

Family Violence Intervention Orders for Children and Young Adults:

Stage 2 – Participation in Court Proceedings

About this project



Who are we?

We are the Victorian Law Reform Commission.

Our job is to look at the laws in Victoria and check how well they work. We are independent. This means we are not part of the government.

We do research and we talk to people in the community about the law. Then we tell the government how the law could be better.

For more information about us please visit our [website](#) or scan the QR code.



What is this project about?

This project is about young people who have been harmed by family violence. It is about how they take part in court when the court is deciding about making a family violence intervention order (FVIO). A FVIO is an order which the court makes to protect someone from a family member who has been violent towards them.

We've written a paper examining this issue and whether the law should change. Read it via this [link](#) or scan the QR code, or keep reading for a short summary.



What is a FVIO?

A FVIO is an order made by the court. It tells the person who has used violence (the respondent) to stop using violence against their family member (the affected family member). It often says the respondent can't contact the affected family member. If the respondent breaks the order, they can be charged with a crime.

A child can be protected by a FVIO. An adult or the police can ask the court for a FVIO. Sometimes the court can make one even if no one asks. Only older children can go to court to get a FVIO on their own.



What is family violence?

Family violence is when someone in your family hurts you, makes you unsafe or makes you feel unsafe. It is not just physical violence, like hitting someone. Sexual abuse or emotional abuse (hurting someone with words or feelings) also counts. When a child sees someone hurt another person in their family, this is family violence too. The law says anyone under 18 is a child.

Family can be a parent, a brother or sister, a relative, or someone you treat like family. It can also be a boyfriend or a girlfriend.

Someone who has been hurt by family violence can get help from the police and from the court.





What does the law say now?

The law says that if you are a child there are limits to what you can do:

If you are under 14: You can't ask for a FVIO on your own. An adult or the police must ask the court for you.

If you are 14-17: You can ask for a FVIO on your own.

You must show the court you know what a FVIO is for. Then the court can give you permission to ask it to make a FVIO. This permission is called giving 'leave'.

Being at court: If you are a child and you are not the one asking for the FVIO, you need the court's permission to be in the court room. You also need the court's permission to speak about what happened (give evidence).

Being represented: You usually cannot have your own lawyer unless you are the one asking for the FVIO. The court must give permission first. Then you can get a free lawyer.

The court has to decide if being in court or having a lawyer will cause you harm or harm your relationships with people in your family. If it thinks this might happen, the court might say no.

Being told about a FVIO: If someone else's FVIO protects you, you may not get a copy of it. You might not even know it exists or what it says, or know what to do if someone breaks the rules.



Could the law be different?

Australia has agreed to follow international laws. One of these is the United Nations Convention on the Rights of the Child. It says that children have rights. This includes the right to say what you think when a court is deciding about things that matter to you. You can read about this here: [Convention on the Rights of the Child | UNICEF](#) or scan the QR code.



In some other places, young people get more of a say. We look at other places for ideas about how the law in Victoria could be changed.

Here are some examples:

- **In child protection decisions:** children can be in court and have a lawyer.
- **In the Family Court:** special lawyers and experts talk to children about what they think and tell the court this. This happens when the court is deciding things like who a child should live with.
- **In some other places in Australia:** there is no age limit for children and young people asking for their own family violence order.
- **In some other countries:** the court has to consider children and young people's views when deciding if a family violence order should protect them.



Why does this matter?

Some young people have told us that they were left out of decisions about FVIOs about them. They told us they didn't feel like they were listened to. They did not know what was happening in court a lot of the time. They said they wanted to know what is going on and to have a say. Some people think this would make it easier to get help and feel safe.

