

Online Restraining Order Applications Frequently Asked Questions

What is an online restraining order application?

The online restraining order application service has been introduced to make it possible for people seeking the protection of a restraining order to lodge their application without having to attend a court registry. The online application is very similar to the form an applicant would be required to complete if they were applying at the court in person.

Who can lodge a restraining order application online?

You can only lodge your application online through a legal service provider approved by the CEO of the Department of Justice. The following legal service providers have been approved:

- Legal Aid WA
- Aboriginal Family Law Services
- Community Legal Centres

If you have a private lawyer who has been approved they may be able to lodge your application online. In this case you should contact your lawyer directly.

The contact details of the approved legal service providers are available at www.victimsofcrime.wa.gov.au or by calling **9425 2973** during business hours.

How much does it cost to lodge a restraining order application online?

There is no cost to lodge a restraining order application online.

Which types of restraining order can be applied for online?

Applications for Family Violence Restraining Orders and Violence Restraining Orders can be made online. Online applications are not currently available for Misconduct Restraining Orders.

Why can't I lodge my application online myself?

At this time the application must be made through one of the approved legal service providers. This is so that the application contains all of the details required by the court. You can still lodge your application with the court in person, where court staff will be able to assist you if necessary.

When can an online restraining order application be made?

Applications should be made during normal business hours. You may be able to lodge an application after hours but it will be considered by the court during standard operating times.

Can I attach evidence to support my application?

Yes. You can attach supporting evidence to your application.

Can I leave my application unfinished and return to finish it at another time?

Yes. A restraining order application which is yet to be submitted can be saved and then progressed at a future point in time.

Can I make changes to my application once it has been submitted?

Once a restraining order application has been submitted online it is taken to be a filed court document. Any changes you wish to make to the application after this point will need to be discussed with the relevant court.

Which court do I need to attend?

Restraining order applications are generally made to the court closest to where the person seeking to be protected resides. However, there may be practical or safety reasons why your application should be heard at an alternative court location. The person assisting with your application will discuss with you which court location best suits your particular circumstances.

When will my application be heard by the court?

The online restraining order application allows for the selection of a preferred hearing date and time.

What if my application is urgent and there are no hearing times available?

If your application is urgent and there are no suitable hearing times available, the court will need to be contacted. The court may be able to make arrangements to hear your application, or may refer you to different court location. If you are in danger you should call **000**.

Do I need to attend the court?

Yes. Unless other arrangements are made with the court (eg to attend via telephone link) you will need to attend the court as per the listing date/time stated on the finalised application form.

If you are unable to attend the court hearing for any reason, please notify the relevant court at the earliest opportunity.

Will the person helping lodge my application online be able to provide ongoing legal assistance and/or support?

No. Unless you engage this person to represent you on an ongoing basis, their involvement ends once the application is lodged with the court. However, a Legal Aid duty lawyer may be available to assist you in court and the Family Violence Service may be able to provide further support.

For further information

Please refer to the Magistrates Court of WA website at www.magistratescourt.wa.gov.au or call **9425 2222**.

If your online restraining order application relates to Family Violence, the Family Violence Service is a voluntary and free service available for family violence victims who may need assistance with court support, information and referral to other services. The Family Violence Service is available for family violence victims who have made an application for a Family Violence Restraining Order at the Magistrates Court of Western Australia at Armadale, Fremantle, Joondalup, Midland, Perth and Rockingham. Call **1800 600 476** during business hours or email familyviolenceservice@justice.wa.gov.au.

You can also call the Legal Aid WA Infoline on **1300 560 579** or chat online for information and referrals at www.legalaid.wa.gov.au.