



FAMILY MEMBERS

1

Are the affected family member and respondent family members?¹

If yes, go to 2

If no, but there may be grounds for a personal safety intervention order, **refer to registrar** to re-issue application

TEST FOR INTERIM ORDER

2

Is an interim order necessary? s 53

An interim order is necessary if

- The order is necessary to ensure safety² of AFM, preserve property of AFM or protect a child pending final hearing, or
- The parties have consented to or not opposed the making of an interim order, or
- A family violence safety notice has been issued and there are no circumstances that would justify discontinuing the protection of the person until a final decision about the application.

Note answer and go to 3

PROTECTION OF CHILDREN

3

Has the respondent committed family violence against any children of the AFM or respondent? s 52A

If yes, and an interim order for the AFM is necessary, go to 4

If yes, and an interim order for the AFM is not necessary, go to 5

If no, adjourn to mention date without an interim order

4

The court **must** either include the child on the interim order or make a separate interim order with the child as the protected person **unless** satisfied that it is not necessary to do so to protect the child or ensure the safety of the child pending a final decision about the application – s 53 AA

Then go to 6

5

The court may make an interim order for the child as protected person on its own initiative if satisfied that the order is necessary to protect the child pending a final decision about the application – s 53 AB

Then go to 6

CONDITIONS ON INTERIM ORDER

6	<p>Determine conditions of interim order - ss 80-81</p> <ul style="list-style-type: none"> • Give paramount consideration to safety of AFM and children • Include any conditions necessary or desirable, including any of the conditions listed in s 81 • Consider matters on mandatory considerations checklist <p>Then go to 7</p>
7	<p>Give the parties a clear oral explanation of the order – ss 54, 54A</p> <p>Then go to 8</p>
8	<p>Give the parties a written notice including the matters described in the oral explanation – ss 54, 54A</p>

¹ Note expanded definition of 'family member' in ss 8-10 that includes 'being like a family member' - s 8(3) - and Aboriginal or Torres Strait Islander 'relatives' - s 10(1)(b).

² Note 'safety means safety from family violence -s 4. Note also the broad definition of 'family violence' in ss 5-7 that includes economic abuse, emotional and psychological abuse.