



Vulnerable Children - Responding to Intervention Orders at RCH

1. Purpose

RCH has a duty of care to provide a safe environment for all RCH patients, visitors and staff.

This Procedure outlines appropriate process for responding to Intervention Orders at RCH.

2. Definition of terms

Family violence is defined in the Family Violence Protection Act 2008 as-

- (a) behaviour towards a family member that
 - (i) is physically or sexually abusive; or
 - (ii) is emotionally or psychologically abusive; or
 - (iii) is economically abusive; or
 - (iv) is threatening; or
 - (v) is coercive; or
 - (vi) in any other way controls or dominates the family member and causes them to feel fear for their safety or wellbeing

- (b) behaviour that causes a child to hear or witness or otherwise be exposed to the effects of the above behaviours.

Intervention Order

A family violence intervention order protects a person from a family member who is committing family violence. Intervention Orders are granted by Magistrates Courts in Victoria under the Family Violence Protection Act 2008 or the Personal Safety Intervention Orders Act 2010.

The person the Intervention Order protects is called the 'affected family member' or 'protected person'. This can include children. The person the Intervention Order is made against is called the 'respondent'.

Intervention Orders include conditions to stop the respondent from committing family violence against the protected person. An intervention order can include conditions to stop the respondent from:

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- committing family violence against the protected person;
- hurting, harassing, threatening or intimidating the affected family member;
- coming within a certain distance of the affected family member's house;
- contacting the affected family member by any means, including e-mail, SMS, phone;
- damaging property; or
- It may also include a condition to make the perpetrator leave the family home.

Interim orders

A magistrate can make an interim order if they believe a person is not safe and needs protecting immediately. It usually lasts until the Court can hear more evidence and decide whether to make a final order. An interim order can be made without the respondent being at court or knowing about the order but it is not effective until the respondent has received a copy. An interim order will usually last until the first hearing. The magistrate will then decide if the order should continue and for how long.

Final orders

A magistrate can make a final order if a respondent has either:

- used family violence;
- assaulted, sexually assaulted, harassed, stalked, or threatened a person; or
- damaged or interfered with a person's property.

Duration of a family violence intervention order

The Court may make an intervention order for a specific period of time or alternatively may make an order that will remain in force indefinitely.

Consequences of failure to comply

It is a criminal offence for a person who is subject to an interim or final family violence intervention order to breach a condition of the order. For example, if an order is in place which provides that the respondent must not contact or come within a certain distance of his or her child, it is a criminal offence to do so.

There are a range of Intervention Orders that are relevant to clinical care of a child:

1. Intervention Orders between parents
2. Intervention Order between child and parent
3. Intervention Order between other family members visiting a child

Examples

- Intervention Order preventing a parent from having any contact with a child
- Intervention Order preventing parents from having any contact with each other
- Intervention Order stating that one parent must not commit family violence against another (parents still allowed to have contact)

3. Procedure

It is a criminal offence for the respondent to breach the order. Further, RCH has a duty of care to patients, parents, visitors and staff to ensure that they are protected from violence and unsafe situations.

Despite the fact that an Intervention Order is not technically binding on the RCH, nursing staff, the relevant Nurse Unit Manager and Social Work should ensure appropriate steps are taken to manage and escalate any risks associated with an Intervention Order affecting an RCH patient or his or her family members.

Enforcing Orders

As noted above, it is a criminal offence for the respondent to contravene a condition of an Intervention Order, for example, by visiting his or her child whilst an RCH inpatient. Although the RCH is not legally required to notify the police of a contravention, staff can do so without breaching that individual's privacy if it is reasonably suspected that unlawful activity has been, is being or may be engaged in.

Social Work will take every step to encourage the respondent not to contravene the Intervention Order on RCH premises and/or to encourage the affected family member to report the contravention to the police him or herself. However, any immediate concerns for the safety of any patient, parent, visitor or other staff member resulting from the contravention of an

Intervention Order can and should be reported to the police.

Intervention Orders and Family Court/Parenting Orders

Sometimes, there will be both Intervention Orders and Family Court Orders in place relating to the same child. Intervention Orders between parents do not affect the parents' rights and responsibilities in relation to their children as set out in a Family Court Order. Any queries about the interaction between these orders should be directed initially to Social Work.

4. Responsibility

Nursing Staff:

When a staff member is aware of an Intervention Order affecting an RCH patient or his or her parents, they will inform the relevant Nurse Unit Manager.

Nursing staff will:

- refer to Social Work on x56111 where concerns arise about an Intervention Order, particularly in cases of actual or threatened contravention of Intervention Orders;
- document concerns and observations in the child's medical file
- notify the Nursing Hospital Manager and RCH Security where appropriate; and
- call a Code Grey and/or the police 000 in situations of immediate danger.

Social Worker

The responsible Social Worker will, as necessary and appropriate in the circumstances:

- speak with the relevant parent or family members regarding the Intervention Order;
- attempt to obtain clarity about the precise nature and conditions of the Intervention Order;
- where possible obtain a copy of the Intervention Order for the medical file;
- document the implications of the Intervention Order in the medical file;
- inform the AUM and NUM of the Intervention Order and its conditions;
- encourage both parties to abide by the Intervention Order;
- encourage the victim to inform police if the Intervention Order is breached;
- call the police directly if immediate concerns arise about the safety of a child, parent, visitor and/or staff member;
- engage with Legal Services;
- contact the Nursing Hospital Manager or Executive On Call if any significant concerns arise out of hours.

Legal Services

- Complex matters may need to be referred to the RCH Legal Services Department for advice. This contact should ordinarily be made by Social Work but any staff member with immediate concerns about the safety of a patient, parent, visitor or staff member can contact Legal Counsel on x54001 or the Executive Director, Legal and Information Services on x54940.

5. Related procedures

RCH [Code Grey Procedure](#)

RCH [Child Abuse Guideline](#)

6. Related legislation

Family Violence Protection Act 2008

Personal Safety Intervention Orders Act 2010.

7. References

<http://www.magistratescourt.vic.gov.au/jurisdictions/intervention-orders>

Victoria Legal Aid <http://www.legalaid.vic.gov.au/find-legal-answers/family-violence-intervention-orders>

Victims of Crime <http://www.victimsofcrime.vic.gov.au>

8. Further information

<http://www.magistratescourt.vic.gov.au/jurisdictions/intervention-orders>

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