

Example of an undertaking

This is an example of an undertaking that can be used if the parties want to resolve a family violence restraining order (FVRO), violence restraining order (VRO) or misconduct restraining order (MRO) application before any final orders are made by the court. Undertakings are used to end the court proceedings without the need for any more hearings.

You may need legal advice on the conditions to be included in the undertaking for your situation.

Minute of undertaking

Case number: _____ Court location: _____

Applicant/Protected person: _____

Respondent/Person bound: _____

The parties in this family violence/violence/misconduct [delete the ones that do not apply] restraining order matter have come to the following agreement:

The protected person agrees to withdraw her/his/their restraining order application on the basis of the person bound providing to the court the following written undertaking, to last for a period of months/years, without any admission of liability by the person bound.

PART A: THE PERSON BOUND MUST NOT:

- a) behave in an intimidatory, offensive or emotionally abusive manner towards the protected person.
- b) cause or attempt to cause damage to any property of the person bound in the possession of the protected person.
- c) behave in a manner towards the person protected that is likely to lead to a breach of the peace.
- d) except as set out in Part B, communicate or attempt to communicate with the protected person by any means whatsoever, including SMS or text messages or any other electronic means, including Facebook.
- e) harass the protected person by any electronic means to depict or refer in any offensive manner to the protected person.
- f) enter, remain upon or loiter near or any other premises where the protected person lives, or works, or is educated; or be within metres of the nearest external boundary of those premises.

- g) enter upon the street and adjoining road reserve known as
- h) approach within metres of the protected person.
- i) approach within metres of any property (including vehicles) of, or under the control of, the protected person.
- j) prevent or hinder the protected person from using
- k) distribute or publish, or threaten to publish, any intimate personal images of the protected person.
- l) monitor the movement or communications of the protected person.
- m) cause or allow any other person to engage in conduct of the type referred to in any of the preceding paragraphs of this undertaking for the person bound.

PART B: THIS UNDERTAKING WILL NOT BE BROKEN IF THE PERSON BOUND:

- a) communicates with the protected person through an Australian legal practitioner as defined in the *Legal Profession Uniform Law (WA)* or a person acting under section 48 of the *Aboriginal Affairs Planning Authority Act 1972 (WA)*.
- b) participates with the protected person in family dispute resolution or family counselling, as defined in the *Family Court Act 1997 (WA)* and *Family Law Act 1975 (Cth)*.
- c) complies with a court order made under the *Family Court Act 1997 (WA)* and *Family Law Act 1975 (Cth)* allowing the person bound to live with, spend time with or communicate with a child or children named in that order.
- d) communicates with the protected person by email, or SMS, or text message, solely to make arrangements to spend time with, or communicate with, any child or children of the protected person and the person bound.
- e) instructs a process server or bailiff or other person to serve any legal process requiring service on the protected person.
- f) participates in and goes to court events in proceedings in which the protected person and the person bound are parties or witnesses and complies with an order or direction of a court.

Signed: _____

Applicant/Protected person

Dated: _____

Signed: _____

Respondent/Person bound

Dated: _____

This information contains a summary of the law and is correct at the date of publication. It is not legal advice. You should always seek legal advice about your individual situation. Any services referred to which are not operated by Legal Aid Western Australia are not endorsed or approved by Legal Aid Western Australia. ©Legal Aid Western Australia. This information sheet may be copied, reproduced or adapted to meet local needs by community based organisations without permission from Legal Aid Western Australia provided the copies are distributed free or at cost (not for profit) and the source is fully acknowledged. For any reproduction with commercial ends, or by Government departments, permission must first be obtained from Legal Aid Western Australia.

CMS ID: 8218211v2