

WHEN YOU ARE SERVED WITH AN INTERIM FVRO OR A SUMMONS

This fact sheet has information about what you can do if you have been given (or served with) an interim, or temporary, family violence restraining order (FVRO) or have got a summons to go to court for an FVRO application.

What is family violence?

Family violence is violent, threatening, scary, abusive or controlling behaviour to another family member. It includes financial, emotional, psychological and sexual abuse, fighting, shouting, choking, stalking, cyber stalking, and breaking or damaging things, or threatening to hurt or kill a family member's pet.

It can be more than one abusive act or a series of abusive acts, including over a period of time. Such acts are family violence if they make a family member, including kids, feel scared and take away their freedom and independence. See the fact sheet: **What is family violence?** for examples of family violence.



What is an FVRO?



An FVRO is made to protect a person, usually the applicant, from violence, threats or abuse from a family member, including a former family member, intimate partner or former intimate partner. The person who has the order made against them is the respondent. The FVRO sometimes also covers the kids of the protected person and the respondent.

The applicant is sometimes called the person protected. If an FVRO is made, the respondent is sometimes called the person bound.

In many cases the court will make an interim FVRO which will set out rules or conditions about the respondent's contact with the person protected and what the respondent is not allowed to do. Some of the rules may cover the kids of the applicant and respondent. The rules set by the magistrate in the interim FVRO are based on the information the applicant has given the court.



What does it mean to be served?

When an FVRO is first made to protect someone, the court sends a copy of the order to the police station closest to where you live. The police go and find you, give you a copy of the FVRO and explain the rules. This is called 'service' and means the FVRO has been served and has started.

WHEN YOU ARE SERVED WITH AN INTERIM FVRO OR A SUMMONS

I didn't know an interim FVRO had been made until the police came



The person applying for an FVRO is allowed to ask the magistrate to make an interim or temporary order without telling you, the respondent. The magistrate is allowed to make the order without you being at court. You get a say later. In most cases the applicant will want to ask for the interim order without you being there.

If the court makes an interim FVRO against you, the first time you might find out about the application is when you are served with an interim FVRO. The interim FVRO is then in force. You are allowed to oppose the FVRO becoming a final order.

You must read the interim order carefully. Get legal advice if you are not sure what it means. If you do not follow what the order says, you may break the law and get into trouble with the police.

What do I do if I'm served with an interim FVRO?

If you are given an interim FVRO by the police, you have 3 choices:

1. Agreeing to the FVRO being made final.
2. Objecting to the FVRO being made final.
3. Doing nothing.

INTERIM
ORDER



1. Agreeing to the FVRO being made final



You can fill in the 'Consent' section on the back of the court paperwork you received and return it to the court within 21 days. You do not have to go to court. The FVRO will be made final as soon as the court receives your consent notice. The final FVRO will have the same rules as the interim FVRO.

Before agreeing to the FVRO being made final, you should check what the rules are and what you are not allowed to do. You may want to try to get different rules before you agree to a final order.

2. Objecting to the FVRO being made final

This means you do not agree to the FVRO. You must fill in the 'Objection' section on the back of the court paperwork and return it to the court within 21 days. You must return the objection to the court where the order was made. You can also say on the form if you agree to go to a conference.

If both you and the applicant agree and a conference is available at your court, the court may set a date for you and the person protected to come to court for a conference. For information on conferences see the fact sheet **FVRO conferences – respondent**.



WHEN YOU ARE SERVED WITH AN INTERIM FVRO OR A SUMMONS

If no conference is held, your case will be put off for a final order hearing. You should contact the court to check the date when you should bring your witnesses to court.

The interim FVRO remains in force, even if you are opposed to it.

3. Doing nothing

If you do not send back a notice of objection to the court within 21 days after you were served, the interim FVRO will automatically become a final FVRO against you.



What if I have received a summons to go to court for an FVRO?



A summons to go to court for an FVRO hearing usually means no interim order has been made. The court has given you the chance to have your say about whether an FVRO should be made. The legal paper will tell you the date and time you must go to court if you want to have a say. You have the same choices as set out earlier in this fact sheet.

1. Agreeing that an order should be made

You might not go to court and an FVRO might be made in your absence. You might go to the hearing and say to the court that you agree to the rules of an FVRO. These rules can be included in a conduct agreement order (CAO). This does not mean that you say you did anything wrong or what the applicant says you did. The court may make the CAO when you do this.



2. Objecting to the FVRO being made

You can go to the hearing and tell the court you object to, or disagree with, a final FVRO being made. The court may then organise a conference, if you and the applicant both agree, and one is able to be held at the court. If a conference is not held, the court will put your case off for a final order hearing.

You may be willing to give an undertaking to the court to settle the application. With an FVRO you can also agree to a CAO to settle the case if you and the person protected agree on the rules. For more information see the fact sheets: **Undertakings in FVRO cases**, and **Conduct agreement orders**.

3. Doing nothing

If you do not go to the hearing, the magistrate will decide about the FVRO application without you being there. The applicant will tell the court what happened and why they want the order. The court will decide if a final FVRO is needed.

If an FVRO is made without you being there, it will be served on (given to you) you by the police.

If I have an FVRO against me, does it go on my criminal record?

No, but if you are convicted of breaching an FVRO (or CAO or police order), this is a crime and will normally appear on your criminal record.



WHEN YOU ARE SERVED WITH AN INTERIM FVRO OR A SUMMONS



Not following the rules or conditions on an FVRO (or CAO or police order) is a serious criminal offence. If you are convicted, you might get a fine of up to \$10,000 or 2 years imprisonment or both.

An FVRO is also recorded on the court and police systems. In some court cases, a court might be allowed to know that someone has (or had) an FVRO against you. For example, this can come up in bail applications and in family court cases.

What if I want to change to make things safer for my family?

If you use family violence against others and want to ask for help to keep your family safe, there are lots of things you can do to get support.



- ◆ If you feel depressed or have worries about your mental health, go to your local health clinic, GP or hospital and talk to a doctor or nurse there about those worries.
- ◆ Call your local drug and alcohol counselling service or talk to a lawyer who can help connect you with those services. Some services have group counselling sessions, called behaviour change programs. The counsellors who run these programs help people understand why they are violent, how violence makes victims feel and to learn how to choose behaviours that are not violent.
- ◆ There might be someone in your family or a close friend who you trust to talk to about your relationship worries. When you feel nervous or shame to go to an agency for help, support people can help you talk to people like a counsellor or a lawyer about your worries.

Where can I get more information or legal advice?

- ◆ Contact the **Legal Aid WA Infoline** on 1300 650 579 or **Legal Yarn** (for First Nations callers) on 1800 319 803 for more information or referral to services that may be able to help you. The [Legal Aid WA website](#) also has more information.
- ◆ **Legal Aid WA Family Advocacy Support Service (FASS)** is a free specialist family violence service which provides legal and social support services to people with a family law problem who are affected by family violence. FASS provides the following services:
 - ◇ legal advice and assistance at the Family Court in Perth Monday to Friday from 9am to 4pm. FASS is available when the Family Court is on circuit in Broome, Kalgoorlie, Geraldton, Bunbury and Albany.
 - ◇ FASS social support includes a dedicated men's social support worker who can help with things like counselling and referrals to other services.
- ◆ Your local [community legal centre](#) may also be able to give advice about FVROs.