

What is a Domestic Violence Order?

A Domestic Violence Order is made by a magistrate to protect people in domestic and family violence situations.

You can ask the police to apply to the Court to obtain a Domestic Violence Order. Or, you can apply directly to the court yourself, or a lawyer, a friend or family member can apply for you.

You can call a domestic violence support service for information and advice.

When a court makes a Domestic Violence Order, it sets out specific rules that must be obeyed by the person who has committed the violence.

The court calls this person the 'Respondent.'

A Domestic Violence Order prohibits the Respondent from committing domestic violence.

As the person experiencing domestic violence, the court calls you the 'Aggrieved.'

Domestic Violence Orders are designed to protect the Aggrieved, and can include protection for their children, relatives or friends if they're at risk of violence.

There are two types of Domestic Violence Orders:

- A *Protection Order*,
- and a *Temporary Protection Order*.

Once the Police have served the Respondent with the application for a Protection Order, you will go to a court and an order may be made by a magistrate. You and the respondent can agree to the Protection Order.

But if the respondent disagrees with the making of a Protection Order, your case will progress to a court hearing.

Temporary Protection Orders are different.

When your application is filed, if you feel you need protection as soon as possible, you can ask the court registry staff for a Temporary Protection Order to be considered urgently by a magistrate.

Police can also apply for you. If you are ever in danger call them using the triple zero emergency number.

Temporary Protection Orders are made by a magistrate to protect those in danger up until the court can consider the case at a hearing.

What is a Domestic Violence Order? Video Transcript

At the final hearing, the magistrate will make a decision whether to give you a final protection order

If the Respondent is not in court, a police officer will give a copy of the order to the Respondent or notify them about the order and explain what the conditions mean.

The order cannot be enforced by police until the Respondent has been served or notified about the order.

Any adults listed on the order will get a copy, so everyone involved will know exactly what behaviour the court has prohibited and for how long.

A Domestic Violence Order is a court order but will not appear on the Respondent's criminal history, but if they don't obey the order they can be charged with a criminal offence.

If you are the Respondent to an order, it does not stop you from living with, or being in a relationship with another person - unless conditions on the order prevent this - for example an order may require you to leave the home that you share with the aggrieved.

On this website there's further information on how to get a Protection Order, or Temporary Protection Order, and how to respond to an Order.

[View the video](#)