



Applying for Family Violence Intervention Orders

Author: [Jessica Black](#)

Email: jessica@emerafamilylaw.com.au

Date: Monday January 8, 2024

An Intervention Order (IVO) is a legally enforceable court order which aims to protect you or your family from someone who is using violence or making you feel unsafe. In cases of [family violence](#), police can apply for an IVO on your behalf (even without your permission) or you can apply for an IVO yourself.

In this blog, we look at:

- the definition of family violence and examples of family violence;
- conditions that can be imposed with an Intervention Order;
- how to apply for an Intervention Order due to family violence;
- breaching Intervention Orders; and
- other considerations to protect you and your children and to support your application for an Intervention Order.

What is family violence?

The definition of family violence is broad. Victims often dismiss their experiences or don't seek help because they don't consider the conduct of their partner to be serious enough to warrant action.

Family violence is defined by the *Family Violence Protection Act 2008* as:

“behaviour by a person towards a family member of that person if that behaviour –

1. *Is physically or sexually abusive; or*
2. *Is emotionally or psychologically abusive; or*
3. *Is economically abusive; or*
4. *Is threatening; or*
5. *Is coercive; or*
6. *In any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person.”*

Notably, the definition of family violence also includes causing a child to hear or be exposed to any of the above behaviours.

Examples of family violence

1. Assault or causing injury or threatening to do so, such as hitting or pushing;
2. Pressuring someone into sexual acts;
3. Intentionally damaging a family member's property or threatening to do so;
4. Threats to kill;
5. Repeated derogatory or abusive comments; and
6. Unreasonably withholding financial support or controlling how a person uses money.

If you believe that you are a victim of family violence, then you may be able to apply for an Intervention Order for your safety and protection.

What conditions can be imposed by an Intervention Order?

An IVO contains conditions which restrict the other person's behaviour, such as stopping them from:

- committing acts of family violence;
- contacting or communicating with a protected person;
- approaching or remaining within a specified distance of a protected person;
- attending any place where a protected person lives, works or attends school/childcare;
- intentionally damaging property;
- locating, following or keeping a protected person under surveillance;
- publishing any material about a protected person on the internet; or
- getting another person to do anything that the Respondent must not do.

An IVO may also be known as a Family Violence Intervention Order (FVIO), Domestic Violence Order (DVO), Family Violence Order (FVO), Violence Restraining Order (VRO) or protection order.

How can I apply for a Family Violence Intervention Order?

There are two options for applying for an IVO.

Police can make an application for an IVO

Firstly, you should contact [000](tel:000) if you have any immediate concerns for your safety. The police must respond to all reports of family violence and will conduct a risk assessment.

In some circumstances, the police may apply for an IVO on your behalf (even if you do not want them to). The police can also issue a family violence safety notice on the spot if a person needs immediate protection. The safety notice can last up to 14 days providing time for an application for an IVO to be made.

Individuals can apply for an IVO

An individual who is at risk of family violence can apply for an IVO online by visiting the [Magistrates' Court of Victoria website](#).

If you wish to make an IVO application, you will be asked to provide information including but not limited to the following:

- The respondent's (the person who has perpetrated the violence) name and contact details;
- How the respondent has behaved and whether you think that behaviour may occur again; and
- The conditions that you want in the order.

It is important that the information provided within the IVO application is clear and concise and that you accurately detail any recent incidents of family violence. We can assist you to complete the application form if required.

[Get help with your Intervention Order application: 03 9006 8907](#)

Once the Court receives your application, you will be contacted by a Family Violence Registrar to explain the next steps. It is important that you obtain legal advice and attend any Court hearings.

How long does an Intervention Order last?

Generally, an IVO is made for a period of between 12 to 24 months. However, ultimately, it is up to the Magistrate to determine how long the IVO should last. In some extreme and rare circumstances, orders can be made indefinitely.

If the Respondent breaches the IVO or there are allegations of ongoing family violence, you may be able to apply to extend the IVO but this must be done before the original order expires.

Breaching an Intervention Order

An IVO is a civil order. That is, it is not part of the criminal law jurisdiction.

Breaching an IVO is a criminal offence and is taken seriously. It is important that breaches are reported to the police.

Additional considerations when experiencing family violence

If you believe that you are the victim of family violence, here are some things you should consider:

1. Change your passwords to your email, social media accounts and banking and other institutions;
2. Change your mobile phone access pin;
3. Turn off your location services on your mobile phone;
4. Change your social media settings to private and block your former partner;
5. Retain copies of any intimidating, threatening or harassing emails or text messages; and
6. Screenshot any abusive social media posts.

Get help from a family lawyer

As always, if you or your children are in immediate danger, call the police on [000](#).

Although the process to apply for a Family Violence Intervention Order may seem relatively straightforward, it is important to consider the implications that an IVO may have in your unique circumstances.

If you have any questions or wish to discuss whether an Intervention Order may be appropriate for you, please contact us to speak with one of our lawyers.

This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.