

GETTING STARTED RIGHTS AND LEGAL ASSISTANCE

Leaving prison won't be the end of most people's legal issues. If you have any unresolved matters you should start to sort them out as early as possible. Getting the right advice will take time but starting out with a clean slate gives you the best chance of staying out.

Try to see a lawyer at the prison three months before you get out. You can ask for general advice about fines, debts warrants or family law. If you need Legal Aid assistance it may be easier to qualify while you are inside.

Debts

If you have debts that are overdue, the creditor can sue you. If you get a legal notice you only have a short time to act. If you ignore the form you will lose important rights. You may be able to apply to a court or negotiate to pay in instalments. If you disagree with the debt you may be able to defend it.

To find out about your options contact the Victorian Legal Aid Information Service, Consumer Action Law Centre or a local Community Legal Service.

Unpaid Fines and Warrants

You may be able to convert fines to community work hours or serve additional time in prison. You may even be able to run some or all of the time concurrently with your existing sentence.

Depending on the type of fine, there could be other ways to deal with them. Speak to a lawyer for advice before you get out.

If you have a warrant outstanding, the police can follow it up when you least expect it. If you deal with it while you are in prison, it can't come back to bite you once you've settled in to life outside.

Speak to the prison staff to find out if you have any outstanding fines or warrants.

New Laws & Changes to Existing Laws

If you have been in prison for a while, there may be new laws or changes to laws that you don't know about. There might also be changes to law enforcement.

For example, there are now more police, more random breath tests and drug tests for drivers. There are also new knife laws. To get up to date information visit the legal aid website www.legalaid.vic.gov.au or speak to a lawyer.

Stop, Search & Seizure Powers

The police also have more powers to stop and search people. You can refuse a search in some cases but not all. They must also tell you why they are searching you or your property. Never try to physically stop the search. Stay calm and ask the police why they are searching. Talk to a lawyer as soon as possible if you think you've been treated wrongly.

Dealing with Police

Everyone has to deal with Police at some point. This can be a challenge if you have had bad experiences in the past.

How you look and the way you act can attract the attention of police. If you attract police attention you will need to learn how to manage it so it doesn't escalate.

It is important to know your rights and responsibilities when you deal with the police. If you think they are not being upheld, you have the right to make a complaint.

You have to tell the police your name and address but you don't have to tell them anything else. If you ask the police for their name, number and police station, they have to tell you.

If you have a mental illness or cognitive impairment you can ask for an Independent Third Person to be present at any interview.

Complaints about Police

If you need to complain about police, get legal advice as soon as possible. Write down everything that happened. Include the order it happened, the date and the people involved. If you have been hurt take photos and see a doctor.

FAMILY LAW MATTERS

Child Support Agreements (CSAs)

If you have a CSA then you are required to tell the Child Support Agency of any change in your circumstances. This includes being released from prison. If you don't, they can fine you or take you to court. Answer any letter they send to you. If you are unsure about something they have sent ask for advice.

Child Support Agency
www.csa.gov.au
 131 272

Custody Matters

If your child is in DHS care, getting visitation rights or custody can take a long time. Start talking to DHS before you get out. Applying for custody can be complicated and you may need help and advice.

If your child has been in the care of a friend or family member then you should discuss the custody arrangement before your release.

INTERVENTION ORDERS

Applying for an Intervention Order

You must wait until you have left prison to apply for an Intervention Order. You can do this by filling out a form in the Magistrate's Court.

You may need to tell the Registrar at the Magistrate's Court personal things. This includes the reasons why you are applying and any relevant history.

You can start organising the information while you are in prison, but it is always a good idea to get legal advice before applying.

Responding to Intervention Orders

If you are served with an Intervention Order it means that there has been a report of violence made against you by a family member or the police.

You can choose to agree to the order, or argue against some or all of the order. It's important that you understand what the order means.

Legal Assistance and Advice

If you have any legal issues, there are lots of services that can provide free advice or assistance. Community Legal Centres or Legal Aid can be a good starting point if you are unsure where to go for legal advice.

Federation of Community Legal Centres
(03) 9652 1500

Consumer Action Law Centre
1300 881 020 or (03) 9629 6300

Consumer Affairs Victoria
1300 558 181

Victorian Equal Opportunity & Human Rights Commission
 (03) 9281 7111 or 1800 134 142 (toll free)

Victoria Legal Aid (03) 9269 0120
 or for country callers: **1800 677 402**
 350 Queen St, Melbourne, 3000
 GPO Box 4380, Melbourne, 3001

Homeless Person's Legal Clinic
(03) 8636 4408 or 1800 606 313

Victorian Aboriginal Legal Service
(03) 9419 3888 or 1800 064 865
 6 Alexandra Pde, Fitzroy, 3065
 PO Box 218, Fitzroy, 3065

Women's Legal Service
(03) 9642 0877
 Level 3, 43 Hardware Lane, Melbourne, 3000

Mental Health Legal Centre
 Melbourne: **(03) 9629 4422**
 Country Callers: **1800 555 887**

The Independent Third Person Program
1300 309 337 (local call cost)
 (The Office of the Public Advocate)

Vellamanta Disability Rights Legal Service
1800 014 111
 44 Bellerine Street, Geelong 3220