



Legal referrals during Covid-19 for clients experiencing family violence

Disclaimer: This factsheet was current at July 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.
- by 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 explain the client’s options for participating on the day, including physically attending court, or having a duty lawyer assist them over the phone. The lawyer will then connect your client with a duty lawyer for their court date.

A duty lawyer service is a free legal service. A duty lawyer can help your client by:

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- 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
- ensuring their matter still proceeds on their court date, if they choose not to attend court due to health reasons
- 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.

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.

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.

Does my client have to go to court?

If your client wants their matter to still proceed (not be delayed) but does not want to attend court due to health reasons, they should contact a duty lawyer. The duty lawyer will ensure their case will go ahead on the day. See ['How do I refer my client to a legal service?'](#)

If your client wants to attend court, they still can. All courts have implemented health safety strategies due to COVID-19.

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 services 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

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 due to health reasons, they should contact a legal service before their court date. The legal

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service will connect your client with a duty lawyer for their court date. The duty lawyer will help deal with their matter on the day, even if your client is not physically at court.

On their 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.

The duty lawyer will be busy, and it might take all day for them to help your client with their case. Your client should be contactable by phone all day if possible, and keep their phone charged. If your client is worried that they haven't heard from the duty lawyer on their court day, they should contact the court.

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 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 has adjourned 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.

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.