SAFE+EQUAL

Standing strong against family violence

Family Violence Intervention Orders for Children and Young Adults: Stage 2 – Participation in Court Proceedings

November 2026

Acknowledgement of Traditional Owners

Acknowledgement of Aboriginal and Torres Strait Islander peoples

Safe and Equal is based on Wurundjeri Country. We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional and ongoing custodians of the lands on which we live and work, and we pay respects to Elders past and present. We acknowledge that sovereignty has never been ceded and recognise First Nations peoples' rights to self-determination and continuing connections to land, waters and community.

Honouring Victim Survivors

Safe and Equal acknowledges the strength and resilience of adults, children and young people who have experienced family violence and recognises that it is essential that responses to family violence are informed by their expert knowledge and advocacy. We pay respects to those who have not survived and acknowledge the lasting impacts of this preventable violence on families and communities.

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About Safe and Equal

At Safe and Equal, we work towards a world where everyone is safe, respected and thriving, living free from family and gender-based violence.

We are the peak body for Victorian organisations that specialise in family and gender-based violence across the continuum, including primary prevention, early intervention, response and recovery. We are an independent, non-government organisation.

Our work prioritises the safety of all people experiencing, recovering from or at risk of family and gender-based violence. While we know that most family violence is perpetrated by men against women and children, we recognise that family violence impacts people across a diversity of gender identities, social and cultural contexts, and within various intimate, family and other relationships. We apply an intersectional feminist lens in our work to address the gendered drivers of violence, and how these overlap and intersect with additional forms of violence, oppression and inequality.

As a peak, we work with and for our members to prevent and respond to violence, building a better future for adults, children and young people experiencing, at risk of, or recovering from family and gender-based violence.

Introduction

Safe and Equal welcomes the opportunity to contribute to the Victorian Law Reform Commission (VLRC) *Family Violence Intervention Orders for Children and Young Adults: Stage 2 – Participation in Court Proceedings*, and the proposed changes to increase children and young people's access to Family Violence Intervention Order (FVIO) proceedings. As the peak body for specialist family violence services (SFVSs), our focus is on the broader service system reforms needed to holistically support child and young victim survivors who may wish to obtain an FVIO independently.

Safe and Equal responded to the *Examining Aspects of Family Violence Intervention Orders for Children and Young Adults: Stage 1 – Protection for children who turn 18 while on a Family Violence Intervention Order* in a joint submission with Women's Legal Services Victoria (WLSV). Many of that submission's overarching themes remain relevant to Stage 2 and are outlined below – this includes two survivor advocate case studies, though set in the context of young people turning 18, which are included in Appendix 1.

Key considerations

Recognising children and young people as victim survivors in their own right

Children and young people have distinct experiences of family violence and their own safety and support needs. Responses must recognise their age, development, circumstances and culture. Children and young people who live with or experience family violence, including by witnessing it, are always negatively impacted,[1] and it places significant risk on their immediate and long-term health, development and wellbeing.[2] Any response, legal or otherwise, must centre their safety and wellbeing and recognise their unique needs.

Responding to the needs of children and young people

Children and young people's experiences of family violence are shaped by structural and systemic factors. Aboriginal children, due to the ongoing effects of colonisation, including intergenerational trauma, dispossession of land, and the legacy of forced child removal, as well as discrimination, experience disproportionately higher rates of family violence,[3] which is a leading factor in family separation and placement in out-of-home care. The disproportionate involvement of Child Protection in Aboriginal and Torres Strait Islander families reflects the intersecting impacts of family violence, homelessness, poverty and systemic racism.[4]

1 Gillfeather-Spetere, S & Watson, A (2024) *In their own right: Actions to improve children and young people's safety from domestic, family and sexual violence,* Sydney: Australia's National Research Organisation for Women's Safety (ANROWS) ANROWS: Children and Young People's Safety

