer helping you with this matter?  Yes  No

If yes, please provide their details: Name: \_\_\_\_\_

Law firm: \_\_\_\_\_

If **No**, would you like to talk to a **free duty lawyer** about your case?  Yes  No

If **Yes**, do you agree that the court can share you contact details with the duty lawyer?  Yes  No

(This may occur before or on the hearing day. You can find information about duty lawyers on the Magistrates' Court of Victoria website [www.mcv.vic.gov.au](http://www.mcv.vic.gov.au).)

## Going to your court hearing

**Will you be taking part in the court hearing?**  Yes  No  Unsure

(The magistrate may cancel or hear the intervention order application if you don't take part in the hearing)

**How would you like to take part in your hearing?**

(The court will decide how you take part in your court hearing)

In person  Online  Phone  Unsure

If **Online or Unsure**, do you have the technology, you need to take part in court online?  Yes  No

What technology do you have, for example, a computer, stable internet connection?

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**Is there anything you want us to know to help us decide how you will participate in your court hearing?**

Eg: COVID-19 restrictions; wheelchair access, separate waiting area

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**Are you applying to have your hearing moved to a later date?**  Yes  No  Unsure

**If yes, why do you need to move your hearing date?**

Reasons for moving your hearing date can include waiting for legal advice or medical reasons.

The court will decide if it can move your hearing - we cannot guarantee that we can move your hearing. If there is a temporary intervention order in place, this will continue until the next hearing date

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Please [email your local court](#) to provide evidence (e.g. medical certificate, flight details) of the reason you are requesting an adjournment

### If you are the Applicant or Affected Family Member:

If you are the Respondent, do not complete this section. Please proceed to the 'If you are the Respondent' section.

Are you supportive of the order against the respondent (*the person the order has been made against*)?

Yes  No  Unsure  Waiting for legal advice

If no or unsure, can you explain why you don't want the order?

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*(Please note that if the police started the family violence intervention order application, they may still ask for an order without your approval. It is recommended you contact the court if you no longer want an order against the respondent)*

### If you are the Respondent:

If you are the Applicant/Affected Family Member, do not complete this section.

Do you agree to a final intervention order being made against you?

Yes  No  Unsure  Waiting for legal advice

*(You can agree to a final intervention order being made against you, without admitting to the allegations in the family violence intervention order application)*

### Support services available at Court

Do you need an interpreter at the hearing?

Yes  No

If **yes**, what type of interpreter do you need? (e.g. Vietnamese, AUSLAN) \_\_\_\_\_

*(The court can give you an interpreter if you ask for one. This is a free service. If the other person involved also needs an interpreter, the court will make sure their interpreter is different to yours)*

Are you currently supported by a family violence service provider?

Yes  No

If **no**, would you like the court to refer you to the family violence practitioner?

Yes  No

*Family violence practitioners may be available at your local court. You can find information about what they do on the [Magistrates' Court of Victoria website](#):*

[www.mcv.vic.gov.au/news-and-resources/publications/family-violence-practitioner-information](http://www.mcv.vic.gov.au/news-and-resources/publications/family-violence-practitioner-information)

Are you, or someone involved in your court hearing, Aboriginal or Torres Strait Islander?

Yes - Aboriginal  Yes – Torres Strait Islander  Yes – Aboriginal and Torres Strait Islander  
 No  Unsure  I don't want to say

*If available, we may be able to connect Aboriginal and Torres Strait Islander clients with culturally appropriate services*

If **yes**, unsure or I don't want to say:

if available, would you like to speak with a Koori family violence practitioner?

Yes  No

*You can read more about what the Koori family violence practitioner does on the [Magistrates' Court of Victoria website](#):*

[www.mcv.vic.gov.au/news-and-resources/publications/family-violence-practitioner-information](http://www.mcv.vic.gov.au/news-and-resources/publications/family-violence-practitioner-information)

**Are you, or someone involved in your court hearing lesbian, gay, bisexual, trans and gender diverse, intersex, queer or questioning (LGBTIQ+)?**

Yes                       No                       Unsure                       I don't want to say

*We may be able to connect LGBTIQ+ clients with services that meet the needs of LGBTIQ+ communities.*

**If yes, unsure or I don't want to say:**

If available, would you like to speak with an LGBTIQ+ family violence practitioners?       Yes       No

*You can read more about what the LGBTIQ+ family violence practitioner does on the [Magistrates' Court of Victoria website:www.mcv.vic.gov.au/news-and-resources/publications/family-violence-practitioner-information](http://www.mcv.vic.gov.au/news-and-resources/publications/family-violence-practitioner-information)*

**If yes to any of the questions above,**

Do you agree to the court sharing your details with selected support services?       Yes       No

### **Support services available for Applicants and Affected Family Members**

The court can give you some support to help you with your family violence matter. For extra support, you may want to contact these free services:

Safe Steps – Family Violence Response Centre	<a href="http://www.safesteps.org.au">www.safesteps.org.au</a>	1800 015 188
InTouch – Multicultural Centre Against Family Violence	<a href="http://www.intouch.org.au">www.intouch.org.au</a>	1800 755 988
1800RESPECT – Family Violence Counselling Service	<a href="http://www.1800respect.org.au">www.1800respect.org.au</a>	1800 737 732

### **Support services available for Respondents**

The court can give you some support to help you with your family violence matter. For extra support, you may want to contact these free services:

No to Violence – Service for men who use violence	<a href="http://www.ntv.org.au">www.ntv.org.au</a>	1300 766 491
InTouch – Multicultural Centre Against Family Violence	<a href="http://www.intouch.org.au">www.intouch.org.au</a>	1800 755 988
1800RESPECT – Family Violence Counselling Service	<a href="http://www.1800respect.org.au">www.1800respect.org.au</a>	1800 737 732