



## Legal referrals during Covid-19 for clients experiencing family violence

**Disclaimer:** This factsheet was current at June 2020. Please contact your local legal service for the most up to date information on changes to court processes during COVID-19, see [‘How do I refer my client to a legal service?’](#). Or visit the [Magistrates’ Court of Victoria website](#).

### ABOUT THIS FACT SHEET:

- Due to the COVID-19 coronavirus pandemic, court processes have changed. This includes accessing legal services for court hearings
- This information will support you to make legal referrals for people who have experienced family violence (affected family members) during this time.
- You may already have a referral agreement with a local legal service. This factsheet does not replace that agreement.
- This information is a guide only. It is important that you refer your client for early legal advice for their circumstances
- If you are supporting a respondent (person accused of using family violence), see our factsheet: ‘Information for family violence specialist services: legal referrals during Covid-19 for respondents’.

### Can my client still apply for an intervention order?

Yes. Your client can apply for an intervention order:

- in person at the magistrates’ court
- online for many courts. If your client is having trouble putting in an application online, court staff can provide help over the phone. Your client can [contact the magistrates court](#) for help with this.
- Completing an application for a family violence intervention order and emailing it to the relevant court. You can get further details from the [court website](#).

It is important that your client gets early legal advice about applying for an intervention order.

A lawyer can explain how the law works, what the court process is, and about applying for an interim intervention order if they need one.

### My client has already applied for an intervention order

Your client should get early legal advice before their court date. A lawyer can explain how the law works and what the court process will be. They can also refer your client to a duty lawyer service for their court date. A duty lawyer service is a free legal service. A duty lawyer can help your client by:

- giving them legal advice over the telephone about their family violence intervention order case, including talking with them about their options for applying for an interim intervention order

- talking to police and other services at the court, to help come to a safe outcome
- giving them legal advice about their rights and choices in other areas of law. This might help your client to work out what options they might have for protecting any children. This is particularly important if the police reported the family violence to child protection
- negotiate with the other person or their lawyer.

## Where should I refer my client?

It depends when your client's court date is.

### Before their court date

If your client has applied for the intervention order and has a future court date, you should refer them to a legal service. The legal service will assess if they can help your client. If they can't help, they will help your client contact another legal service who may be able to help them. See 'How do I refer my client to a legal service?'

### On the day of the hearing

If your client tells you about their court hearing on the day of their hearing, they should [contact the court](#) immediately.

Your client should tell the court that they will be making an 'appearance' for their case. This means they will be present for the hearing. Your client can be present either physically at court or remotely, using a telephone. The court should refer your client to a duty lawyer service. Your client can also contact a legal service directly for help. See 'How do I refer my client to a legal service' below.

If your client does not contact the court, the court may think that that your client is not appearing. The court may have the hearing without taking into account what your client wants. This can include the court deciding not to make a final intervention order to protect your client.

## What if the police applied for the order on my client's behalf?

It is still important that your client gets legal advice. Your client can get legal advice if the police made a family violence safety notice or applied for an intervention order on their behalf. The police cannot provide legal advice. Your client might want something different to the police and a lawyer can help tell the court.

Your client can go to court if they want to, but they don't have to physically go to court to get help from a lawyer.

## How do I refer my client to a legal service?

### Before their court date

There are a few referral options. These are:

- their [local community legal centre](#).
- a statewide specialist community legal centre. These are legal centres that respond to the cultural and/or diverse needs of a person's identity, that intersect with a

person's experience of family violence as a legal issue. Some specialist community legal centres that may be able to help your client are:

[Djirra, Aboriginal Family Violence Legal Service](#)

[Intouch Legal Centre, Multicultural Centre against Family Violence](#)

[LGBTIQ Legal Service](#)

[Refugee Legal](#)

[Seniors Rights Victoria](#)

[Victorian Aboriginal Legal Service](#)

[Women's Legal Service Victoria](#). - see 'Information for Practitioners'.

