

Ex-parte Interim Hearing Checklist

Family Violence Protection Act 2008

Last updated: 28 February 2012

Items in the checklist tagged **red** in the left hand column are mandatory

Test for interim order	
1.	<p>Is an interim order necessary to ensure safety¹ of the affected family member, preserve property of affected family member or protect a child pending final hearing? s53²</p> <p>If yes, go to 3</p> <p>If no, go to 2</p>
2.	<p>Has a family violence safety notice been issued and the court is satisfied that there are no circumstances that would justify discontinuing the protection of the person until a final decision about the application?</p> <p>If yes, go to 3</p> <p>If no, adjourn to mention date without an interim order. Family violence safety notice terminates by force of s30(1)(b)(i)</p>
Conditions on Interim Order	
3.	<p>Determine conditions of interim order ss80-81</p> <ul style="list-style-type: none"> • Give paramount consideration to safety³ of affected family member and children • Include any conditions necessary or desirable, including any of the conditions listed in s81 • Consider matters on mandatory considerations checklist

¹ Note 'safety' means safety from family violence – s4. Note also the broad definition of 'family violence' in ss5-7 that includes economic abuse, emotional and psychological abuse.

² The court will need to be satisfied that the affected family member and respondent are 'family members'.

³ See note 1 above.