2 Arai, L, Shaw, A, Feder, G, Howarth, E, MacMillan, H, Moore, THM, Stanley, N & Gregory, A (2019) Hope, Agency, and the Lived Experience of Violence: A Qualitative Systematic Review of Children's Perspectives on Domestic Violence and Abuse, *Trauma, Violence & Abuse*, *22*(3),427-438. doi: 10.1177/1524838019849582; Australia's National Research Organisation for Women's Safety (ANROWS) (2018) Research summary: The impacts of domestic and family violence on children, Sydney: ANROWS. Research summary: The impacts of domestic and family violence on children; Noble-Carr, D, Moore, T & McArthur, M (2021) The nature and extent of qualitative research conducted with children about their experiences of domestic violence: Findings from a meta-synthesis, *Trauma, Violence & Abuse, 22*(4), pp. 928-943. doi: 10.1177/1524838019888885.

3 SNAICC – National Voice for our Children (2025) Family Matters Report 2025, SNAICC, Family Matters Report

4 Yoorrook Justice Commission (2023) Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems. Chapter 3: Early intervention and prevention. Melbourne: Yoorrook Justice Commission, Yoorrook for Justice: Report

Children and young people from systemically marginalised groups also have distinct experiences of family violence, shaped by compounding structural factors. People using violence will often choose to target a child or young person's individualised needs, including limiting access to cultural connections and/or necessary disability supports, and/or utilising specifically discriminatory tactics of family violence including against LGBTIQA+ victim survivors. Targeted specialist family violence services working with children and young people from migrant and refugee backgrounds report that family violence can compound the impacts of earlier experiences of displacement, conflict, time in refugee camps and other trauma, unsafe journeys to Australia, or the loss of extended family and community networks.[5]

These experiences highlight the need for children and young people to be supported through their individual experiences of family violence throughout all systems. However, as noted in the VLRC issues paper, most systems including the legal and justice systems, have been built around adult participation and require a shift to ensure children and young people are treated not as secondary but to be able to lead their own participation.

All services, including SFVSs, must be able to give children and young people age-appropriate, trauma-informed and culturally appropriate support, including clear information about their safety planning options, what an intervention order is, the implications of obtaining one, and ongoing holistic support throughout the FVIO process. The process of obtaining an FVIO, particularly the criminal consequences for the person using violence if an order is made and later breached, must be explained clearly and in a developmentally appropriate way, so children and young people can make an informed decision.

> *"There are few if any tailored and dedicated supports to either assist children and young people to understand what an intervention order is, whether they are on one, or how to get a standalone FVIO in place."* – Young person victim survivor

Gaps in the broader service system

Children and young people experiencing family violence continue to face significant gaps in accessing support tailored to their age, circumstances and needs. For example, young people aged 15-17 who present without a protective parent have few age-appropriate services available. Many specialist and mainstream counselling services do not support children under 18. While SFVSs across Victoria are deeply committed to supporting children and young people, current investment does not fund the dedicated time and staff needed to work directly with them in trauma-informed, age-appropriate ways.

As a result, children and young people may not be able to access the specialist expertise needed to decide whether to pursue an FVIO, or the ongoing case management and safety planning required throughout the process. A resourced SFVS sector alongside a robust legal sector is needed to provide holistic support.

into Victoria's Child Protection and Criminal Justice Systems; Yoorrook Justice Commission (2025) Yoorrook for Transformation: Third Interim Report, Volume 1, Melbourne: Yoorrook Justice Commission, Yoorrook for Transformation: Third Interim Report

[5] Tassone, J (forthcoming) *Measuring Specialist Family Violence Service Demand and Capacity Report 2026*. Melbourne: Safe and Equal.

"Most young people, if they're trying to get an intervention order on their own, would not bother. They would just give up. They wouldn't bother because a lot of young people experiencing family violence do not have any supports." – Young person victim survivor

The need to balance the voice of children and young people with protection from the court system

In the experience of WLSV,[6] the views of children and young people themselves are very infrequently and inconsistently sought by the court (noting that the court is making a risk-based assessment and safety is the primary concern). The voices of children and young people must be considered in FVIO proceedings to ensure a child-inclusive response that recognises children and young people as victim survivors in their own right. We also note that if children aged 12 and over can be held criminally responsible and must participate in court and instruct a lawyer if charged, then their views must be considered in FVIO matters.