[Youthlaw](#)

- Victoria Legal Aid through VLA's [Legal Help line](#). There is an option when calling the Legal Help line for support workers. Hold the line for details. Your client will then be referred to one of VLA's local offices.

## **On their court date**

With your client, you should contact the court immediately and ask for them to be referred to a duty lawyer service. The court will then refer your client to a local community legal centre or Victoria Legal Aid office.

## **What happens after I refer my client to a legal service?**

The legal service will need to get some information from your client to assess whether they are the right service to help. The legal service will ask your client:

- their full name, date of birth, contact number, court date and court location
- the full names and dates of birth of the respondent and any children.

The legal service might need to call back your client to do this assessment. If this is the case the legal service will ask your client how this can be done safely. The legal service may call your client from a 'No Caller ID' number.

If the legal service cannot help, they will put your client in touch with a duty lawyer at another legal service who may be able to help.

You may already have a referral agreement between your organisation and a local legal service. Your follow up process may be different to what is described here. If you already have a referral agreement with a local legal service, you can still follow it.

## **Can my client still go to court?**

Yes. While courts have made changes because of COVID-19, your client can still go to court.

When your client arrives at court, they should go to the family violence registry counter and let the registrar know that they are there. The registrar can help your client contact:

- A duty lawyer to get free legal advice. Duty lawyers are still working at magistrates' courts around Victoria. Mostly they are providing services over the phone. Some legal centres may provide these services at court in-person.
- A family violence applicant practitioner. These are specialist workers at court, who can provide support over the phone.

- A court network volunteer can also provide some support to your client over the phone. They can be contacted on 0417 607 004 or by emailing: [admin@courtnetwork.com.au](mailto:admin@courtnetwork.com.au)

## What if my client needs an interpreter at court?

Contact the court before the client's court date to confirm that they have booked an interpreter. Make sure the court knows if your client will physically be in court or will be on the telephone.

The court will also explain how your client can talk to the interpreter in person or over the phone.

## What happens if my client doesn't go to court?

If your client wants to participate in their court hearing, but does not want to go to court, they can participate remotely. This means by calling in on the telephone. You can refer your client to a legal service **before** their court date.

On the court date, your client should contact the court to confirm their 'appearance'. If they have spoken with a legal service before their court date, they should tell the court this.

If your client has not spoken to the legal service they were referred to before 10:30am on their court date, they should call the legal service directly and ask to speak with the 'family violence duty lawyer'.

If your client does not want to go to participate at all, they should still get legal advice. A lawyer can explain what might happen if they do not participate, and what they should do after the court date for follow up.

## How can my client find out what happened at court?

Your client can contact the police if they applied for the intervention order, the magistrates' court or the duty lawyer that represented them at court.

## What should I do if my client has an interim intervention order?

If your client is unsure what the conditions (rules) mean in the interim intervention order, or they want to change the conditions, they should get legal advice.

If a family member breaks the rules in the interim intervention order, your client should contact the police.

## What if my client's court day been delayed?

The court is adjourning some hearings. This means they are moving them to a later date. Cases that the court assesses as high risk are still running.

If the court adjourns your client's case, the court will send a letter with the new hearing date.

If your client is concerned that receiving a letter from the magistrates' court about the next court date might make them unsafe, they should contact the court to make alternative arrangements.

## Information for family violence specialist services: Making legal referrals during Covid-19 for clients experiencing family violence

If your client has not received a letter about their new court date, they should [contact the court, or find their court date on the court's website](#)

If your client's hearing is adjourned and there is no family violence interim intervention order in place and your client has concerns about escalating risk, they should contact the police.

### What if my client needs to report a breach of a safety notice or intervention order?

Your client should contact the police. The process for reporting a breach is still the same. The police must investigate every breach of an intervention order. They might ask your client to make a statement.

They can also report a breach to a family violence liaison officer. They are specialist police officers that work at every 24-hour police station.

