

FVRO CONFERENCES

APPLICANT

When you apply for a family violence restraining order (FVRO), the application form asks if you agree to go to a conference if one is available. This fact sheet has information about FVRO conferences.

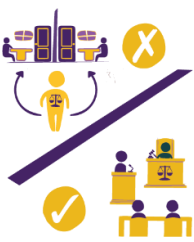
When might a conference happen?

If the respondent objects to your FVRO application, the court may send your case to a conference if:

- ◆ you have agreed to go to a conference, and
- ◆ the respondent has agreed to go to a conference, and
- ◆ a conference is available at the court where your case is being held.



You can show you agree to going to a conference by ticking 'yes' in the box on the FVRO application in response to the question about agreeing to the listing of a conference. If you tick 'no' you are saying you do not want to participate in a conference. This is sometimes called opting out. Get legal advice before opting out.



If either you or the respondent do not want to participate in a conference or one is not available, your case will be given a court date for a final order hearing.

In a situation where the respondent has received a notice (called a summons) to come to court and objects to your FVRO application, when you come to court for your application, the court might also ask you if you want to go to a conference.

What is an FVRO conference?

Conferences are a type of mediation that take place at a court building. They are a way of trying to resolve disputes in FVRO cases without having to go to a final order hearing at court.

If you and the respondent both agree to go to a conference and one is available at your court, the court may set up a time and date for a conference.

You and the respondent are each in separate rooms in different locations in the court building and do not see each other during the conference. This type of conference is sometimes called a “shuttle conference”.

A court person called a registrar runs the conference. Registrars are very experienced in helping people explore ways to try and resolve their disputes. The registrar will move back and forth between the room you are in and the room the respondent is in. The registrar is independent. This means they are not on the side of you or the respondent. They do not decide who is right. Their role is to help you and the respondent to try to reach an agreement.



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What you and the respondent say at the conference is private. Only the people who go to the conference will know what is talked about. The things said in the conference will not be told to the magistrate.

What's in it for me to go to a conference?

By going to a conference and working with the registrar you have a chance to:

- ◆ explore ways to make an agreement about the FVRO that suits your situation, and
- ◆ get the best possible outcome.



An agreement at a conference can be good for both parties as it avoids the need for a final order hearing and the stress and costs of a hearing. It can also sort out disputes about the FVRO more quickly.

If you are thinking of opting out, maybe get legal advice before you do.

What can the registrar do in a conference?

The registrar might do things like:

- ◆ ask you or the respondent for more information
- ◆ write down any agreement reached at the conference
- ◆ make an order
- ◆ end the conference if the registrar thinks an agreement or proper agreement can't be reached, or
- ◆ send the case back to court and take steps to list the case for a final order hearing.



Even though a conference is more informal than being in court in front of a magistrate, you are still in a court and must behave in a respectful and calm manner.

The registrar will stop a conference if there is abusive or threatening behaviour by you or the respondent. Court security or the police may also be called.

How long does a conference go for?

How long each conference goes will be different in each case. The court will allow 2 hours for a conference.

What are the possible outcomes of a conference?

You and the respondent might come to an agreement to settle your case. This might be by:

- ◆ the respondent agreeing to a final FVRO and withdrawing their objection
- ◆ you both agreeing to a conduct agreement order



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- ◆ you withdrawing your FVRO application with the respondent agreeing to an undertaking
- ◆ you withdrawing your request for an FVRO.



You both might also agree to put the court case off (this is known as an adjournment) for something to be done. For example, for the respondent to go to counselling, or for someone to get legal advice, or to complete a parenting plan and then come back to court to finalise the case.

If you and the respondent do not reach an agreement at the conference, the case will go back to court for a final order hearing. You should contact the court about the next court date and find out whether you need to bring witnesses on that day.

What if I am worried about my safety going to the conference?

You and the respondent will be directed to different areas of the court, but if you have any worries about your safety, you should let the court know of this before your conference date. You should also tell your lawyer, if you have one, before the conference date, or on the day of the conference.

You will also be given different arrival times by the court.

Before you pass through security at the court, you will need to speak to court staff so they can make sure you go to the right part of the court building. Make sure you get to court with enough time to get through security before your conference time.

If you feel unsafe at the conference, tell your lawyer, the registrar or court security straight away.

Who is allowed to go to the conference?



You and the respondent are allowed to go the conference with a lawyer. You should speak to a lawyer about whether to participate in a conference. It is also a good idea to try to organise for a lawyer to represent you at a conference.

If you do not have a lawyer, free legal representation may be available for you from Legal Aid WA and some community legal centres. For more information visit Legal Aid WA's website (<https://www.legalaid.wa.gov.au>). A list of lawyers who can help you is on the Magistrates Court of WA website (www.magistratescourt.wa.gov.au/conferencing). You can also pay a private lawyer to represent you.



You and the respondent are allowed to have support people in the room with you at the conference. You are not allowed to bring a support person who will be a witness or a party in your case if it goes to a final order hearing. The registrar must approve the support person.

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Can I change my mind later about opting out?

Yes. If you change your mind and want to go a conference, it may be possible to have another conference on another day. Let your lawyer or the court know at least 28 days before the final order hearing date that you have changed your mind. If the respondent has agreed to go, another conference may be listed.

How do I get ready for a conference?

You should get legal advice. If you have kids, maybe it would be good for you to get legal advice about any family law problems with your case.

Before the conference think about:

- ◆ the conditions on the interim FVRO if one has been made
- ◆ what would be the best outcome for you and your family
- ◆ how the respondent might see the conditions or rules you want, and
- ◆ if there is anything you might be able to talk about changing to help get an agreement. This is sometimes called compromising.

Arranging child care



Kids are not allowed to go to a conference. Sometimes the Department of Justice can pay for child minding services. If you need to arrange child care services through the court, you will need to contact the court where your case is on at least one week before the date of the conference.

What if a conference is on and I don't go?

If a conference is on at court and you are not able to go for a good reason like you are sick, you should ring the court as soon as you can before the conference to see if your conference can be put off until another day.

If you don't go to a conference, the registrar may:

- ◆ put the conference off to another day or time, or
- ◆ dismiss your application (this means to end it), or
- ◆ send the case back to the court.



If the respondent doesn't come to the conference, the registrar is allowed to hear what you have to say about why you want an FVRO. The registrar after hearing what you have to say may decide to make a final FVRO.

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What is the usual process for a conference?

