

Other ways to increase your safety

- Let supportive friends, family and neighbours know about what is happening.
- Keep a list of phone numbers of family or friends who can assist you in an emergency.
- Remember if you have a re-dial button on your telephone, anyone else in the house can push redial to find out who you have just rung.
- Keep important documents and items somewhere safe in case you need to leave in a hurry (ie: birth certificates, bank books, tax file numbers, passports, spare set of keys, medication and change of clothes).
- Let your children know what to do in an emergency (where to go and who to telephone). Give them phone numbers for the police, neighbours and relatives.
- Have an excuse prepared so that you can leave quickly if your partner becomes threatening.
- Have in mind a place to which you and your children can go quickly, if necessary.

For women

Contact **Safe Steps Family Violence Response Centre** on **1800 015 188** (toll free – 24/7) to find free and safe places for you and your children to stay. There are 27 women's refuges in Victoria providing crisis accommodation and support. Workers are available at the refuges to help you and your children. To keep all residents safe, most refuges cannot be contacted directly. (See our *Family Violence – Support for Women* brochure for more information).

Are your children at risk?

You can include children under 17 in your Order if you believe they are at risk of harm. Children witnessing abuse by one parent towards another is harmful and may be considered a form of child abuse. This may be a single incident, but usually takes place over time.

Children & Family Law

You can include children on an Intervention Order. Under the Family Law Act, having the Order does not stop the defendant from applying for a Contact Order allowing them to see their children, but the Family Court should take the Intervention Order into account. These matters can be complex, and you should get legal advice. To apply for an Intervention Order in the local area contact:

Frankston Magistrates' Court

Phone: **9784 5777**

Web: www.mcv.vic.gov.au

For more information

Family Court of Australia

Web: www.familycourt.gov.au

Victoria Legal Aid

Web: www.legalaid.vic.gov.au

Information in this brochure provided by
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www.dvrcv.org.au

COMMUNITY SUPPORT FRANKSTON

Inc. Reg. No. A0000431J

ABN 95 426 151 625

Abuse & Intervention Orders

April 2020

How to Apply for an Order



- **Increase Your Safety** ●
- **Children & Abuse** ●



35 Beach Street, Frankston
Phone: 9783 7284

Legal Protection & Safety

Abuse and violence are criminal offences

Family violence, assaults, threats, sexual assault and stalking are all against the law. Violence or forcing someone to have sex is also a criminal offence, even if you are married. Everyone, regardless of age, ability, ethnicity, sexuality, religion or culture, has the right to live free from abuse, and to legal protection.

If you are in immediate danger call the Police on 000

Intervention Orders

This is a court order to protect you from further violence or stalking. You can apply for an Intervention Order at your local Magistrate's Court even if there was no physical violence and if you believe the situation is likely to happen again. You can either do this yourself, or ask the police to do it on your behalf. Regardless of what the person has done in the past, the Magistrate will only make an Intervention Order if you have reason to fear the person's behaviour will continue.

The police are obliged to take out an Intervention Order for you whenever the safety, welfare or property of a family member appears to be endangered by another (Police Standing Orders).

Intervention Orders contain conditions aimed at preventing future violence, such as making it illegal for the offender from entering or coming near your home area, your place of work, or the children's school. If there is sufficient evidence of assault or other offences, the police should lay criminal charges.

Evidence can include:

- A doctor's report of injury or distress suffered
- Police observations of furniture having been thrown about
- Evidence from someone who saw or heard the violence
- Your own testament

You can also call the police if the offender is stalking you, for example: following you, harassing you over the phone, or keeping you under constant watch (See our *Stalking & Abuse by Cyber Stalking* brochure).

Call the police for advice at any time, and for urgent attendance, ring 000. If you have been sexually assaulted or raped, a **Centre Against Sexual Assault** can provide support and help you if you decide to report it to the police.

What if we live together?

You can get an Intervention Order against someone you live with. It can say that the person must not assault or threaten you. In some cases the offender can be removed from your home.

What if they disobey the Order?

You can report it to the police, and they are obliged to act.

Will they get a criminal record?

NO - If you have an Intervention Order against someone, it doesn't mean that the person has been charged with a criminal offence. They don't get a criminal record just because they have an Intervention Order against them.

BUT if they disobey the order, it is a criminal offence.

How do I apply for an Order?

Apply for an Intervention Order at a Magistrate's Court, or ask the police to do it on your behalf.

1. The 'defendant' is notified (this is the person you are asking for the Intervention Order against).
2. At a hearing in the Magistrate's Court, the Magistrate will consider the evidence (which can include your story, any witnesses to the violence, photos, written material, doctor's reports of injuries, and statements from police).
3. The Magistrate will also listen to the defendant's version of events, and then decide whether to make the order, and what conditions will be placed on it.
4. If you need it urgently, you can get an 'interim' order to provide temporary protection. This will last until the final Intervention Order is heard in court.

A Magistrate can make an Order against the other person if they have:

- Harassed or molested you or behaved in an offensive manner
- Assaulted or threatened to assault you
- Damaged or threatened to damage your property
- Repeatedly stalked you

AND if they are likely to do it again.

Technology & Safety

Technology (such as the internet, computers, mobile phones, etc) can be useful for victims. Technology can also be used by abusers. (See our *Abuse by Cyber Stalking* brochure).