### More information

Learn more about legal issues and [COVID-19 coronavirus](#)

Visit VLA's 'Find legal answers' page on [Family violence intervention orders](#)

Download or order VLA's free [Family violence and intervention order publications](#)

### Where to get help

See [Get help for family violence](#) for details of legal and non-legal referral options.

The Federation of Community Legal Centres have developed a specific webpage of [community legal services providing family violence support](#) on their website.



## Legal referrals during Covid-19 for respondents

**Disclaimer:** This factsheet was current at June 2020. Please contact your local legal service for the most up to date information on changes to court processes during COVID-19, see [‘How do I refer my client to a legal service?’](#). Or visit the [Magistrates’ Court of Victoria website](#).

### ABOUT THIS FACT SHEET:

- Due to the COVID-19 coronavirus pandemic, court processes have changed. This includes changes to accessing legal services for court hearings.
- This information is to support you to make legal referrals for respondents (people accused of using family violence) regarding family violence intervention orders.
- This information is a guide only. It is important that you refer your client for early legal advice for their circumstances.
- If you are supporting an affected family member (person who has experienced family violence), please see our factsheet: ‘Information for family violence specialist services: legal referrals during Covid-19 for people who have experienced family violence’.

## The police served my client a family violence safety notice or a summons

It is important that your client get early legal advice if the police served them:

- a family violence safety notice and a date to go to court
- a summons to go to court for an application for an intervention order against them.

A lawyer can explain how the law works, what the court process is, and what the conditions (rules) in the family violence safety notice mean. They can also refer your client to a free duty lawyer service, for their court date. A duty lawyer can help your client by:

- giving them legal advice over the telephone about their family violence intervention order case
- talking to police and other services at the court, to help come to a safe outcome
- giving them legal advice about their rights and choices in other areas of law. This can help your client work out what options they might have regarding any children involved. This is particularly important if the police reported the family violence to child protection.

If your client tells you about their court hearing **on the day of their hearing**, they should contact the court immediately. They must tell the court that they will be making an ‘appearance’ for their hearing. This means they will be present for the hearing. Your client can be present either physically at court or remotely using a telephone. The court should refer your client to a duty lawyer service. Your client can also contact a legal service directly for help. See ‘How do I refer my client to a legal service’ below.

If your client does not contact the court, the court may think that that your client is not appearing. The court may run the hearing without taking into account what your client wants.

This can include making a family violence intervention order against your client. It will have conditions (rules) the court thinks are needed for their family member's safety.

## How can legal advice help my client?

A lawyer can talk to your client about:

- what the conditions (rules) in the intervention order mean
- whether they need to go to court for the hearing
- their options when responding to an intervention order application
- what will happen with child arrangements. This includes understanding child protection involvement or how an intervention order could impact on family law
- any crimes that the police might charge them with
- immigration, housing or tenancy issues, child support or other legal issues they have.

## How do I refer my client to a legal service?

### Before their court date

You can refer your client to:

- Victoria Legal Aid through VLA's [Legal Help line](#). There is an option when calling the Legal Help line for support workers. Hold the line when calling for details on which button to press.
- Their [local community legal centre](#).
- A statewide specialist community legal centre. These are legal centres that respond to the cultural and/or diverse needs of a person's identity that intersect with a person's experience of family violence as a legal issue. Some specialist community legal centres that could help your client are:  
[Victorian Aboriginal Legal Service](#)  
[Youthlaw](#)

### On their court date

With your client, you can contact the court immediately and ask them to refer your client to a duty lawyer service.

## What happens after I refer my client to a legal service?

The legal service will need to get some information from your client to assess whether they are the right service to help. The legal service will ask your client:

- their full name, date of birth, contact number, court date and court location
- the full names and dates of birth of the affected family member and any children.

The legal service might need to call back your client to do this assessment. This phone call may come from a 'No Caller ID' number.

If the legal service cannot help, they will put your client in touch with a duty lawyer at another legal service who may be able to help.

