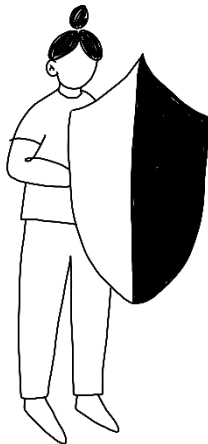


I have fears for my safety at court – what should I do?



FAMILY VIOLENCE LAW HELP

www.familyviolencelaw.gov.au



Getting a safety plan

If you are worried about your safety at court, the court can make safety arrangements for you. Before your court date, you can discuss your concerns with:

- the court (see contact details below)
- your lawyer, or
- your Family Advocacy and Support Service.



It depends on the court, but safety arrangements may include:

- a safe room where you can wait before your case starts so you are not waiting in the same area
- organising a different door for you to enter and leave the court
- having security guards to help keep you safe
- your lawyer applying to go to court for you, while you are on the phone to them from a safe location. The court gives permission for this in some but not all cases, so get legal advice. Requests need to be made before your court date, for more information see the court's website:



- Family Court of Australia - [Request to attend by electronic communication](#)
- Federal Circuit Court - [Telephone/Video link attendance request](#)
- Family Court of Western Australia - [Attending by phone or video link](#)



- the Judge may decide to change your court location, for example - they may move your case to a city court where there are more security staff and safe rooms
- the Judge can ask a person to stay in the courtroom for long enough that the other person can leave the court
- the Judge can make orders to help safeguard you when you give evidence.

You can bring a friend or family member to court as a support person if you want.

It's a good idea to get legal advice before court so you know what to expect. A lawyer can give you a clear picture of what may happen at court to help you prepare.



Contacting the Family Courts

All States and Territories except Western Australia

If you are worried about your safety at court, you can contact the [Family Courts National Enquiry Centre](#) on 1300 352 000 or email enquiries@familylawcourts.gov.au.

It is best if you can contact them at least 5 days before you have to go to court so they can make a safety plan for you.

You can also contact your Family Advocacy and Support Service for help with your safety at the Family Courts.

Western Australia

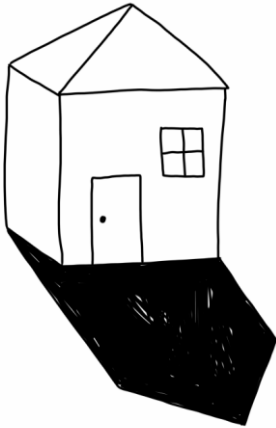
If you are in Western Australia, call the [Family Law Court WA Call Centre](#) on (08) 9224 8222 or 1800 199 228 at least 2 weeks before you have to go to court.

You can put your concerns in writing to the court using their [example letter](#).

You can also contact your Family Advocacy and Support Service for help with your safety at the Family Courts.



I don't want my ex-partner to know where I live – what can I do?



If you're going to court and you want your address to be kept confidential, you can get legal advice about this. There are different things the court and your lawyer can do to protect your address.

When you are filing documents at the Family Courts, you have to include an address in Australia where the other person can send you their documents. This is called your 'address for service'. If you have a lawyer acting for you, your lawyer's address will be the address for service, so your address can stay protected.



If you don't have a lawyer, consider getting a PO Box you can use as the address for service. If you have changed address because of domestic and family violence, you may be able to re-direct your mail or get a PO Box for free, see Australia Post for more information.

If you don't want your ex-partner to know where you live, be careful about documents that could accidentally give away your address. For example - if you want to attach a letter to your affidavit (written statement), make sure your address is not on the letter.



If your ex-partner or a lawyer issue a subpoena (a written order) requesting information about you, and you're worried that information may include your address, get legal advice. For example - a subpoena to your doctor for your medical records may include your address. Sometimes orders can be made so your address is blacked out from the records, or to limit what information is shared. There are time-limits around subpoenas, so it's important to get legal advice as soon as possible.

Sometimes it can be hard to keep your address protected once a court case starts, so it's important to talk to a lawyer about it.



I have to give evidence – what will happen?

You will have to give evidence in your case if it goes to a final hearing.

Giving evidence involves you telling your story to the court, and the other person or their lawyer asking you questions about your story. Before you give evidence, you are asked to swear or affirm to the court that you will tell the truth.

