



## Legal referrals during Covid-19 for respondents

**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 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
- ensuring their case 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 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.

See [‘How do I refer my client to a legal service?’](#) and [‘Does my client have to go to court?’](#) below.

## 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.

## Does my client have to go to court?

If your client wants their matter to still go ahead (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 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 due to health reasons, they should contact a legal service before their court date. The legal service will connect your client with a duty lawyer for their court date. The duty lawyer will help deal with their case 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, magistrate's court or the duty lawyer that represented them.

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

The court has adjourned 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.

### 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.