You may already have a referral agreement between your organisation and a local legal service. Your follow up process may differ to what is described here. If you already have a referral agreement you can still follow it.

## Can my client still go to court?

Yes. While courts have made changes because of COVID-19, your client can still go to court.

When your client arrives at the magistrates' court, they should go to the family violence registry counter and tell the registrar they are there. The registrar can help your client contact:

- A duty lawyer to get free legal advice. Duty lawyers are still working at magistrates' courts around Victoria. Mostly they are providing services over the phone. Some legal services may provide these services at court in-person.
- A family violence respondent practitioner. These are specialist workers at court, who can provide support over the phone.
- A court network volunteer can also provide some support to your client over the phone. They can be contacted on 0417 607 004 or by emailing: [admin@courtnetwork.com.au](mailto:admin@courtnetwork.com.au)

## What if my client needs an interpreter at court?

You can contact the court before the client's court date to confirm that they have booked an interpreter. Make sure the court knows if your client will be in court physically or will be on the telephone.

The court will also explain how your client can talk to the interpreter in person or over the telephone.

## What happens if my client does not go to court?

If your client wants to participate in their court hearing, but does not want to go to court, they can participate remotely. This means calling into court on the telephone. You can refer your client to a legal service **before** their court date.

On the court date, your client should contact the court to confirm their 'appearance'. If they have spoken with a legal service before their court date, they should tell the court this.

If your client has not spoken to the legal service they were referred before 10:30am on their court date, they should call the legal service directly and ask to speak with the 'family violence duty lawyer'.

If your client does not want to participate at court at all, they should still get legal advice. This will assist them to understand what might happen if they do not participate, and what they should do after the court date. Police and court staff cannot provide legal advice.

## How can my client find out what happened at court?

Your client can contact the police, magistrate's court or the duty lawyer that represented them.

## What if my client's court date has been delayed?

The court is adjourning some intervention order hearings. This means they are moving them to a later date. If your client's case is adjourned, the court will let your client know the new hearing date.

The court will send your client a letter with the new hearing date. If your client does not get a letter about a new court date, they should [contact the magistrate's court](#).

If your client has had an interim intervention order made against them, this will be extended to the new court date. It is important that your client continues to follow the conditions (rules) of their intervention order. Police can charge them if they do not follow (breach) the order.

### **Can my client still see their children?**

It will depend on the situation and the conditions in the family violence safety notice, or intervention order.

Your client should get legal advice on whether they can spend time with their children and other parenting issues. See [Get help with family violence](#) for more information.

### **Should my client still attend counselling or a men's behaviour change program?**

Due to physical distancing requirements, the group work part of court mandated counselling order programs, was suspended in March 2020.

However, men's behaviour change program and counselling service providers are still offering support to men over the phone or using online platforms.

If your client has an intervention order that states that they must go to a men's behaviour change program or counselling, they should contact a service provider to ask if there are still ways they can keep receiving support.

If your client is unsure about how to follow the conditions (rules) in their intervention order during the COVID-19 pandemic, they should get legal advice.

### **Is my client able to live with their partner?**

It depends. Your client cannot live with their partner if:

- there is a family violence safety notice that says they must not go to their partner's home
- there is a family violence intervention order (interim or final) that says they must not go to their partner's home.

Your client must not contact their partner if the intervention order says they cannot. It is important that your client understands that they must follow the rules of the intervention order or safety notice. If they do not, that they are breaking the law. The police can then charge them with a crime.

If this affects your client's housing or financial obligations (mortgage/rental payment), they should get legal advice.

Your client may be able to live with their partner if:

- they have not been served with a family violence intervention order or family violence safety notice
- There is an intervention order or safety notice, but it does not say they must stay away from their partner's home.

## Information for family violence specialist services: Making legal referrals during Covid-19 for respondents

If your client wants to change the conditions of an intervention order, they will need to apply for permission to change the order at their local magistrate's court. They should speak with a lawyer before doing this.

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