# 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.