

Applying for a Violence Restraining Order (VRO) - A Fact Sheet

How do I start the process to apply for a VRO?

You start the process by lodging an application form available in any [Magistrates Court registry](#). An approved user can assist you with an online application. In some circumstances an application can be made in the Children's Court too. Get legal advice.

Refer to our fact sheet on eFiling of court documents.

Will the other party be present when I come before the magistrate?

You can choose to have the first hearing in the absence of the other party.

Will there be other people present in court when I give evidence?

Your application will be heard in a 'closed court' meaning the public will not be allowed to attend the court.

Can I bring a support person?

Yes you can, but the support person cannot be a witness in, or a party to, the proceedings.

I heard that you can make an on-line application for VRO. How does that work?

From 4 May 2020 an approved user can lodge an application for a VRO for you.

Who is an approved user?

The following are approved users:

- Solicitors;
- Suitably skilled staff from Legal Aid of Western Australia;
- Aboriginal Family Law Service staff;
- Aboriginal Legal Service staff; or
- Community Legal Centres staff.

Will the approved user lodging my application be my lawyer?

An approved user is not considered your legal representative. They assist with lodging your application only.

How does the court process start?

You are the Protected Person or the Applicant and the other party is the Bound Person or the Respondent. After filing the application you have to give verbal evidence and/or provide an affidavit to the Court.

Will the magistrate ask me questions?

If necessary the magistrate may ask you some questions.

What evidence do I provide?

You need to convince the Court that you fear for your safety from the person against whom you are applying for an order and that without the order your safety is at risk.

You can start by giving evidence of the latest incident of personal violence and then continue with evidence of past incidents of personal violence to show that the latest incident is not a one off incident.

If the Court is convinced that there is an urgent need for the order to be granted, an interim VRO will be granted.

Can I have an order to cover the children too?

Yes, when you give evidence of how you fear for your safety, you can also give evidence about the fear you have for the safety of the children.

Need Advice? Call Citizens Advice Bureau on **(08) 9221 5711**, or visit **www.cabwa.com.au**



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What will happen after I have given evidence?

If the Court is convinced that your safety is at risk and you need an order to protect yourself, the Court will prepare an interim VRO and the police will serve it on the other party.

If the Court believes that it needs to hear from the other party, then no interim VRO will be made and the Court will summon both you and the other party to attend Court on another day.

Another outcome is that the Court may dismiss your application if the Court has not been provided adequate evidence to satisfy it that your safety is at risk.

What happens if an interim order is made after I have given evidence?

The Court will send the interim VRO to the police who will serve it on the other party. The interim VRO comes into force (i.e. you are protected) only when it is served on the other party.

What happens then?

The other party has 21 days after being served with the interim VRO to consent or object to the interim VRO. If the Respondent consents (or does nothing within 21 days after being served) the interim VRO becomes a final VRO. If the other party lodges an objection, the Court will fix a hearing date.

Until the hearing date will I be covered by the order?

Yes, the interim VRO continues to be in force until this hearing is completed.

What if the other party breaches the terms of the VRO?

You must report the matter to the police immediately.

What if I do not attend the final order hearing date?

If you do not attend the final hearing, in your absence the Court may dismiss the interim VRO.

If the Respondent is notified and does not attend the hearing, the Court may conduct the final VRO hearing in the absence of the other party.

If a final VRO is made and the Respondent is in court when the VRO is made, the order is deemed to have been served.

Otherwise, the VRO will be delivered to the police for service on the Respondent and comes into force when it has been served.

What is an undertaking?

An undertaking is a promise by the Respondent not to do things to make you fear for your safety. If both you and the other party want to end the VRO case without having any more court hearings, an undertaking can be signed. Both of you must agree to the undertaking and it has to be signed before a magistrate gives a decision about whether to make or not make a final order. Giving an undertaking to the Court does not mean that the other party agrees that he/she has done anything wrong. If both of you sign an undertaking the interim order is dismissed.

What happens if a person breaks an undertaking?

Breaching an undertaking is not itself a criminal offence, but it may be the basis for making a fresh application for a VRO.

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