



CHILDREN'S COURT VRO PROCESS INFORMATION FOR PARENT APPLICANT

This fact sheet may help you if you want to apply for a violence restraining order in the Children's Court to protect your child.

What should you think about before applying for a violence restraining order?

Asking the court for a violence restraining order (VRO) is a serious decision. Before you apply for a VRO you should think about whether it is the best way to sort out the problem your child has with the other person. Have you tried other ways? The court can only make a VRO if there are grounds for the order.

How do you apply for a VRO in the Children's Court?

To apply for a VRO in the Children's Court, you will need to complete an application form and an affidavit.

If you want a VRO against someone from the same school as your child, you will also need to

complete a questionnaire. The questionnaire will be sent to the Department of Education, so your school can tell the court what they are doing to help keep your child safe.

The person you want a VRO against, called the 'respondent' or 'person bound' (if the order is made), will be able to get a copy of these documents.

When will your first court appearance be?

Your first court appearance will be before a magistrate in the Children's Court. This might be on the same day you give your paperwork to the court, or it might be on another day.

In most cases, the respondent will not be told about your application and is not allowed to come into the first hearing.

Your application will be heard in a 'closed court'. This means members of the public cannot come into the courtroom during the hearing.

What will happen at your first court appearance?

At your first court appearance, the magistrate will look at your paperwork and you will give evidence as a witness about why you want a VRO to protect your child. You will need to make an oath or an affirmation before giving your evidence. This is a promise to the court to tell the truth.

The magistrate will then either:

- grant you an interim (temporary) VRO,
- put your application off to another court date, or
- dismiss your application for a VRO.

An interim VRO is a temporary order granted by the court to protect someone from personal violence. The interim (temporary) order protects them while they go through the court process to get a final (longer term) order.

If you are granted an interim (temporary) VRO, your order will only come into force (start) when the police serve it on the respondent. This might be on the same day you are granted the order, or it might be on another day.

Will you need to come back to court on another date?

After your first appearance, you will only have to come back to court if the magistrate puts your application off to another date, or the respondent objects to an interim (temporary) order granted by the magistrate. If you have to come back to court, the magistrate will hear from both you and the respondent and a few different things could happen. For example:

- the VRO could be made final for up to 6 months,

- the VRO could be dismissed,
- your child and the respondent might agree to go to mediation for help sorting out their problem (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), or
- you and the respondent might not agree, and your matter 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 make a final (longer term) VRO, and the respondent will give evidence about why the court should not make a final (longer term) VRO. 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 VROs, you can speak with Legal Aid WA, your local Community Legal Centre, or a private lawyer.

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

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