

Personal Safety Intervention Orders Act 2010 – Mention Date Checklist

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

Parties to the proceeding	
1.	Are the affected family member and respondent family members? If no, go to 2 If yes, there may be grounds for a family violence intervention order (see Part 9A of the FVPA)
Mediation direction	
2.	Has the court considered whether it appropriate to give a mediation direction? – s26 If yes, adjourn proceeding to allow parties to attend mediation assessment or mediation If no, go to 3
Final orders in absence of the Respondent	
3.	Is the respondent present at court? If yes, go to 6 If no, go to 4
4.	Has the respondent been served? If yes, go to 5 If no, adjourn matter to enable further attempts at service (interim order continues – s43)
5.	Court may make a final order – s44 - if respondent has stalked or committed prohibited behaviour against the affected person and is likely to continue to do so or do so again – s61. Go to 5
6.	Determine conditions of final order s66 - 67 <ul style="list-style-type: none"> • Include any conditions necessary or desirable, including any of the conditions listed in s67 • Consider matters listed on mandatory considerations checklist • Consider duration of order – s77 • If respondent is a child order cannot be made for longer than 12 months – s78
Final Consent Orders	
7.	Are the parties consenting to a final order being made? If yes, Court must still consider the matters listed on mandatory considerations checklist and can still elect to: <ul style="list-style-type: none"> • Conduct a hearing in the interests of justice • Refuse to make order if the order may pose a risk to safety of a party or a child of the protected person or respondent (s64) Go to 8 If no, go to 9
8.	Is the respondent an adult or a child? If adult , final order can be made (after addressing mandatory considerations checklist) – s64 If child: <ul style="list-style-type: none"> • Court must be satisfied there are grounds for the order under s61 or ss80 or 83 (s64) • Order cannot be made for longer than 12 months (s78) Subject to these considerations final order can be made (after addressing mandatory considerations checklist)
Interim Order until final hearing	
9.	Is there an interim order in place? If yes, it will continue until the final hearing (s40). Go to 12 If no, go to 10
10.	Do the parties consent to an interim order being made? If yes, Court must still consider the matters listed on mandatory considerations checklist before fixing conditions of interim order. If no, go to 11
11.	Are there grounds for an interim order being made? s35 <ul style="list-style-type: none"> • necessary to ensure safety of the affected person or preserve property of the affected person • it is appropriate to make the order in all the circumstances (court may consider mediation process) If yes to either of the above , determine conditions of interim order ss66 - 67 <ul style="list-style-type: none"> • Include any conditions necessary or desirable, including any of the conditions listed in s67 • Consider matters listed on mandatory considerations checklist
12.	Adjourn to final hearing