

This fact sheet has information about changing or stopping a family violence restraining order (FVRO).

You can't agree to change or end an FVRO between yourselves



The person protected and the person bound by the FVRO can't just agree between themselves to change things or stop an FVRO. They have to go back to court to change an FVRO.

In some circumstances, the court will allow FVROs to be changed or stopped. Changed is sometimes called 'varied'. Stopped is sometimes called 'cancelled'.

Common reasons a person might ask the court to change the conditions of an FVRO include:

- » to allow the person bound to live with, spend time with, or communicate with kids under parenting orders from the Family Court
- » to communicate with the person protected by email, text message or SMS to make plans about spending time with or communicating with their kids, or
- » to go with a police officer to collect items from the person protected's address.



Can I ask the court to change or stop an FVRO?

I am the person protected

If you are the person protected by an FVRO and now want to change it or stop it, you must go to court and write on a legal paper. Then you will have to talk to the magistrate. The magistrate will listen to why you want to change or stop the FVRO.

If the magistrate believes it is not safe or fair to change or stop the FVRO, the magistrate might ask for more information from another person and then decide about the FVRO. The magistrate might decide to keep the order the same.

If you have a final FVRO, you might ask the court to:

- » change any of the rules of the FVRO, or
- » end the FVRO.

You might also ask to change the rules of an interim FVRO.



When the court receives your paperwork, it will set a hearing date and summons the person bound by the order to come to court, so they can have a say if they want about what you are asking for. If you only want to have the order stopped, you can ask the court for a hearing without the other person.

Anyone who could have applied for the original FVRO is allowed to ask the court to change, extend or end the order. In a criminal court, the prosecutor can make the application for you.

If someone pressures or forces you to change or stop the FVRO, they will be in big trouble. Tell the police if they do this.

I am the person who must follow the rules in the FVRO

If you think that the rules in an FVRO are not good for you or your family, you can go to court and ask the magistrate to change or stop those rules. Only a magistrate can change the rules. The magistrate will want to know why the order is not good for you or your family, and then the magistrate will decide if the order can change.

You might ask the court to:

- » change any of the rules on an interim or final FVRO, or
- » stop a final FVRO.



You must fill in a form saying what you want to do. When the court gets your paperwork asking to change or stop the order, it will set a hearing date to decide if you will get permission (also called 'leave') to keep going with your application. The person protected does not come to this hearing. The court will only give permission to change or stop an FVRO in limited situations.

If you want to change or cancel an interim FVRO, you must be able to show:

- » the rules of the order are causing you a lot of hardship, and
- » it is proper for your application to be heard now.

If you want to change or end a final FVRO, you must be able to show that:

- » the person protected has invited, encouraged or somehow tried to get you to break the order many times, or
- » there has been a big change in circumstances since the final FVRO was made.

CHANGING OR STOPPING AN FVRO

If the magistrate says you are allowed to keep going with your application, you and the person protected will come to court for another hearing when the magistrate will decide if they should change or cancel the order.

If the magistrate believes there is a good reason to stop or change the FVRO, the magistrate will give a paper to the person protected and ask them to come to court on another day. The magistrate will ask you to come back to court on that day too. The FVRO will stay the same until that next court day.

On the next court day, the magistrate will talk to the person protected about your ideas to stop or change the FVRO.

The magistrate will change or stop the FVRO if they believe that:

- » It will be safe for you and your family.
- » It will be fair for the person protected.
- » You and the person protected feel good about this.



If the magistrate believes it is not safe or fair to change or stop the FVRO, the magistrate might ask for more information from you, or the person protected and then decide about the FVRO. The magistrate might decide to keep the order the same.



Don't ignore the FVRO. Even if the person with the FVRO says it is ok to ignore the rules, you can still be in trouble with the police for breaking them and the magistrate might punish you. Call a lawyer and ask them to help you.

The court can also change or end an FVRO when giving you a punishment for not following an FVRO if it decides that the person protected has encouraged or somehow tried to get you to break the FVRO. The court is not allowed to do this without letting the person protected have their say about the change or ending the FVRO.