

# Family violence legal help before court

You may be able to get legal help for your **Family Violence Intervention Order (FVIO)** matter before it goes to court. This is through the **Early Resolution Service (ERS)**, also called pre-court engagement. Through this service, a lawyer can provide you with legal advice, and support you to try and resolve your matter up to two weeks before your court date.

## Where can I get help?

You may be eligible for ERS if your family violence matter is at Broadmeadows, Dandenong, Latrobe Valley, Melbourne, Ringwood, Sunshine or Werribee Magistrates' Court.

## How can ERS help me?

The ERS service can give you some time to think about your legal options before you go to court. A lawyer will talk to you about your options and may also refer you to other services you need help with, like housing or migration support. This may help to reduce stress on the day of court.

## How do I get legal help before my court day?

You may be contacted by someone from the Magistrates' Court pre-court team before your court date. They will ask if you would like to be referred to a legal service for legal advice before your court date. You will be contacted by email or phone.

If Victoria Police applied for the FVIO, then they may contact you. You can also:

- go online and complete the [Pre-Court Information Form for Affected Family Members](#) or [Pre-Court Information Form for Respondents](#). You must complete this at least 7 days before your court date. Someone from the Magistrate's Court pre-court team will then connect you to legal and non-legal services that can help.
- telephone your local Magistrates' Court and speak to the intervention order registry.

## Who will help me?

A lawyer from Victoria Legal Aid (VLA) or your local community legal centre will help you. They will try to contact you as early as possible before your court date. The timing of their contact depends on a number of factors, including when the referral is received.

If you'd like more information about the legal services available, you can go to the Federation of Community Legal Centre or VLA website.



### What will the lawyer do?

If you asked for a lawyer, they may contact you to provide legal advice, information and support.

The lawyer may:

- give you information about the court process and what to expect on the day;
- ask you about what you want from the court hearing; and
- explain your options.

The lawyer, on your behalf, may speak with the other party's lawyer (if they have one) to see if the matter can be resolved. For example, the lawyer may check what FVIO conditions each party will agree to. The lawyer will keep you updated throughout the process.

### Why is legal advice important?

Getting legal advice is important. It will help you to understand the law and what will happen at court, as well as your rights and responsibilities. You may have other legal issues due to family violence, and legal services can link you to other supports. For example, to work out parenting arrangements, visa issues or child protection matters.

### Do I have to go to court?

If you have applied for the FVIO or the FVIO is for your protection (which makes you an 'affected family member'), you will need to attend the court hearing. You can choose to attend either online or in person at the court.

If the police have applied for the FVIO to protect you:

- You can choose not to take part in the court hearing where you agree with the FVIO (including, the conditions) and you have spoken to the police about this. You must make sure that you are available by phone on the day of your court hearing in case the police need to speak to you.
- You should attend the court hearing (either online or in person at the court) where you do not agree with the FVIO application or the conditions.

If the FVIO is against you (which makes you the 'respondent'), you must attend the court hearing.

If you are unsure, it is important to call the court to check. For more detailed information, talk to your lawyer. It's worth remembering that if you need further assistance at court, you may be able to get help from a Duty Lawyer at court on the day.

### What happens if I can't get legal help before my court date?

Sometimes, a legal service might not be able to offer you assistance. This usually happens if there is a conflict of interest. Often the service cannot tell you the reason they are unable to help. However, they can refer you onto another legal service for support. You may still be able to speak to a Duty Lawyer on the court day.

### Where can I go for more information?

For more information, please contact your local court.

#### Local Magistrates' Courts with ERS services

Melbourne	(03) 9628 7777
Dandenong	(03) 7003 4119
Broadmeadows	(03) 9087 5734
Sunshine	(03) 9087 5726
Werribee	(03) 9087 5730
Ringwood	(03) 9087 5720
Latrobe Valley	(03) 9087 6119

