# Personal Safety Intervention Order Matters Worksheet

*Refer to* [*guideline 9 – personal safety intervention order cases*](https://www.handbook.vla.vic.gov.au/guideline-9-personal-safety-intervention-order-cases) *and the* [*notes on guideline 9 in Victoria Legal Aid’s (VLA) Handbook for Lawyers.*](https://www.handbook.vla.vic.gov.au/notes-guideline-9-personal-safety-intervention-order-cases)

**Client Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**VLA Ref No:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Adults (Guideline 9.1)

Victoria Legal Aid will not provide assistance for adults in personal safety intervention order matters, unless they meet the [State Special Circumstances](https://www.handbook.vla.vic.gov.au/15-special-circumstances) guideline.

## Child applicants (Guideline 9.2.1)

VLA expects an applicant under 18 to be included in any personal safety intervention order application by an adult applicant.

VLA may make a grant of legal assistance for a child applicant where the following criteria is satisfied:

[ ]  they are 14 years or older

[ ]  they have leave of the court to apply for an order;

[ ]  their application is contested;

[ ]  mediation has been attempted, unless exceptional circumstances apply; and

[ ]  the application for legal assistance meets [State reasonableness test](https://www.handbook.vla.vic.gov.au/state-reasonableness-test):

1. Consider the nature and extent of any benefit of a grant of legal assistance (measured against likely cost of case) and detriment from a refusal to grant legal assistance. Is there sufficient cost benefit?

[ ]  Yes – proceed to ii.

[ ]  No – recommend refusal of aid (still lodge application to trigger applicant’s right of review)

1. The proceeding is likely to finalise in a manner favourable to the applicant applying for the grant of legal assistance:

[ ]  Yes – State reasonableness test satisfied.

[ ]  No – recommend refusal of aid (still lodge application to trigger applicant’s right of review)

[ ]  the application is not frivolous, vexatious or in bad faith.

Please briefly outline the merits of the application and if any exceptional circumstances apply:

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## Child respondents (Guideline 9.2.2)

**Due to the risk of criminalisation, VLA recognises that an intervention order should only be made against a child respondent where there is no other reasonable alternative. Practitioners are encouraged to advocate for outcomes and provide advice to clients in line with this principle.**

VLA may make a grant of legal assistance to a child under the age of 18 years to respond to an application for an intervention order under the Act where all of the following apply:

[ ]  they are under the age of 18;

[ ]  the application is contested;

[ ]  mediation has been attempted, unless exceptional circumstances apply;

[ ]  the respondent can demonstrate that they are more likely than not to succeed in contesting the making of a personal safety intervention order in the terms sought by the applicant; and

[ ]  the application for legal assistance meets the [State reasonableness test](https://www.handbook.vla.vic.gov.au/state-reasonableness-test):

1. Consider the nature and extent of any benefit of a grant of legal assistance (measured against likely cost of case) and detriment from a refusal to grant legal assistance. Is there sufficient cost benefit?

[ ]  Yes – proceed to ii.

[ ]  No – recommend refusal of aid (still lodge application to trigger applicant’s right of review)

1. The proceeding is likely to finalise in a manner favourable to the applicant applying for the grant of legal assistance:

[ ]  Yes – State reasonableness test satisfied.

[ ]  No – recommend refusal of aid (still lodge application to trigger applicant’s right of review)

Please briefly outline the merits of the application and if any exceptional circumstances apply:

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## Children who are not applicants or respondents (Guideline 9.2.3)

Where the court grants leave on its own initiative for a child aged 10 years or older to be heard separately under the Act, VLA may make a grant of legal assistance to the child.

## Mediation requirement and exceptional circumstances

Exceptional circumstances include:

* where there are criminal charges pending against the respondent which relate to the circumstances leading to the PSIO
* where there are allegations of stranger stalking
* where there are allegations of sexual violence
* where Dispute Settlement Centre of Victoria or an equivalent mediation service is not available or operational in a geographical location.

### Documentary requirements

Simplified grants assessments process

Lawyers seeking a grant of legal assistance via the simplified grants assessment process should submit an application via ATLAS, only after ensuring that all the following documents are retained on file:

* a reference to how the relevant guideline is satisfied.
* a copy of the application for a personal safety intervention order including the complaint, and interim order.
* a copy of the court’s order granting leave for the child to apply.
* documentary proof of any State special circumstances.
* relevant proof of means.