While engaging in legal processes without adequate support can be traumatic, the need to protect children must be balanced against their opportunity to participate in decisions that profoundly affect their lives. In FVIO matters, safety and contact with people using violence (whether family members or current or former intimate partners) directly affect the child or young person, so their perspectives and preferences should be communicated to the court to inform its decision-making.[7] However, the current court environment can be overwhelming and traumatising, and children may feel unable to speak freely or pressured to participate. Participation must therefore suit the child's age, comfort and circumstances. For example, this could include allowing representatives to speak on behalf of children and young people or allowing them to appear by video link rather than attend court.

In the family law jurisdiction, the Australian Institute of Family Studies (AIFS) has suggested a child-inclusive approach that:

- Enables the relevant children and young people to contribute to, and be accurately heard in, the decision-making process and to be kept independently informed of the nature and progress of the decision-making process
- Provides a clear and accurate explanation of the decision made
- Provides access to ongoing therapeutic support and assistance as required
- Accommodates the potential for flexibility to change and for ongoing and meaningful communication[8]

In principle, we agree with the New Zealand model as outlined in the VLRC consultation paper, specifically the requirement to consider children and young people's views in family violence matters, and that the court 'must take account of these views'. We understand the model also allows SFVSs to represent children and young people's views in court.

[6] Women's Legal Service Victoria and Safe and Equal, *Submission to the Victorian Law Reform Commission: Issues Paper 1 (Stage 1).*
7 Ibid. p 17.
8 Carson, R., Dunstan, E., Dunstan, J., & Roopani, D. (2018). *Children and young people in separated families: Family law system experiences and needs*. Melbourne: Australian Institute of Family Studies.

To support children and young people's participation in FVIO proceedings, they should not need to seek leave from the court. Requiring leave creates an additional barrier not faced by other applicants and adds unnecessary complexity to an already confusing and potentially traumatising process.

Specialist lawyers, SFVSs and social workers are well-equipped to facilitate participation in a trauma-informed and age-appropriate way. Any child or young person seeking an independent order should be able to give their views to the court, either directly or through a lawyer and specialist family violence worker. They should also be referred to an independent, appropriately skilled lawyer and social worker for information, advice and assistance at any stage. This would provide opportunities to discuss risk and safety and refer children to therapeutic support. However, this approach requires appropriate resourcing of the family violence system.

As our previous joint submission highlighted, the role of specialist family violence practitioners at court could be extended to support children and young people in appropriate cases, with capability development including training for applicant support workers. As demand for these practitioners is already high, and to manage confidentiality, additional roles should be created specifically for children and young people.

Availability of appropriately skilled lawyers

Legal assistance and advice for children and young people should not be provided by duty lawyer services already stretched beyond capacity and providing assistance on the day of proceedings or in the court setting is not trauma-informed. Children and young people require referrals to appropriately skilled lawyers experienced in assisting children and young people such as Youthlaw, who must be adequately resourced to ensure availability, including in rural, regional and remote areas. Capability should be built in existing services with significant expertise rather than through a new scheme.

Recommendations:

We recommend the following to ensure that children and young people can participate independently and safely in FVIO proceedings if they choose to do so.

Recommendation 1: **Require courts to consider children and young people's views**
The *Family Violence Protection Act 2008* (Vic) and/or other relevant legislation should require courts to consider and take account of the views of children and young people in FVIO proceedings, consistent with the New Zealand model.

Recommendation 2: Enable flexible, age-appropriate participation
Courts should offer flexible ways for children and young people to participate that suit their age, comfort and circumstances. This should include:

- representation by a lawyer or specialist family violence worker
- appearance by video link, so that attending court in person is not required
- regular updates on the progress of proceedings and a clear, accurate, age-appropriate explanation of the decision made

Recommendation 3: Provide access to an independent lawyer and social worker
Where a magistrate is considering making an independent order for a child or young person, the child or young person should be given the option to be referred to an independent, appropriately skilled and qualified lawyer and social worker for information, advice and assistance prior to final orders being made.

