



CHILDREN'S COURT VRO PROCESS INFORMATION FOR CHILD RESPONDENT

This fact sheet may help you if you are a young person and the respondent in a restraining order matter in the Children's Court.

Is a restraining order a serious matter?

Yes, very serious. If you have a restraining order made against you, it affects what you can and cannot do. This is because restraining orders make it unlawful (against the law) for you to do certain things, like go near the person protected. There can be big consequences if you breach a restraining order.

It is very important that you get legal advice before you appear in court on a restraining order matter. You can get legal advice from Legal Aid WA, your local Community Legal Centre, or from a private lawyer.

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Who's who in these cases?

The 'respondent' or 'person bound' in a restraining order matter is someone who has a restraining order made against them.

The 'applicant' or 'person protected' in a restraining order matter is someone who asks for a restraining order. To apply for a VRO in the Children's Court, you will need to complete an application form and an affidavit.

What should you do before appearing in court for the first time?

Before you appear in court regarding a restraining order, you can apply to the court for a copy of the applicant's paperwork.

The applicant's paperwork includes:

- their application for the restraining order,
- an affidavit that has the reasons why they want the restraining order,
- a transcript, or copy, of what the applicant said in court when they applied for the restraining order, and
- if you go to the same school, any relevant 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 will need to complete a form. Please note that it may take some time for the court staff to process your request.

What will happen at your first court appearance?

Your first court appearance in the Children's Court will be before a magistrate on a 'mention date'.

A mention date is not a trial date.

It is an opportunity for the magistrate to hear from both you and the applicant and a few different things can happen. For example:

- your case may be adjourned for a couple of weeks so you, or the applicant, can get legal advice,
- you and the applicant might agree to go to mediation for help sorting out your issues (with or without a restraining order) (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),
- you and the applicant might sort out your issues (with or without a restraining order), or

- you and the applicant might not sort out your issues and your case is adjourned for a trial.

What is a trial?

A trial is a special court date where a magistrate decides whether it is appropriate to grant a final (longer term) VRO.

You will give evidence about why the court should not make a final (longer term) VRO, and the applicant will give evidence about why the court should make a final (longer term) VRO. You will need to give an oath or affirmation before you give evidence. This is a promise to the court to tell the truth.

There are special rules you must follow during a trial. It is important that you get legal advice about what to expect and how to prepare for trial.

How can you get more information?

If you would like more information about restraining orders and the court process, or if you would like advice on your particular situation, you can speak with Legal Aid WA, your local Community Legal Centre or a private lawyer.

You can also find legal information and detailed infosheets on restraining orders 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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