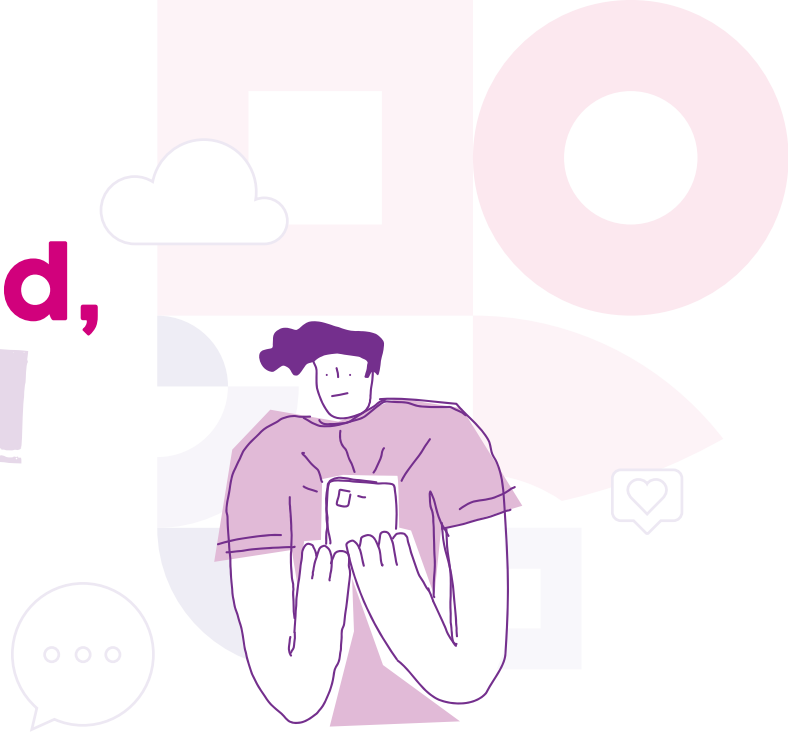


# Feeling supported, not stuck

Rethinking intervention orders for children and young people



We looked at the experiences of children and young people aged between 10 and 17 who are respondents to Family Violence Intervention Orders (FVIOs) and Personal Safety Intervention Orders (PSIOs).

The number of children responding to intervention orders is growing. Our analysis of Victoria Legal Aid system data showed a 34% increase in the number of legal services we provided to child respondents to intervention orders, with a notable increase in PSIOs. Our clients responding to PSIOs almost doubled from 243 in 2018-19 to 472 in 2023-24.

Our review of 101 closed files showed that intervention order applications are becoming a common response to a range of children's behavioural issues, such as emotional dysregulation, violence and self-harm at home and at school.

Disadvantaged children disproportionately receive intervention orders. Our system data showed children and young people who:

- have experienced trauma (such as being a victim survivor of family violence)
- live with disability, cognitive impairment, neurodiversity, mental health issues and/or
- have past engagement with child protection,
- are First Nations
- are much more likely to be respondents to intervention orders.

## What are intervention orders?

A person (usually a police officer) can apply to the court for an intervention order to protect the safety of another person. Intervention orders have rules directed at the respondent to stop using certain behaviours, including violence. While intervention orders are made in the civil jurisdiction, if the respondent does not follow the rules on the intervention order they may be charged by police with a breach of the order which is a criminal offence.

Civil intervention order schemes were mainly designed to respond to problems between adults, but we are increasingly seeing them applied to children and young people across Victoria. However, Victoria Police guidance does not explain how police should adjust their response to family violence or personal safety incidents involving child respondents.

## How we did this research

- Spoke to young people and their families about their experiences of the intervention order process
- Analysed Victoria Legal Aid system data (which includes in-house and external legal services provided under a grant of legal aid) and publicly available police and court data
- Looked at 101 closed Victoria Legal Aid files where we acted for a child respondent to FVIOs and PSIOs
- Interviewed a range of stakeholders in the family violence, disability, legal and education sectors.



## What we found and what needs to change

**Based on four key findings, we made six recommendations.**

### 1. Intervention orders are being used instead of supports for families in crisis

Young children, especially those with disability or trauma, often do not understand legal orders like intervention orders. Applying adult legal frameworks to young children does not change their behaviour or improve safety. Our data showed intervention order applications are being made against children as young as 10. Victoria Legal Aid system data shows that 33% of our child respondents to intervention orders were aged 10 to 14 years.

