

FAMILY VIOLENCE PROTECTION MATTERS WORKSHEET

Name of client:

Date:

APPLICANTS

VLA File Ref:

MERIT ISSUE

In a Family Violence intervention order application, the practitioner must have formed the view that the application is reasonable (meaning that the application is not frivolous, vexatious or in bad faith) and likely to terminate in a manner favourable to the applicant.

- VLA will not provide assistance to children under 14 years old.
- VLA expects an applicant under 18 to be included in any application by an adult applicant.
- VLA will only grant assistance once the case is listed for a contested hearing
- VLA expects applicant begins proceedings with help of the police or a Mag. Court registrar.
- VLA will not normally fund a matter for an aggrieved family member where the application is made by the police.

VLA may grant assistance for the applicant if :

- ☐ the defendant is an adult and the matter is listed for contested hearing
- ☐ the defendant is a child 14 and older. Children 14 years and older require leave of the court to apply for an order. VLA will provide funding to seek leave and apply for an order.

Please outline:

RESPONDENTS

VLA may grant assistance to a respondent to oppose the making of an intervention order or to apply for a variation of an intervention order if:

- ☐ It is more likely than not that a court will not make the order in the terms sought by the applicant.

AND one of the following applies:

- ☐ The order sought would deprive the respondent of an important right of the defendant (for example excluding the defendant from his/her home);
- ☐ The defendant is a child; or
- ☐ The defendant is in custody in relation to the incident leading to the application for an intervention order.

For variation:

- ☐ There has been a sufficient material change in circumstances to warrant the application for variation and that the proposed application is not inconsistent with any existing Family Law Orders. Assistance can only be recommended once leave has been granted by the court pursuant to section 109 of the Act.

Please outline: