



**Submission to the Victorian Law Reform Commission –
Stage 1: Protection for Children Who Turn Eighteen
While on a Family Violence Intervention Order**

Executive Summary

Meli welcomes the opportunity to contribute to the Victorian Law Reform Commission's review of how the law applies to children who turn 18 while protected by a Family Violence Intervention Order (FVIO).

Our submission supports legislative reform to ensure that FVIOs issued in respect of children continue to operate beyond the child's eighteenth birthday, unless the order is varied or revoked. We believe this approach provides much-needed clarity, ensures continuity of protection, and upholds the safety and agency of young victim-survivors.

Young people must be empowered to make decisions about their own safety and futures. A legal framework that provides continuity of protection while preserving the right of young people to amend or revoke an order ensures they are not burdened with navigating complex legal processes at a vulnerable time but are still able to exercise control and choice.

We recommend that the law be amended to create a clear presumption that protection continues after the age of 18, supported by accessible information, trauma-informed practice, and system-level reforms that reduce administrative burden and prevent unintended lapses in protection. Additional practical measures are also proposed to promote early intervention and ensure young people can make informed decisions about their safety as they transition to adulthood.

The safety and wellbeing of young people remains our utmost priority. We urge the Commission to adopt a reform approach that provides both legal certainty and meaningful support for those impacted by family violence.

About Meli

Meli is a leading not-for-profit organisation committed to supporting children, young people, individuals and families across the Barwon region of Victoria. Our purpose is to support communities where every child and person can thrive.

Formed through the merger of Bethany Community Support and Barwon Child, Youth and Family in April 2023, Meli brings together more than 300 years of collective experience in delivering high-quality, evidence-informed services across Geelong, the Bellarine Peninsula, the Surf Coast, and surrounding areas. The formation of Meli represents a shared vision to create a stronger, more unified organisation that places the safety, wellbeing and dignity of children and families at the centre of its work.

Meli provides a comprehensive suite of services that respond to the needs of individuals and families experiencing, or at risk of, family violence. Our family violence programs include:

- **Specialist Family Violence Services**, including risk assessment, safety planning, crisis support, and recovery-focused case management;
- **Children's Counselling and Support**, providing therapeutic interventions for children and young people who have experienced family violence;
- **Men's Behaviour Change Programs**, designed to address and shift harmful behaviours through accountability and engagement;
- **Family Violence Flexible Support Packages**, assisting victim-survivors to access essential resources to enhance safety and wellbeing;
- **Integrated Family Services**, working alongside families experiencing complex challenges including family violence, mental health concerns, and substance misuse;
- Collaborative participation in **The Orange Door Barwon**, where Meli plays a key role in delivering coordinated support for individuals and families impacted by family violence.

Meli's work is underpinned by a commitment to child safety, social justice, inclusion, and self-determination. We are deeply engaged in efforts to improve systemic responses to family violence and to ensure that children and young people are recognised as victim-survivors in their own right.

Acknowledgement of Country

Meli acknowledges the Traditional Custodians of the lands on which we live and work. We pay our respects to their Elders past and present, and recognise their enduring connection to Country, culture and community. We acknowledge that sovereignty was never ceded.

Acknowledgement of Victim-Survivors

We acknowledge the strength, courage and resilience of all victim-survivors of family violence. In particular, we recognise the unique experiences of children and young people who have been subjected to family violence, and we honour their voices in shaping a safer and more responsive system.

Response to Questions from the Issues Paper

Question 1 – Your experience of how the law is applied

Meli has observed inconsistencies in how the law is currently applied in circumstances where a child is a protected person under a Family Violence Intervention Order (FVIO) and subsequently turns 18. These inconsistencies stem from the lack of legislative clarity within the *Family Violence Protection Act 2008 (Vic)* regarding whether such orders remain in force beyond the child's eighteenth birthday.

In practice, responses differ across courts, magistrates, and initiating applicants. In some matters, FVIOs are interpreted to continue beyond a young person's eighteenth birthday, while in others, the order is understood to lapse unless a new application is made by or on behalf of the now-adult protected person.

