

Family Violence And Intervention Orders | Empower Family Law & Mediation

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Details:

Services

Family Violence and Intervention Orders

If you are in immediate danger, call 000 for emergency services.

For 24/7 confidential family violence support in Victoria, call Safe Steps on 1800 015 188. You can also call 1800RESPECT on 1800 737 732 at any time, day or night.

At Empower Family Law & Mediation we understand that family violence can take many forms. We know the harm it causes, and we know how it can affect your ability to negotiate and to feel safe through separation.

What is family violence?

Family violence is broader than physical abuse. Under the Family Law Act 1975, the law that applies to your parenting and property matters, family violence means “violent, threatening or other behaviour by a person that coerces or controls a member of the person’s family (the family member) or causes the family member to be fearful.”. It can include physical or sexual violence, emotional or psychological abuse, coercive control, financial or economic abuse (such as being denied access to money, or having your ability to work or study controlled), stalking, and damaging property or harming pets. A child who sees or hears family violence, or its effects, is also considered to have experienced family violence.

If you’re considering applying for, or you are responding to, a Family Violence Intervention Order, a related but separate definition of family violence applies under Victoria’s Family Violence Protection Act 2008. We can explain how the two processes work together.

Anyone can be affected

Family violence is a widespread social problem. It affects people of all genders, sexualities, ethnicities, religions and socio-economic backgrounds, including people who may not think of what they’re experiencing as “family violence” at all.

At Empower Family Law & Mediation we can work with you and allied professionals to help you understand your situation, whether you are affected by family violence or have been accused of it and decide on safe next steps.

Separation is a high-risk time

Family violence often escalates around the time of separation, and the period immediately afterwards is widely recognised as a period of high-risk. If you’re worried about your safety, or a former partner’s behaviour has changed since you separated, we want to hear about it early so we can help you plan safely.

How family violence and intervention orders can affect your family law matter

Family violence and any Family Violence Intervention Order (FVIO) in place is directly relevant to both parenting and property matters, not just something to mention in the background.

In parenting matters, your child's safety is central to how arrangements are decided, and the Court must try to ensure parenting orders are consistent with any family violence order in force; in some circumstances, an application under section 68R of the Family Law Act 1975 can vary or suspend an existing parenting order alongside a new intervention order where the risk has changed.

In property matters, since June 2025 the Court is required to consider the economic effect of family violence, including financial or economic abuse, on your contributions during the relationship and on your future financial circumstances.

We make sure family violence and any intervention order are properly put before the Court or the other side, in whichever proceeding is relevant to you.

Family Violence Intervention Orders - Applying for protection

An FVIO is an order made by the Magistrates' Court of Victoria to protect an affected family member, and often their children, from family violence. You don't need to attend court in person to apply: an Application for an Intervention Order can be made online or on paper, and in some circumstances the Police can apply on your behalf.

If you're at immediate risk, Police can issue a Family Violence Safety Notice on the spot, or the Court can make an interim intervention order before the other person has had a chance to respond. An intervention order commonly includes conditions preventing the respondent from:

committing family violence against a protected person

approaching within a certain distance of a protected person, or of where they live, work or attend school

attempting to locate or keeping a protected person under surveillance

contacting a protected person by any means

getting another person to do any of the above on their behalf

The Court can also order a respondent to return personal property or surrender any firearms.

An FVIO is different from a Personal Safety Intervention Order (PSIO), which protects people who aren't family members such as neighbours, colleagues or acquaintances. If you have been subjected to family violence and are concerned it will continue, we can help you apply for an FVIO and prepare you for what happens in court.

If you've been served with an intervention order

Being served with an FVIO application is serious, and it's worth getting advice before you respond. You generally have several options, and which is right for you depends on your circumstances:

consent to the order, which resolves the matter without the Court deciding whether the allegations are true.

consent without admissions, agreeing to comply with the conditions without agreeing with what is alleged against you.

ask the affected family member to accept an undertaking instead of a formal order (they aren't obliged to agree).

contest the application at a hearing, where you will need to satisfy the Court that an order isn't warranted.

If you don't respond at all, the Court can still make the order in your absence, including decisions that affect your children. It is best to get legal advice before the Application is listed in Court.

An intervention order can significantly affect other parts of your life including parenting arrangements, employment that requires a Working with Children Check, and firearms licences. Because of this, if you've been served with an application, contact us immediately for an initial consultation to discuss your options for resolving the matter.

