

GETTING READY FOR A FINAL ORDER HEARING

This fact sheet has information which can help if you are an applicant and are getting ready to represent yourself at a final order hearing. This is the court event you have to go to if the respondent objects to your interim family violence restraining order (FVRO) and no FVRO conference is held, or your case does not settle at the conference.

Get legal advice!



You may be able to get legal advice or in some cases a lawyer to represent you at the final FVRO hearing. Your lawyer is best placed to help you get ready for a final order hearing.

Contact Legal Aid WA's Infoline on **1300 650 579** or Legal Yarn (for First Nations callers) on **1800 319 803** to find out where you may be able to get advice and representation. The [Law Society of Western Australia website](#) has a tool to search for the names of lawyers who may be able to help if you want to pay a private lawyer.

Is it too late to go to an FVRO conference?

Get legal advice about this. You must contact the court at least 28 days before the final order hearing date to see if an FVRO conference can be arranged. It can only happen if the respondent has agreed to go and one is available at your court.

Get your paperwork ready

Think about what paperwork you want to show the court at the final FVRO hearing. Gather your paperwork together and keep it somewhere safe ready to bring with you to court.

Paperwork like:

- » family court or Children's Court orders
- » photos of injuries
- » medical reports
- » mobile phone records.



Get some paperwork copied



If you want to show the court evidence, such as emails, text messages or messages from Facebook, they should be printed out and you should make 3 copies: 1 for yourself, 1 for

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the respondent and another for the court. You would use your copies to remind yourself of the paperwork you have given the court during the final order hearing.

Organise your paperwork

Organise your paperwork so that you can easily find what you need when you are at court. For example, put your paperwork in a folder divided under different headings.

Get information from the police

If the respondent has a criminal record and/or there has been similar behaviour by the respondent towards you or others, you can ask the WA Police for a Police Information Certificate (known as a PIC). This Certificate gives some details of previous similar behaviour by the respondent.



To request a PIC, you need to:

- » put in your request at least 14 days before the final FVRO hearing to allow time for the request to be processed (it is best not to put in your request earlier than one month before the final hearing to make sure you have the most up-to-date information).
- » complete the Application for PIC FVRO which is on the WA Police Website and email the application (FVRO) to the address on the website InteragencyAccess@police.wa.gov.au. In the subject line of the email write 'Application for Police Information Certificate'. In your email ask for the PIC to be sent to the court where your case is being heard. You can also post the application. You may also need to summon police records and police witnesses to attend the final hearing. You should get legal advice about this.

If there are criminal cases about anything you have said in your application which are not finalised, get legal advice about whether you should try to have the final order hearing put off until after the cases are finalised.

Getting other information



Think about what other information may be helpful to your case. For example, if you went to hospital for medical treatment after being assaulted you could ask for the hospital records.

If you want to ask for paperwork to be sent to the court you must send a witness summons. Any documents you have summonsed get sent straight to the court.

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The court will write to you to tell you when they get them or the PIC or other information you have requested by witness summons from WA Police. You should ask the court before the hearing date to view (this is called “inspect”) the documents. You need to fill in a form for this. If you have not inspected the documents before the final hearing date you will need to ask for your case to be called on in front of the magistrate as early as possible so that you can ask to see the documents before the hearing starts.



Arrange witnesses to come



Think about whether there are any witnesses who could attend the final order hearing to give evidence about what has happened. It is best to get legal advice about this.

Your witnesses must come to court and say what happened and may need to answer questions asked by the respondent or the magistrate. A letter or statement from a witness is not enough.

If you want to show the court documents or photos, usually the person who wrote the document or took the photos must be in court. This is so the respondent can ask them questions about the document. Get legal advice when you want to call a specialist or qualified person as a witness to find out the best way to get their evidence to be heard by the court.

The person who has written a letter, statement, or report, or taken a photo does not have to go to the final hearing if the respondent agrees before the court hearing that they don't need to come.

If you have witnesses, you should speak to them and ask them to come. If they are happy to come, tell them the court date and details of where it is.

If a witness does not want to come to the final hearing or they cannot get time off work, you will need to ask the court for a summons. A summons legally requires someone to come to court and bosses must allow workers to go to court. Witnesses are allowed to be paid their cost of getting to court. This is usually just the amount of a bus or train fare. If your witness is an expert such as a doctor, you should ask them before the final order hearing how much you might have to pay. If you are using a summons, you must make sure that the summons is given to that person at least 14 days before the final order hearing. The cost of them getting to court must be given to that person when giving them the summons.



There are special rules about calling a child as a witness. Get legal advice if you think you need to have a child as a witness.

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Arranging to give CCTV evidence



If you feel you would find it hard to tell your story well or at all in open court, you can ask the court for permission to give evidence by closed circuit TV (CCTV) or with some sort of screen. Your witnesses can also ask the court for permission to give evidence in this way if they would find it hard to tell their story well or at all in open court. There are special forms to fill in to ask for this.

It is best to make this application to the court at least 2 weeks before the hearing date. If you can't ask before the hearing, you can still ask the court to do this on the day of the final FVRO hearing.

Check things can be played on court equipment

If you have voicemail messages, CDs or DVDs or electronic files you want to play in court at the final FVRO hearing you will need to ring the court before your hearing to check if they are able to be played on the court's equipment. Try to call the court at least a week before the hearing to check this. You may need to bring your own equipment to play them.

Arrange child care in advance

If you have children make sure you arrange child care for the full day of the FVRO trial. Hearings often go for a full day. Sometimes courts can arrange child care. Ring the court at least one month before your final FVRO hearing to see if this is something your court offers.

If your kids are at school or day care, organise someone to pick them up and take care of them until the end of the day.



Arranging an interpreter



If you need an interpreter in court for your final hearing, you should contact the court before the hearing to ask them to arrange this. Try to contact the court at least 4 weeks before the date of the final hearing about this. They will need to know the date of the final hearing and the language you speak. The interpreter will be available on the morning of your court date and will help you in court.

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Tips for the day

- » Think about any questions you might want to ask the respondent and their witnesses during the hearing. Write the questions down and bring them to court.
- » Bring a pen and paper to court to write down any questions you think of during the hearing.
- » Make sure you have parking for the full day or have transport home as you may have to wait a while before your case is heard.
- » Dress neatly. You will not be allowed into court in a singlet. You should make sure that you are not wearing anything that the court might think is not good for court such as a t-shirt with offensive words on it.
- » Try to get to court early.
- » Bring all your paperwork with you set out in a way you are easily to find things, for example, in a folder divided under different headings.
- » Bring water.

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