

# WHAT TO PUT IN YOUR APPLICATION FOR AN FVRO

This fact sheet has information on what sort of things might go in your application for a family violence restraining order (FVRO).

## Who's who in an FVRO application

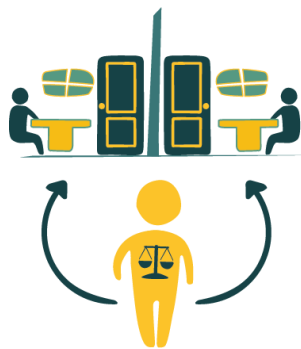
You are the applicant or the person protected if an order is made. The person you want protection against is called the respondent. If the order is made, they are sometimes called the person bound or the person restrained.

## Forms to be filled in

To ask for an interim FVRO, you must fill in an application form and an affidavit. You don't have to pay anything at court to apply for an FVRO.

The process for asking for an FVRO is a little different depending on whether you apply in person, by post, by fax, by email or online.

The application form asks if you agree to your case being listed for a conference if one is available at your court. If you say no, you are saying you want to opt out, or not go, to a conference. A conference is like a mediation to try to get agreement on your FVRO if the respondent opposes the FVRO being made.



A conference is a meeting where you and the respondent will sit down and talk with the registrar about the FVRO. It will not happen unless both you and the respondent agree to participate. You will be in separate rooms and will not see each other at court. The registrar will help you both talk in a respectful way to see if you can agree about what should happen with the FVRO.

Get legal advice before you say no to your case going to a conference. For more information see the fact sheet **FVRO conferences – applicant**.

## Applying online

To apply online, you must use an approved legal service provider. When you apply, there is a text box where you set out your story in detail. This is the evidence in support of your application.

If your lawyer helps you apply for an FVRO online, they will type your story into a form on the computer and ask you if the story you have told is true. If you say it is true, this makes the form an affidavit. It is then allowed to be used in court as your evidence for why the magistrate should make an FVRO.

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## Filling out the application form

Most courts will have a support service that can help you fill out the application forms.

Whether you are applying in person or by post/email/fax, or online through an approved legal service provider, these are the 6 key parts to your FVRO application form, with most questions needing specific information (such as names, address, phone numbers) or answers by ticking a box. The online form has some different headings.



### ◆ Nature of the relationship

How are/were you and the respondent in a 'family relationship'?

### ◆ Person seeking to be protected

Personal information and contact details for the person wanting the FVRO. It is important to include your phone number and email address if possible. The respondent does not get this information.

### ◆ Person you are seeking the order against

Personal information and contact details for the respondent. Include as many contact details as you can and try to have the correct spelling of the respondent's name and their date of birth.

### ◆ Person lodging the application

Is the person seeking to be protected you, or someone else?

### ◆ Grounds for the application

Is it because of something the respondent has done, or something you are worried they will do (or both) including exposing kids to family violence? Has one of your kids been exposed to family violence?

### ◆ Application details

This is where you set out the evidence you have in support of your application. It might include a summary of what the respondent has done. This might include:

- what sort of things happened
- how often they happened, and
- roughly when they happened.

You might include your kids.

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Try to put down the most serious and most recent acts of family violence. Remember, the definition of family violence is much broader than physical violence.

However you apply for an FVRO, to be able to get an interim FVRO without having to tell the respondent about the application or hearing, you must tick the 'Yes' box to have the application heard in the absence of the respondent.

When you put in your application in person (or by post/email/fax), you must sign your affidavit and swear on oath or make an affirmation in front of an authorised witness (such as a lawyer or Justice of the Peace) that what you have put in your affidavit is true.

## Preparing your affidavit

An affidavit is a court document. You will write your story on the paper and sign your name. Then the magistrate will use that story to decide whether to make an interim FVRO. When you sign your name on the affidavit, it means you promise the story is true. The law says you must only put down the true story in an affidavit.



Your affidavit is where you must explain what has happened and say why there are good reasons for the court making an FVRO against the respondent. Even if other people did not see something, or you didn't report the incident to police, you can include what happened in your affidavit.



Your local community legal service, Aboriginal Family Legal Services, Marnin Family Support and Legal Unit, Albany Family Violence Prevention Legal Service, or staff from the Legal Aid WA Domestic Violence Legal Unit may be able to help prepare your affidavit. These services are all approved legal service providers that are allowed to help you put in your application online if that is easier and safer for you.

Take the time to think about and be clear about what you want to say in your affidavit.

The more information you put in your affidavit, the easier it will be for you in court.

If your affidavit is clearly written and explains what has happened in a clear way, some magistrates will let you adopt the contents of your affidavit as your evidence for the interim hearing. This means you won't have to tell this part of your story again in court during the interim hearing.

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## Setting out the rules you want the respondent to follow

Your affidavit is also where you can let the court know what conditions or rules you would like included in your FVRO.

It is important to think about how the FVRO will help you be safe. If you want, you can ask the magistrate to include rules that stop the respondent having any contact with you at all.

You should ask the magistrate to shape the FVRO to suit your circumstances and your safety plan. For example, you might want different rules in the FVRO so that:

- ♦ you can still have limited contact with the respondent to talk about plans for your kids or to go to court, or
- ♦ you can sometimes live with the respondent, but with rules on what the respondent can do and how they must act towards you.

If you are not sure what to ask for in your FVRO, get legal advice.

