

Your Family Violence Court Hearing

IMPORTANT INFORMATION FOR COURT USERS

Issued September 2022

Changes to the court hearing process from 12 September 2022

Affected family members (the person applying for, or to be protected by the order) can take part in the court hearing in different ways – online or in person. Please use the [pre-court information form](#) to tell us how you want to take part in the court hearing. The court will prioritise your preference where safe and practical to do so.

The **respondent** (the person the order is against) must attend court in person unless otherwise directed by the court.

What do I need to do?

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

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

How do I contact the court before my hearing?

You can:

- complete the pre-court information form online using the QR codes below,
- complete the attached pre-court information form and email it to the court where your case is listed, or
- call or email the court where your case is listed.

You can find the contact details for the local court on [our website](#).

Applicant form

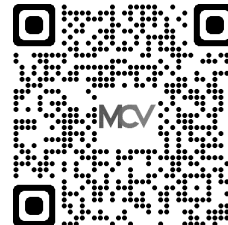
Person protected by the order



<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>

COVID-19 safety at court

If you have **COVID-19 symptoms** or are **waiting on the results of a COVID-19 test** you **must not** attend the court physically. Please [contact your local court](#) to request alternate arrangements as soon as possible.

Where can 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	www.legalaid.vic.gov.au	1300 792 387
Community Legal Centre	www.fclc.org.au	1300 792 387
Victorian Aboriginal Legal Service	www.vals.org.au	1800 064 865
Djirra Legal Services	www.djirra.org.au	1800 105 303
LGBTIQ+ Legal Service	www.lgbtiqlegal.org.au	03 7037 3208

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 local 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 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 the court hearing

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

Case number (if known)		Court date (Date of hearing)	
Court location			
I am the:	<input type="checkbox"/> Applicant/Affected Family Member (the person applying for, or to be protected by the order)		
	<input type="checkbox"/> Respondent (the person the order is against)		
	<input type="checkbox"/> Respondent (the person the order is against) in a cross application		

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

Name:		DOB:	
Preferred name:			
Phone		<input type="checkbox"/> My number is confidential	
	Does the other person know your phone number?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure	
Email		<input type="checkbox"/> My email is confidential	
	Does the other person know your email address?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure	
Address		<input type="checkbox"/> My address is confidential	
	Suburb	Postcode	
	Does the other person know your address?		<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 9am and 5pm Monday to Friday

Victoria Police applications

If you are the affected family member and the police have applied for the intervention order and you agree with the order and conditions, you can choose not to take part in the court hearing if you are contactable by police on the day of the court hearing. If you do not agree with the order you should appear at the court hearing. Use this form to tell us how you want to take part in the court hearing – online or in person.

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

If **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 the court hearing. You can:

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

You can also ask to talk to a duty lawyer. The duty lawyer gives free legal advice to people going to court on their hearing day. You can find information about duty lawyers on [our website](#).

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 your contact details with the duty lawyer? Yes No

Do you need to attend the court hearing? – affected family members / applicants

Please complete this section if you are the **affected family member / applicant** to tell the court how you want to take part in the court hearing.

Respondents do not complete this section. Go to 'Going to the court hearing – respondent'

If police have applied for an order to protect you

If you have spoken with police and agree with the application and conditions, you can choose not to take part in the court hearing if you are contactable by police on the day of the court hearing.

If you don't agree with the police application, you should attend the court hearing.

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 applying for an intervention order (applicant) or need an order to protect you (affected family member (AFM))

You will need to appear in the court hearing to tell the court you want an order. You can choose to attend your court hearing either online or in person at the court location.

How do you want to take part in (attend) the court hearing?

Online

If you want to take part online, you need to be able to appear from a place where you feel safe, that is private, and has access to technology and a camera, for example a tablet, computer, and stable internet connection.

If you are unable to attend with your camera turned on please indicate this in the 'is there anything else you want the court to know' section below for the magistrate to consider.

In person

You will need to attend the court venue. Available options for support at the court venue can be discussed with the registrar.

Is there anything else you want the court to know to help you take part in the court hearing?

Are you applying to have the court hearing moved to a later date? Yes No

Note: There is no guarantee that the court hearing can be moved. The court will decide if it can move the court hearing. If there is a temporary intervention order in place, this will continue until the next hearing date.

If you answered **yes**, why do you need to move the court hearing date?

Reasons for moving the court hearing date may include medical reasons etc. Please contact [the local court](#) with evidence (medical certificate) supporting the reason you want the court date moved.

Attending the court hearing – respondent

Respondents must attend court in person unless otherwise directed by the court. The magistrate may hear and determine the intervention order application without you being present if you don't take part in the hearing.

Affected family member / applicants do not complete this section, please refer to 'Support services at court'

Is there any reason you cannot attend the court hearing in person? Yes No

If **yes**, please contact your local court as soon as possible.

Do you need to apply to have the court hearing moved to a later date? Yes No

There is no guarantee that the court hearing can be moved. The court will decide if it can move the court hearing. If there is a temporary intervention order in place, this will continue until the next hearing date.

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

Reasons for moving the court hearing date may include medical reasons etc. Please [email the local court](#) with evidence (medical certificate) supporting the reason you want your court date moved.

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 at court

Do you need an interpreter at the court hearing? Yes No

The court can request an interpreter if you ask for one. This is a free service.

If **yes**, what type of interpreter do you need?

E.g., Vietnamese, AUSLAN

Are you currently supported by a family violence service provider? Yes No

If **yes**, please provide the name and contact details of the family violence service/agency, if known

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 [our website](#).

Are you, or someone involved in the 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** would you like to talk to a Koori family violence practitioner if available?

Yes No

You can read more about what the Koori family violence practitioner does on [our website](#).

Are you, or someone involved in the 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** would you like to talk to a LGBTIQ+ family violence practitioners if available?

Yes No

You can read more about what the LGBTIQ+ family violence practitioner does on [our website](#).

Consent to share information

Yes No

If you have said yes to any of the support services above, do you agree to the court sharing the information provided in this form with the selected support service/s?