

## Applying for Violence Restraining Orders

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.

### What is a Violence Restraining Order (VRO)?

A VRO is an order made by the court to stop someone from:

- a) abusing or intimidating someone who wants to be protected; or
- b) exposing a child to abuse.

The person applying for the VRO is called the 'Applicant' and the person who would be bound by the VRO (the person who is being violent) is called the 'Respondent'.

### What can a VRO do?

If the court grants a VRO, the Respondent must not behave in an abusive or intimidating way towards the person whom the order protects.

A VRO can stop the Respondent from:

- a) being on or near the property where the person to be protected lives or works;
- b) being in or near a specified place or location, e.g. a school or day-care centre;
- c) coming within a specified distance of the person to be protected;
- d) contacting or trying to contact the person to be protected in any way, e.g. phone calls, text messages, emails or letters;
- e) stopping the person to be protected from using any property and belongings that they need, even if the Respondent is the owner of that property;
- f) getting anyone else to do any of the above.

These are common terms the court may list on your VRO.

### How long does a VRO last?

A VRO against an adult can last for a maximum of 2 years.

A VRO against a child can last for a maximum of 6 months.

### How do you apply for a VRO?

To apply for a VRO take the following steps:

1. Go to your nearest **Magistrates Court** and ask at the registry office for a **Form 1**. You can ask the staff for help if you are unsure which form you are required to fill out.
2. Once you have filled out the correct form, **hand it back to the Registry Office**.
3. You will then be given a **court date**. This is known as an 'ex parte' court appearance. 'Ex-parte' means that the person who you are applying against will not be there. It will be just you and the Magistrate. At this stage the Respondent does not know that you have applied for a VRO and will not be there. You **MUST attend this court date** if you want to continue with your application.

## Attending court

You have just lodged your application for a Violence Restraining Order (VRO) and a court date has been set. This first court date is an 'ex parte' hearing.

### What happens at an 'ex parte' hearing?

1. An ex parte hearing is a closed hearing, which means that it will just be between you (the 'Applicant') and the Magistrate. The other party (the 'Respondent') does not know that you have applied for this VRO and will not be at court for this hearing.

**Note:** You may ask the court to take a support person in with you as long as they are not a witness or a party to the proceedings.

2. When you are called into court you will be placed in the witness box and asked to swear the oath or affirmation indicating that all the information you are about to give the court is the absolute truth.
3. The Magistrate will now ask you why you are applying for a VRO. This is your opportunity to give your evidence. Be truthful, try to answer the Magistrate's questions as best you can and give as much detail about the incident as possible.

## Outcomes from the court hearing

At the end of the ex parte hearing, there are three possible outcomes. The court may:

1. Grant an Interim VRO; or
2. Issue a Summons; or
3. Dismiss the Application.

### Outcome 1: Grant Interim VRO

If the court grants you an Interim VRO ('IVRO'), it will be served on the Respondent. The IVRO is not enforceable by the Police or the courts until it has been served. Once the IVRO is served you will be notified by mail.

Once the Respondent receives the IVRO, he or she has 21 days to:

- a. **Object** to the order being made final and fill out the form appropriately; OR
- b. **Consent** to the order being made final and fill out the form appropriately; OR
- c. **Do nothing.**

If the Respondent objects to the order within 21 days of receiving it, another court date will be set, called a '**Mention Hearing**'. At this hearing the court will determine if the matter can be settled or if it needs to go to a Final Order Hearing in the future. Both you and Respondent will be notified of this Mention Hearing court date by mail.

At a **Final Order Hearing** both parties present their evidence and the Magistrate will decide whether the VRO should be granted.

If the Respondent consents to the order within 21 days of receiving it, the court will grant a Final VRO in the same terms as the Interim VRO.

If the Respondent does nothing and 21 days pass, the IVRO automatically becomes a Final VRO in the same terms as the IVRO. In this case, the court will allow a further 21 days for the Respondent to object and apply to have the Final VRO set aside.

Once the Interim VRO has been made a Final VRO the court will notify the Applicant, the Respondent and the Police.

### **Outcome 2: Issue of Summons**

If the court issues a Summons, it would like some more information and will set another court date for a **Mention Hearing**. The court will notify the Respondent that you have applied for a VRO and ask them to attend the Mention Hearing. If you do not want the Respondent to know that you have made a VRO application, you may ask the court not to issue the Summons and cancel the application.

### **Outcome 3: Dismiss Application**

If the court decides at the Ex Parte Hearing that you do not qualify for a VRO against the Respondent, it will dismiss the application.