**We recommend raising the minimum age for respondents to intervention orders to at least 14 and to ensure that intervention orders against children are used as a last resort.**

Many of our young clients responding to FVIOs are victim-survivors of family violence in their own right. Crime Statistics Agency data confirmed that over half of child respondents to FVIOs were previously applicants to FVIOs.

Our data showed that one in four young respondents were reported to have a disability. Almost half of the FVIO files we looked at arose in the context of a behavioural outburst linked to the young person's disability. This was often in connection with parents removing access to their child's phone or iPad or disconnecting the internet. We found at least 39% of parents were not supportive of the FVIO being made against their child.

**“Our 15-year-old is not going to abide by it anyway...he's a good kid, but if something like that happened again, he wouldn't be thinking about the intervention order. He'd be thinking about his anger in that moment. What am I supposed to do then? I'm supposed to call the police and have him charged with a crime?”**

Luke, father, FVIO

**We recommend various changes to Victoria Police policy and practice, including alternative first responders for children experiencing mental health crises.**

### 2. Intervention orders are increasingly arising in schools and can lead to school disengagement

For education to empower young people to reach their potential, schools must be safe and inclusive environments where every student feels supported.

This report contributes new evidence about how disputes related to schools– including verbal and physical fights or online incidents between classmates – are attracting a legal response. From our file review, we found the majority of PSIO applications against children related to school disputes between classmates.

**“It would have been better if the person let the teachers handle it.”**

Isaac, 14

Our research shows the serious impacts intervention orders have on young people's access to their education – an international human right. Our file review showed 36% of young peoples' schooling was disrupted by the PSIO. Disruptions included missing some school, changing schools or leaving school altogether. Half of the young people whose schooling was disrupted by a PSIO were neurodivergent or had mental health issues.

**“School is supposed to be a place where kids can be safe and they're not**

Serena, mother

**We recommend the Victorian Department of Education provide greater support to schools to resolve disputes and to further invest in programs to support children to stay in school.**



### 3. The intervention order system is not helping children or their families

We all benefit when families, especially those caring for young people with complex needs, have access to joined-up support, including family violence support, disability and mental health care, education, and youth services that de-escalate conflict and strengthen safety.

Families need early and coordinated support that helps them manage conflict safely. However, we heard from parents –who had reached out to services and government agencies for help with their child’s behaviours –that they could not get the support they needed. Our review of Victoria Legal Aid files showed that 42% did not include evidence of the intervention order process linking the young person to a new or existing support service.

Intervention orders are particularly harmful for First Nations children. Over the last six years, First Nations young people were overrepresented in the number of respondents to intervention orders assisted by VLA and private practitioners. The use of intervention orders against First Nations children carries great risks, given contact with the justice system has been found to have devastating consequences for communities.

“ I felt hopeless. I didn't want the charges, but the police went ahead just doing their own thing.

Maggie, mother, FVIO

Using intervention orders to manage family conflicts adds pressure on families and increases the risk of criminalisation. Crime Statistics Agency analysis found that 17% of children aged 10 to 17 were charged with a breach of the FVIO. In our file review we found nine out of the ten children charged with a breach of an intervention order had a disability.

**We recommend the Victorian government invest in more prevention and early intervention for families.**

### 4. Children are left out of court processes

When children’s voices are heard in court, decisions are better informed and lead to safer and fairer outcomes for families and communities. However, 70% of children in our file review with an interim order were not at court when the order was made. There is no requirement for children to be at court for intervention order hearings and orders can be made in their absence, although orders only come into effect if the young person has been given a copy. A common reason young people tell our lawyers why they were not present is because police told them they didn’t need to go to court.

“ I felt like I didn't deserve it to be on me. I felt like it was kinda shit. It was like, just another add-on and it just didn't feel right. It made me pretty anxious and pretty angry as well.

Spencer, 15, PSIO

For disputes between children, mediation can have ongoing benefits such as understanding the root causes of the dispute and learning conflict resolution skills. However, our file review showed just 2% of PSIOs were resolved through mediation in the Children’s Court.

“ Maybe have a call with them first or with both in the courtroom... and give both of them a chance to tell their side of the story.

Spencer, 15, PSIO

**We recommend that more children should be diverted away from legal processes and into therapeutic support services to tackle their underlying needs.**

**We recommend that the Victorian government fund further research into the effectiveness of PSIOs against children.**

