

What happens in court

The first court date after an application for a domestic violence order is filed is called a Mention.

At court, yours and many other applications will be heard by the magistrate one at a time.

So it's best to set aside the day to come to court for the Mention. If you need an interpreter let the registry staff know.

Most large courthouses have a safe area where you, as the aggrieved, can wait away from the person you're seeking protection from.

But if you ever feel unsafe at court, tell the registry staff and they will help you.

If police made the application for the Protection Order, a Queensland Police Service prosecutor will prosecute the application in court. But even if the police have not made the application, they can still assist you on the day. Speak with court staff if you need help to find a police prosecutor.

If you've hired a lawyer, they will represent you in the courtroom.

Or as the aggrieved you may be eligible for a Legal Aid funded lawyer.

You can also represent yourself in court and request a support person be with you.

Once the Police have served the Respondent with the application for a Protection Order, they will be required to attend court.

It will be a closed court, which means the only people in the courtroom will be you, the Respondent, plus your lawyers and usually the prosecutor.

There will also be the magistrate, and Clerk as well as any support people approved by the magistrate.

Both you and the Respondent will sit with your representatives at what is called the bar table.

During the Mention, the magistrate will examine the application and ask the Respondent if they agree to the making of a Protection Order.

If the Respondent agrees to the order, then the court may make a Protection Order immediately.

If the Respondent disagrees, the magistrate may make a Temporary Protection Order and the application will be dealt with at a hearing.

A Hearing is when all the evidence is considered to decide whether a Protection Order should be made or not.

The court must allow both parties an opportunity to present their case.

As the Aggrieved, you may find this difficult.

But when you are giving evidence, you are what is called a 'protected witness'.

This means the court will consider all options to help you feel safe.

For example, the court can organise for you to speak from another room via video link.

Or, a screen can be positioned to block the Respondent from your view.

If the respondent chooses not to attend the mention, the magistrate may make a final Protection Order without the Respondent being there.

Always remember a court is a formal setting, so make sure you dress in good clothes.

Any time you attend court you'll be told your next court date. If you're unsure of your court date, check with your lawyer, the court or the police if they made your application.