

KEEPING KIDS SAFE

GETTING AN FVRO To COVER YOUR KIDS

This fact sheet has information on protecting your kids from family violence with a family violence restraining order (FVRO).

How can the law help me protect my kids?

Call a lawyer that works in your area or visits your community. Talk to them about what is happening for you and your kids.

These legal services can give you legal advice about family violence issues and might help you to ask for an FVRO in court.

They might help you do other things, like:

- talk to a counsellor
- safety planning
- talk to the police, and
- talk to your kids' school teachers.



You can also call the Legal Aid WA Infoline on 1300 650 579 or Legal Yarn (for First Nations callers) on 1800 319 803 or visit the [Legal Aid WA](https://www.legalaid.wa.gov.au) website to get information on where to get help. See also the fact sheet: **Family violence safety planning – getting ready to leave.**

When can my kids get an FVRO to protect them?

When kids see or hear family violence, they have been 'exposed' to violence. Being exposed to family violence includes:

- hearing a person threaten to kill or hurt another person
- seeing or hearing a person hurt another person
- helping a person who has been assaulted, and
- being present when police or ambulance officers come to a violent incident.



A magistrate can make a FVRO to protect the kids from family violence if you can show the court that either:

- the kids have been exposed to family violence and they are likely to be exposed again, or
- there are reasonable grounds to fear the kids will be exposed to family violence.

How can I get my FVRO to cover my kids?

If you are applying for an FVRO to protect you from a family member, and your kids have seen, heard or experienced family violence, you can ask the court for your FVRO to also cover your kids.



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When you tell your story to the magistrate you should cover what your kids have seen and heard or why you are worried they will be exposed to family violence if there isn't an FVRO to protect them.

If the magistrate believes that an order is needed to stop kids seeing or hearing family violence, the court must make an order unless there are special circumstances that would make the order inappropriate. Special circumstances do not exist simply because you can, or have, or the respondent can apply, or has applied, for a Family Court order.

Guardians, child protection workers and police officers can also ask the magistrate for an FVRO for kids.

Can I make a separate application for an FVRO to cover my kids?

You can also apply for an FVRO for your kids on a separate application. You might do this if you already have an FVRO against the respondent, but it does not cover your kids.

You must show the same things about your kids being exposed to family violence as if you had included your kids in your application.

What if there are already Family Court orders?

When you ask for an FVRO, you must tell the court if you already have Family Court orders for your kids. You should also get urgent legal advice about how the FVRO may affect the Family Court orders.

The court making the FVRO may be able to make an FVRO protecting your kids, and may be able to temporarily suspend, cancel or change a Family Court order.

Starting a Family Court case

If you are experiencing family violence, you may be able to apply for parenting orders in the Family Court without going through family dispute resolution.

You should see a lawyer to get legal advice about whether you need Family Court orders in your case.



Child protection Children's Court proceedings



If you have a child protection case in the Children's Court, a magistrate can make an interim FVRO against a party in the case or someone who gives evidence in the case. You should get legal advice if you are in this situation.



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