Breaching an intervention order

Breaching a family violence intervention order or a family violence safety notice is a criminal offence and Police can charge a respondent even where the protected person agreed to the contact.

If you've been charged with breaching an order, or you're worried a situation could lead to a breach, contact Empower Family Law & Mediation for advice immediately.

How we can help

We are experienced in family law matters where family violence has occurred, or where there is a risk it may occur. We have relationships with specialist family violence services who can support you alongside our legal advice, while we help you safely negotiate parenting and property arrangements.

If your matter needs to go to Court, we can help you access the Court's Lighthouse Project, a screening and support program for parties at risk of family violence, which uses a confidential Family DOORS Triage questionnaire and can include referrals, safety planning, and access to safe rooms at Court. Higher-risk matters may also be case-managed through the Court's specialist Evatt List.

At Empower Family Law & Mediation we regularly assist parties with parenting matters which have been allocated to the Evatt List.

FAQ's

Will what I tell you be confidential?

Yes. Everything you tell us is confidential, whether or not you decide to go ahead with us.

What's the difference between an intervention order and a parenting or property order?

An intervention order is made by the Magistrates' Court of Victoria under state law to protect your safety. It can prohibit the person named on the order (the respondent) from approaching, contacting, harassing or stalking you, or having someone else do so. The Court decides how long a final order lasts. It may be for a set period or have no end date, in which case it continues until the Court cancels it.

Parenting and property orders are made under the Family Law Act 1975 which is federal legislation and deal with arrangements for children and the division of assets.

The two can run alongside each other, and we can advise you on how they interact.

Do I need evidence of family violence before I contact you?

No. You don't need a Police report, an order, or any documentation to talk to us. We can advise you on what may help your case as we go.

Speak with us- safely and confidentially

If you have been subject to family violence, or you are concerned that you may be at risk, please contact us on (03) 7020 6542 for support and assistance.

If it isn't safe to call or email from your current device, let us know the best and safest way to reach you when you do get in touch.

Let us be your voice in troubled times.

Contact Us

More Services

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What should I do if family violence creates an immediate safety risk?

If anyone is in immediate danger, call 000. Safety comes before gathering documents, negotiating or notifying the other person. Use a safe device and contact method where possible, and consider whether location sharing, account access or stored passwords create additional risk. Specialist family violence services can assist with safety planning and practical support. Legal options may involve a Victorian intervention order, urgent parenting orders or both, depending on the circumstances. These systems have different purposes but can operate alongside one another. Tell the lawyer about current orders, police involvement, children, weapons, threats, stalking, financial control and any upcoming handover or hearing. Do not assume that one order automatically resolves every parenting, housing or financial issue.

How do intervention orders and family law parenting orders interact?

An intervention order is made under state law to protect a person from family violence and can restrict contact, approach or other conduct. Parenting orders are made under federal family law and regulate arrangements for children. Both may exist at the same time, and inconsistency or practical overlap must be addressed carefully. Provide copies of every current order when seeking advice or attending Court. The terms may affect communication, handovers, attendance at school or other locations, and the way a parenting proposal should be drafted. The child's safety and the risk of harm are central considerations in parenting matters. Do not vary informal arrangements in a way that may breach an order; obtain advice about the correct Court or process for the change required.

Do I need police reports or other documents before asking for help?

No. A person can seek legal advice without first obtaining a police report, intervention order or complete evidence file. Early advice can help identify immediate safety options and the kinds of records that may later be useful. Evidence can include messages, emails, photographs, medical records, bank records, witness information, police material and a contemporaneous chronology, depending on the allegation. Preserve material lawfully and safely. Do not contact the other person or enter an account in breach of an order or to create evidence. Explain both what happened and why it matters now, including any effect on children or finances. A lawyer can help distinguish information needed for an intervention order, a parenting case or another process.

Can family violence affect property and financial matters?

Yes. Family violence may affect immediate financial safety, disclosure, access to accounts, housing and the ability to negotiate freely. Since 10 June 2025, the published Empower material notes that the Court must specifically consider the economic effect of family violence, including financial and economic abuse, when assessing contributions and dividing property. The evidence should connect the conduct to its economic effect, such as controlled access to money, interference with employment, coerced debt, damage to assets or the cost of leaving the home. Urgent orders may sometimes be considered where property is at risk or financial support is needed. Financial issues should be planned with safety in mind; do not take steps that expose a safe address, device or account access without advice.