The lawyer and social worker could interview the child or young person and report their wishes as well as any risks or safety considerations to the court, to be included as a factor for consideration in the making of final orders.

Recommendation 4: Resource legal and therapeutic support
Government must dedicate sufficient resources to ensure free, tailored, trauma-informed and culturally appropriate legal assistance, together with wrap-around and therapeutic support, is available to children and young people who have experienced family violence to navigate complex legal processes. This requires:

- appropriately skilled and qualified lawyers with experience in assisting children and young people in family violence matters
- ensuring availability and accessibility in rural, regional and remote areas and for young people living with disability
- increasing the capacity and capability of existing services with significant expertise

Recommendation 5: Fund specialist family violence services
Government should provide dedicated, sustained funding for specialist family violence services, recognising them as an integral part of the system that supports children and young people as victim survivors in their own right. Funding should enable services to provide children and young people with tailored family violence support, including advocacy, safety planning and court support, and to support them through FVIO proceedings where appropriate.

Safe and Equal has undertaken modelling to understand the resourcing required for the specialist family violence service sector to meet current demand and best practice support to children and young people. The specialist family violence service sector requires an estimated minimum of $33 million to meet the needs of children and young people.[9]

Recommendation 6: Build system-wide capability
System wide capability development is required to ensure professionals working within the legal and justice systems, including lawyers, court staff, magistrates and family violence workers have the skills and knowledge necessary to support children and young people in a trauma informed and culturally appropriate way.

Recommendation 7: Co-design reforms with lived experience
Any reforms must include consultation and co-design with people with lived experience, to ensure that they meet the needs of those most affected and any unintended impacts can be understood and accounted for.

[9] Safe and Equal (2026), *Victorian State Budget 2027-28*. Melbourne: Safe and Equal.

Appendix 1: Lived experience case studies

Safe and Equal survivor advocates provided two case studies for the joint WLSV and Safe and Equal submission to the VLRC Stage 1 consultation. They were provided in the context of children turning 18 on an FVIO, however their experiences remain relevant to Stage 2. We thank the survivor advocates for their valuable lived experience expertise, which is critical to ensuring legal and systems change meets the needs of those impacted most.

Case Study 1: A young person's experience of navigating the system

In a consultation run by Safe and Equal with survivor advocates on this issue, a young survivor advocate highlighted the significant barriers young people face in navigating the Family Violence Intervention Order (FVIO) system. There is a lack of tailored support to help them understand intervention orders, apply for them independently, or remain protected once they turn 18.

There are few if any tailored and dedicated supports to either assist children and young people to understand what an intervention order is, whether they are on one, or how to get a standalone FVIO in place.

Many young people, especially those from marginalised and overpoliced communities or those who have already encountered the justice system, experience deep distrust toward authorities. The complexity and inaccessibility of the FVIO application process, combined with overwhelming legal language, make it nearly impossible for young people — especially neurodivergent individuals — to complete the process without support. Additionally, breaches of intervention orders often go unpunished, leaving young victims feeling helpless and unprotected.

Most young people, if they're trying to get an intervention order on their own, would not bother. They would just give up. They wouldn't bother because a lot of young people experiencing family violence do not have any supports.

The survivor advocate goes on to describe when they were supporting another young person under 18 to apply for their own FVIO, "It was overwhelming. There was a lot of detail we had to provide, and the language wasn't always very clear".

Structural issues within the court system and police responses exacerbate the problem, with young victims often disbelieved, ignored, or victim-blamed. Physical court environments pose risks, as there are few safe spaces at some courts to avoid encountering perpetrators. Victims from disadvantaged backgrounds report more negative interactions with police, who are seen as dismissive or biased toward male perpetrators.

