



VIOLENCE RESTRAINING ORDERS OVERVIEW FOR RESPONDENT

This fact sheet is for a young person who has been given an interim (temporary) violence restraining order by the police, or who has been summonsed to attend the Children's Court for a violence restraining order matter.

What is a violence restraining order?

A violence restraining order, or VRO, is a court order that is made to protect someone from personal violence.

The order will say that the other person is not allowed to do certain things.

For example, that a young person cannot go near another young person or talk to them in person or online.

You can only apply to the court for a VRO against someone who is not a family member. Other orders are available if you are in a family relationship.

In VRO matters, the young person (or their parent) who wants the order is called 'the applicant'.

The young person who has the order made against them is called 'the respondent'.

What is personal violence?

Personal violence means:

- one person assaulting or causing injury to another person,
- threatening to assault or cause injury to another person,
- kidnapping or depriving someone of their liberty, such as locking them up so they cannot go home.

When will the court grant a VRO?

VROs can only be made by a court in certain circumstances.

For the court to grant a VRO, it needs to be satisfied that either:

- there has been personal violence committed against another person and it is likely to be repeated, or
- the person seeking protection reasonably believes that they will be the victim of personal violence.

In either case, the court has to be satisfied it is appropriate to make a VRO.

What will the court think about when deciding if a VRO is appropriate?

The court will think about many things when deciding whether it is appropriate to make a VRO, including:

- whether you would suffer hardship if the VRO is made, for example, if it will prevent you from going to school or sitting your final exams, and
- whether there are other court cases going on which involve you or the other person.

Can you find out why the court decided to grant an interim (temporary) VRO against you?

You can find out why the court decided to grant an interim (temporary) VRO against you by applying to the court for a copy of the applicant's paperwork. You can get:

- their application for the VRO,
- their affidavit, which is their sworn statement in support of their application,
- a transcript, or copy, of what the applicant said in court when they applied for the temporary VRO, and
- if you go to the same school as the young person wanting protection, any information from the Department of Education about what is being done to manage the issues between you and the applicant.

To apply for the applicant's paperwork, you need to complete a form. Please note that it may take some time for the court staff to process your request.

What will happen in court?

When you first appear in court, the magistrate will want to hear from you and the other young person.

The magistrate will ask you if you want to say anything about the application. This is your opportunity to briefly tell the magistrate what has been going on and whether the applicant has played any role in the situation getting worse.

The magistrate might ask you questions about:

- how you know the other young person,
- your behaviour towards the other young person,
- what you want to happen in court. For example, you may want your matter put off to another date so you can get legal advice.

The magistrate will also want to know whether you want to sort out the issues you have with the other person, and whether you might be prepared to go to mediation (please note, the [Aboriginal Mediation Service](#) helps Aboriginal and Torres Strait Islander people resolve conflicts and is the only free mediation service available for these cases).

After speaking with you and the applicant, the magistrate will decide what will happen on the day.

Where can I get more information?

If you would like more information about VROs, you can speak with Legal Aid WA, your local Community Legal Centre, or a private lawyer.

You can also find more information, videos and fact sheets on the Legal Aid WA website: www.legalaid.wa.gov.au.

Legal Aid WA contacts: Website + Chat www.legalaid.wa.gov.au,
Infoline 1300 650 579, Legal Yarn 1800 319 803

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