

FVRO CONFERENCES

RESPONDENT

This fact sheet may help if you have received an interim family violence restraining order (FVRO), or a summons to go to court for an FVRO application, and you want to object to, or oppose the order, and want to know more about FVRO conferences.

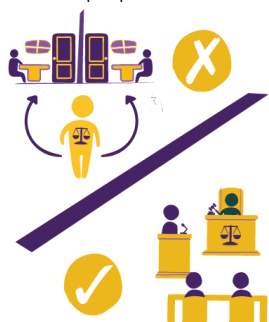
When might a conference happen?

If you object to the FVRO application, the court may send your case to a conference if:

- ◆ you have agreed to go to a conference, and
- ◆ the applicant has agreed to go to a conference, and
- ◆ a conference is available at the court where the case is listed.



You can show you agree to going to a conference by ticking 'yes' in the box in response to the question about agreeing to the listing of a conference on the court paperwork for your objection. 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 applicant do not want to participate in a conference or one is not available, the case will be given a court date for a final order hearing.

You might also be asked by the court if you agree to go to a conference when you come to court for an FVRO application after receiving a notice (called a summons) and you object to the application. The applicant would also have to agree to go.

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 applicant 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 applicant 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.

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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 applicant to try to reach an agreement.

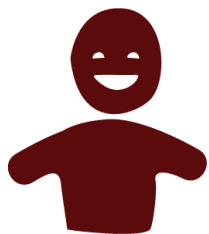
What you and the applicant say at the conference is private. Only the people who go to the conference will know what is talked about. The things said in the conference will not be told to the magistrate.



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, get legal advice before you do.

What can the registrar do in a conference?

The registrar might do things like:

- ◆ ask you or the applicant 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 final order hearing.



Even though a conference is less proper 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 applicant. Court security or the police may also be called.

How long does a conference go for?

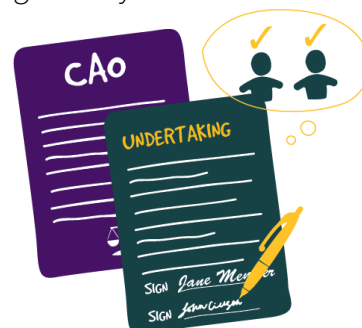
How long each conference goes will be different in each case. The court will allow 2 hours for a conference.



What are the possible outcomes of a conference?

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

- ◆ you agreeing to a final FVRO and withdrawing your objection
- ◆ you and the applicant agreeing to a conduct agreement order
- ◆ the applicant withdrawing their FVRO application with you agreeing to an undertaking
- ◆ the applicant withdrawing their 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 you 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 applicant 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.

Who is allowed to go to a conference?

You and the applicant 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 advice and representation at conferences is available from some community legal centres. More information about other legal services that may be able to help you is available on the Legal Aid WA website (<https://www.legalaid.wa.gov.au/>) or 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 applicant are allowed to have one or more 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.

Can I opt out of the conference during the conference?

Yes. If you change your mind during the conference, let the registrar know and you can opt out. The court will then put your case off for a final order hearing.

What if I change my mind after I opt out and want to go to a conference?

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 applicant has not opted out, another conference may be listed.

How do I get ready for a conference?

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

Before the conference think about:

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



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 is allowed to:

- ◆ put the conference off to another day or time, or
- ◆ hear what the applicant says about why they need an FVRO and after hearing this decide to make a final FVRO, or
- ◆ send the case back to the court.



If the applicant doesn't come to the conference, the registrar is also allowed to dismiss the application. This means to end it.

What is the usual process for a conference?