## **I need more help**

**If you would like some legal advice specific to your application please make an appointment at the Fremantle Community Legal Centre on 08 9432 9790.**

### **We are located at:**

Shop 11, Queensgate Building, 10 William Street, Fremantle  
08 9432 9790 (9.00 am- 4.00 pm weekdays)

**You might also find the following services useful:**

### **Legal Aid WA**

Telephone infoline: 1300 650 579

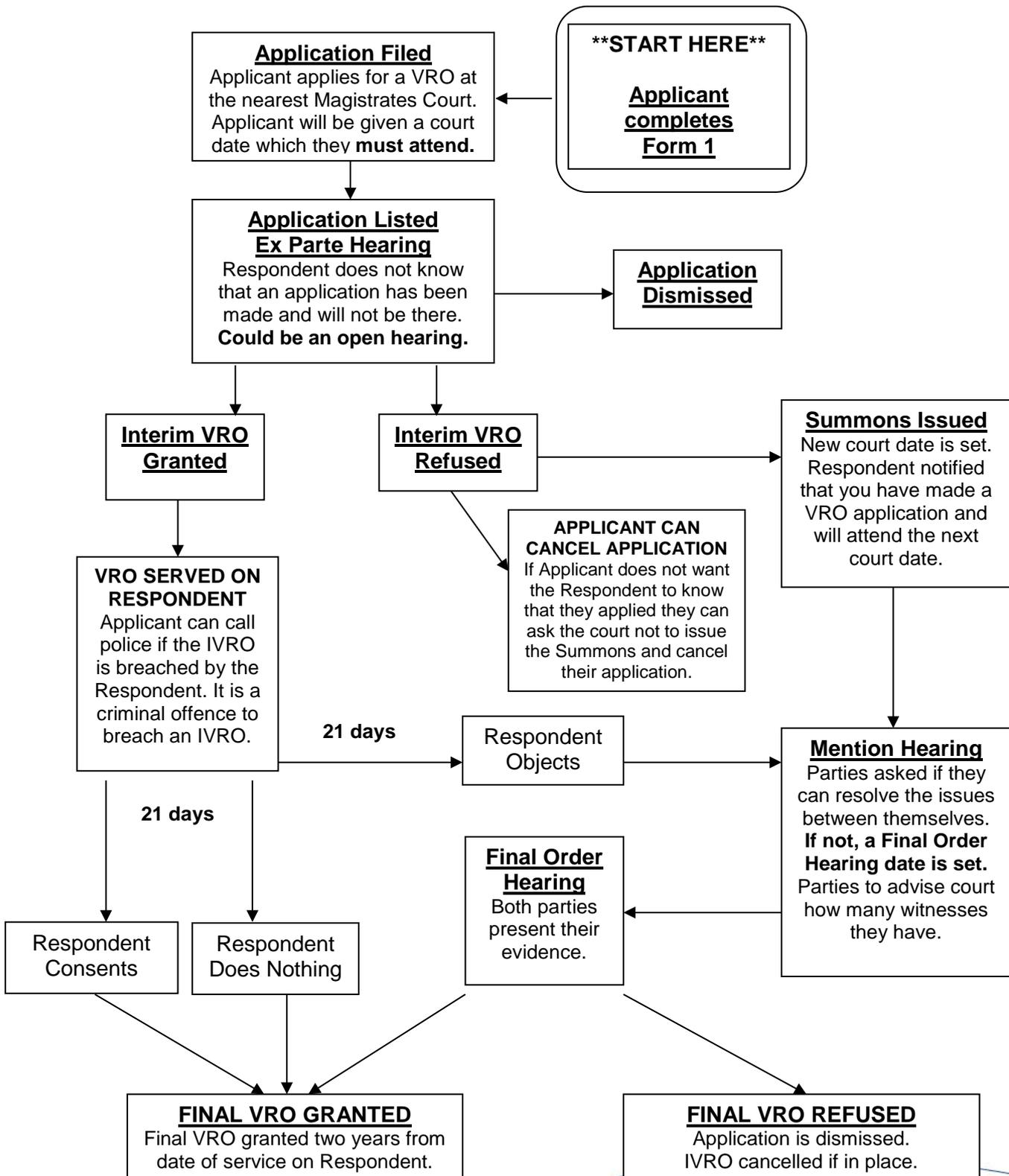
(General enquiries) Infoline open Monday to Friday 8.30 am to 4.30 pm (Australian Western Standard Time) except public holidays  
Translating and Interpreting Service 131 450  
National Relay Service (for hearing and speech impaired) 133 677  
[www.legalaid.wa.gov.au](http://www.legalaid.wa.gov.au)

**Fremantle Magistrates Court**

8 Holdsworth Street, Fremantle  
Open 8.30 am–4.30 pm weekdays  
08 9431 0300  
[www.magistratescourt.wa.gov.au](http://www.magistratescourt.wa.gov.au)

**Alternative formats available on request**

## Violence Restraining Orders Court Process Flow Chart



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