Looking after yourself

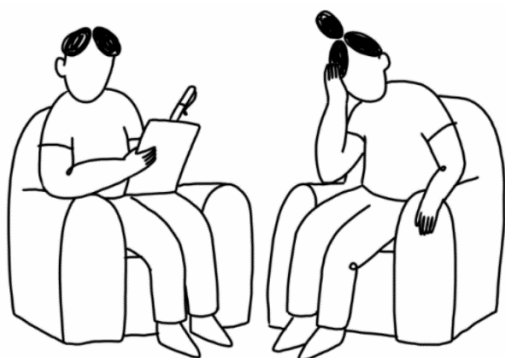


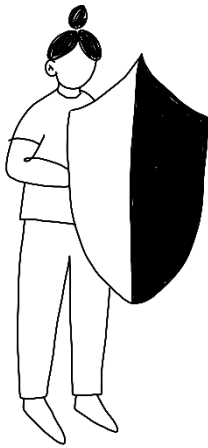
Giving evidence can be an overwhelming experience. You might feel scared, stressed or worried about:

- seeing the other person
- being asked difficult questions
- having to remember and talk about what happened.

It is important that you look after yourself before, during and after the court case:

- see if someone like a friend or family member can go to court with you to provide support
- before court, try to get enough rest and eat well
- learn relaxation or breathing techniques to help you stay calm
- talk to someone like a friend, family member or counselling or support service about how you're feeling
- talk to your lawyer or your Family Advocacy and Support Service before the hearing. They can tell you what to expect at court and help with your safety at court.



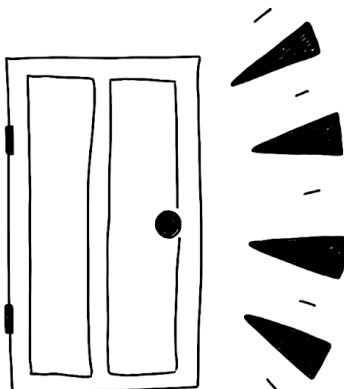
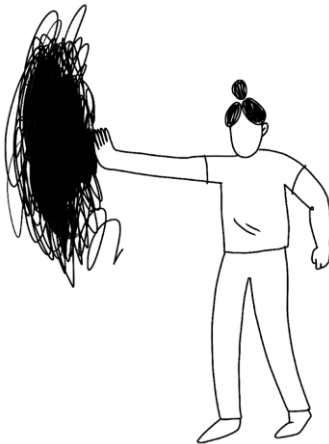


I have to give evidence – what will happen?

Orders that can safeguard you when you give evidence

If you have experienced domestic and family violence, the court may make orders or put things in place to safeguard you while you give evidence in a hearing. For example, the court may:

- allow you to give evidence through a video link so you are in a different room or location to the other person
- make the other person watch and hear the proceedings through a video link in a different room or location while you give evidence
- require the other person to be shielded from view while you give evidence
- stop a person from asking you offensive or abusive questions
- make orders to limit or stop a person from cross-examining you
- allow you to have a support person or animal near you while you give evidence
- close the court to the public
- exclude certain people from the courtroom.



It's a good idea to discuss these options with your lawyer or your Family Advocacy and Support Service before the hearing.

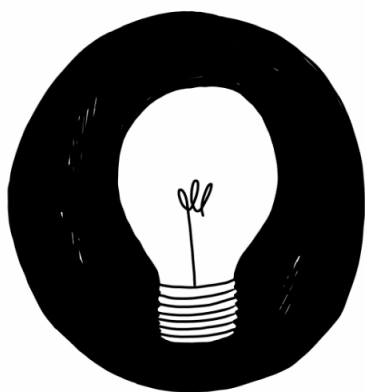


I have to give evidence – what will happen?

Tips when giving evidence



- Listen carefully to the questions.
- Don't try to guess the reason behind the questions, just focus on telling the truth and answer honestly.
- Don't be afraid to say you don't know if you really don't.
- If you don't understand a question just say so or ask for it to be said again.
- If you can't remember say that you do not remember.
- If you don't agree with something that is suggested to you, it is important that you say so.
- Speak loudly, clearly and slowly.
- If you are giving evidence about a conversation, try to use the words that were said, like reading a movie script. For example - if you said "Give that back" then the right way to give this evidence is to say "I said "Give that back"" not "I told him to give it back."
- The other person or their lawyer may say things that are upsetting or difficult to hear. They may accuse you of lying or being mistaken. Try not to get angry even if you feel they are being rude.
- Try to breathe evenly and stay as calm as you can.
- It is normal to feel nervous, upset or embarrassed when giving evidence. If you need to have a break, ask the Judge.



Your safety is important. If you are scared, intimidated or threatened while you are at court, you should let your lawyer or the court staff know.