This lack of uniformity has practical and legal consequences:

- young people and their families are often left uncertain about the status of protection following a child's eighteenth birthday, particularly where the young person had limited engagement in the original court process.
- service providers supporting these young people may be required to seek legal clarification or encourage clients to apply for new orders, which can delay protection and risk retraumatising victim-survivors;
- police and court personnel may interpret and enforce the continuation of an order differently in the absence of legislative direction or judicial guidance; and
- court staff and practitioners may be unsure how to proceed when an order involves both child and adult protected persons, or when the young person has turned 18 prior to the expiry date.

In Meli's experience, this ambiguity can leave young people unprotected at a point of significant developmental vulnerability. Young people are often unaware of their legal rights when turning 18, particularly when orders were initiated on their behalf by police or guardians. Expecting an 18-year-old to initiate new proceedings, often without legal advice or support, places undue burden on the individual and risks undermining the protective intent of the original order.

To address this inconsistency, Meli suggests that all FVIOs which extend beyond a child's eighteenth birthday should clearly state whether the order continues to apply after that point. A mandatory notation to this effect would improve consistency in interpretation and enforcement across the courts, legal services and police. We expand on this recommendation in our response to Question 3.

Question 2 – Your experience of the impact of the law

The current legal uncertainty regarding the status of Family Violence Intervention Orders (FVIOs) when a child turns 18 can have a significant and negative impact on the safety, wellbeing and autonomy of young victim-survivors.

In Meli's experience supporting children and young people affected by family violence, we observe that the transition to adulthood often coincides with a period of heightened vulnerability. Many

young people aged 18 to 25 remain developmentally dependent on their families and communities for support and may still be subject to ongoing contact with a perpetrator of family violence due to shared housing, education settings, or family responsibilities.

Where a FVIO ends unexpectedly or is mistakenly understood to have lapsed at age 18, the young person may be left without the legal protections they relied on as a minor. This can have several impacts:

- heightened risk of re-exposure to harm, particularly in situations where the perpetrator retains proximity or influence;
- emotional distress and re-traumatisation, particularly where the onus is placed on the young person to navigate legal processes independently and re-engage with traumatic experiences to seek renewed protection;
- loss of trust in the justice system, where the protections granted during childhood are perceived to be abruptly withdrawn without explanation or support; and
- disengagement from support services, particularly when young people feel that they are no longer recognised as victim-survivors or do not understand their entitlements under the law.

This ambiguity also places a burden on service providers. Practitioners often need to divert significant time and effort to seek clarification from courts, police or legal services, or to assist young people in initiating new applications. For organisations working with large caseloads or limited resources, this reduces capacity to provide therapeutic or recovery-focused support.

Furthermore, for children who have been included on a FVIO as an additional protected person, particularly where the application was made by police, it is common for them to have had minimal involvement or agency in the process. When they later turn 18, they may be unaware of the protections in place, their rights to continue or vary an order, or how to seek support. This compounds their vulnerability at a critical point of transition.

In Meli's view, the law as currently applied does not sufficiently uphold the principles of continuity, trauma-informed practice or the evolving capacity of young people to exercise agency. It risks undermining the protective intent of FVIOs and may leave some young adults with fewer safeguards at a time when they are still in need of support.

Question 3 – Your views on options for reform

Meli supports legislative reform to provide clarity and consistency in the application of Family Violence Intervention Orders (FVIOs) for young people who turn 18 while listed as a protected person on an order. In particular, we support a model that ensures protection continues beyond the age of 18 unless the order is varied, revoked or discharged.

It is our view that where a child is listed as a protected person under a FVIO, and the order is due to expire after they turn 18, the order should continue for its full duration unless the young person applies to amend or discharge it. This approach would remove ambiguity, reduce the administrative and emotional burden on victim-survivors, and uphold the protective intent of the legislation.