People won't believe you based on your age—they never do. You could scream at the top of your lungs about being abused and harmed, but no one will take action. Instead, they'll say, 'Okay, but we need to speak to your parents,' who will often tell a different story. This is especially problematic when the abusive parent is the one being consulted. If you already have a history with the police, are known in the community for issues like drug or alcohol use, or if you look a certain way—especially coming from a low socioeconomic background—people won't listen. If you don't have shoes, wear a dirty uniform, or appear

dishevelled, they'll dismiss you. But at the same time, if you're too articulate or not emotional enough, they still won't believe you.

Many young people will continue to avoid the FVIO system, choosing instead to endure ongoing abuse or leave home prematurely, often entering further cycles of violence and hardship.

A lot of kids experiencing family violence will probably just leave as soon as they're physically able to and might end up in their own abusive relationships just to escape.

The survivor advocate underscores the need for systemic change, including youth-specific family violence services, accessible legal assistance, and multiple entry points for information.

A lot of kids in care are on custody orders with out-of-home care. But once they turn 18, there's no protections anymore. And then they have to go through a court process—on their own.

They called for "a dedicated family violence service specifically for young people between 12 and 18, because there's nothing."

Young people should have access to FVIO information in hospitals, mental health services, and youth programs, where they may already seek support. Further, trial periods should be offered for young people to opt in and out of FVIOs and integrating FVIO information into youth services could improve accessibility. Co-designing FVIO processes with victim-survivors and young people should be prioritised:

Information should be accessible and inclusive. That includes having video options, read-aloud options… and it should be co-designed with victim-survivors.

Case Study 2: A parent's perspective of FVIOs

During a consultation run by Safe and Equal on this topic, a survivor advocate who has had six FVIOs against the same perpetrator over the course of a decade describes how parents remain vulnerable due to systemic barriers within the FCFCOA and the Victorian Magistrates Court. Parenting Orders allow perpetrators to maintain contact under the pretext of co-parenting, making it impossible for victim-survivors to be safe and enabling abuse to continue.

"Federal law says you have to have a relationship with your abuser. You must co-parent with your abuser. He can contact you on the pretext of being about the child, but basically, [it's] coercive control—he manipulates, he abuses [to get more than what the parenting orders allow for]—and that's all cool.

This survivor advocate has four children and describes how once her children turned 18, they were required to apply for their own intervention orders, a process she believes would be highly re-traumatizing for them.

I haven't raised [them getting their own FVIO] with them, to be honest. I just thought—they don't even want to hear his name. They don't want to hear his voice. If they know he's

dropping off the younger one, they will pretty much go to the back of the property to avoid being near him. So, I just try not to trigger any of that.

The legal system offers little guidance on how parents can assist their adult children, leaving victim-survivors navigating complex legal structures alone.

I didn't want them to go through the trauma of being in court because it's highly stressful… If we have to go through the legal process to protect ourselves, we should be supported to do that in our best interests and the best interests of our children.

This survivor advocate's experiences highlight the urgent need for a trauma-informed legal system that prioritises the safety and well-being of survivors.

Every time I'm in the safe room, I spend the day just pacing up and down, unable to eat—stressed off my head. It's a very foreign landscape. The language is foreign.

The system does not ensure legal support for victim-survivors, especially when conflict-of-interest rules are invoked. The survivor advocate shared that she was unable to access free legal services like Legal Aid because the perpetrator had already used those services, which caused a conflict of interest that disqualified her from accessing them. A dedicated family violence legal service for AFMs would prevent perpetrators from monopolising existing free services and leaving survivors without help. Such services should support victim-survivors and their children in holistic ways, providing clear guidance and managing the legal process to minimise trauma.

We need a dedicated family violence legal service. Even someone to speak for you so you don't even have to speak. Someone who can represent your interests, know exactly what you want said, and protect you—because you need that shield sometimes.

Services for young people must be trauma-informed and support their understanding around what an intervention order is, how they can stay on their protective parent's FVIO, and how they can get their own FVIO if they want one. Without systemic change, victim-survivors and their children will continue to bear the burden of navigating an unhelpful and often harmful legal system on their own.