In support of this principle, Meli recommends:

- amending the *Family Violence Protection Act 2008 (Vic)* to explicitly provide that a FVIO made in relation to a child remains in force after the child turns 18 unless the order is otherwise varied or revoked;
- establishing a clear legislative presumption that a FVIO protecting a child will continue after their eighteenth birthday, unless there are specific circumstances that justify the order ceasing or being amended;
- requiring that all FVIOs which extend beyond a young person's eighteenth birthday include a clear and prominent notation stating that the order continues to apply after that date, unless otherwise ordered;
- ensuring that young people who turn 18 while listed on a FVIO are notified of their rights to continue, vary or revoke the order, in a manner that is accessible, age-appropriate and culturally safe
- retaining the young person's right to apply for variation or revocation, while removing any default assumption that protection ceases at 18

In addition, Meli strongly supports the development of accessible and age-appropriate education materials for children and young people named as protected persons on FVIOs. These materials should explain, in clear and developmentally appropriate language, what it means to be listed on an order, what protections are provided, and what options are available if circumstances change. We also recommend that additional resources be allocated to ensure that young people approaching the age of 18 are given the opportunity to make an informed decision about their ongoing protection. This could include providing a funded appointment or session with a family violence practitioner, such as through The Orange Door or an appropriate community-based service, to review the order, explain its implications, and assist with any necessary applications for variation or revocation. Such a model would promote agency, safety and clarity at a critical point in a young person's life.

This approach strikes an appropriate balance between protection and autonomy. It ensures that young people are not left without legal safeguards during a vulnerable developmental period, while still enabling them to assert their agency and exit from the protective framework when they consider it safe and appropriate to do so.

It would also support the courts, police and legal practitioners by providing a clear legislative directive and reduce confusion or inconsistent interpretation of existing orders. As highlighted in our response to Question 1, a mandatory notation on the face of orders that extend past a young person's eighteenth birthday would be a simple but effective mechanism to promote clarity across the system.

Meli acknowledges that the lived experience and voice of young people should inform any changes to the law. We strongly support reforms that embed principles of trauma-informed practice, self-determination and continuity of care.

Additional Recommendations to Improve Safety and Prevent Harm

In addition to the core recommendations outlined above, Meli proposes the following system-level reforms to further support young people's safety and reduce the risk of family violence harm during the transition to adulthood:

- introduce a mechanism for automatic judicial review or confirmation shortly before a FVIO is due to continue past a young person's eighteenth birthday, allowing the court to check in on the young person's wishes and safety needs;
- ensure that FVIO status and implications are embedded in broader transition planning for young people engaged with child protection, youth justice or family services, particularly those in out-of-home care;
- ensure a stronger emphasis on ensuring that a detailed risk assessment occurs around the time of the young person turning 18.
- enable supported referrals for young people to receive proactive assistance from family violence or legal services, such as The Orange Door, in the months leading up to their eighteenth birthday (with the young person's consent);
- require that any FVIO served on a child or young adult be accompanied by a plain language summary tailored to their age and literacy level, outlining key conditions, their rights and where to get help;
- ensure that the development of all new resources, procedures and reform proposals includes cultural safety and lived experience input, particularly from First Nations young people and other communities disproportionately affected by family violence

These practical measures would help ensure that legal protections are embedded within a broader framework of support. They reflect a commitment to early intervention, accessible information, and coordinated service delivery at key points in a young person's development.

Conclusion

Meli appreciates the opportunity to contribute to this important review and commends the Victorian Law Reform Commission for its focus on strengthening legal protections for young people affected by family violence.

The safety and wellbeing of young people is our utmost priority. As a service working closely with children, young adults and families, we believe that legislative clarity, consistency in practice and trauma-informed processes are essential to upholding the protective intent of Family Violence Intervention Orders.

We support reforms that ensure orders continue beyond a young person's eighteenth birthday unless actively revoked or amended, and that young people are given clear, accessible information to make informed decisions about their safety.

We further encourage the Commission to consider complementary system-level reforms that promote early intervention, procedural transparency and culturally safe support for all young people transitioning to adulthood while under the protection of a FVIO.

Meli welcomes continued engagement on this issue and looks forward to the outcomes of the Commission's Stage 1 report.

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