

Applying for a domestic violence order

What is domestic violence?

Domestic violence is

- physical or sexual abuse
- emotional or psychological abuse
- economic abuse
- threatening behaviour
- coercive behaviour or
- behaviour that in any way controls or dominates or causes a person to fear for their personal safety or wellbeing

by one person towards another person with whom they are in a relationship. See [A Guide to completing the Application for a Protection Order](#) on the Queensland Courts website for the types of relationships covered.

This behaviour can be a criminal offence (for example an assault, sexual offence or stalking), which you can report to police for the person to be charged. It can also lead to an application being made for a domestic violence order which is a civil (non-criminal) type of order.

A Domestic Violence Order

A Domestic Violence Order (DVO) is a different legal option to someone being charged with a criminal offence as it is a civil order.

A DVO tells the person who has been violent towards you what they must not do in the future. You can apply for a DVO to help protect you, your children and other people named on the DVO from someone who has been violent towards you.

A DVO can also be made or varied by a court if a person is sentenced for a criminal offence involving domestic violence.

A DVO can either be a temporary protection order or a protection order.

Application for a protection order

[A Guide to completing the Application for a Protection Order](#) and the *Application Form (Form DV1)* are available on the Queensland Courts website.

You can apply for a protection order yourself or get a police officer, solicitor or authorised person (friend, relative, or community/welfare worker) to apply for you.

Who is the *aggrieved* and the *respondent*?

The person who needs protection is the *aggrieved*. A DVO is made against the *respondent*.

I need an interpreter

Tell the courts staff you need an interpreter to assist you and make sure you write on your application form that you need an interpreter, and specify the language and/or dialect. This will ensure the magistrate is aware of your request for an interpreter.

If you need an interpreter to assist you to get legal help, call the Translating and Interpreting Service (TIS) on 13 14 50. TIS will organise an interpreter in your language and will connect you to a legal service.

I need an urgent order

The application form asks you if you need an urgent order. An urgent temporary protection order may be made before the respondent is served with your application.

I have filed my application at the court, what happens next?

When filing your application, you will be given a date to go to court. You must go to court on this date.

You can:

- appear by yourself, or
- appear with a police prosecutor or your lawyer

If you want the police prosecutor or lawyer to appear with you, make sure you arrange this in advance with them.

If you wish, you can bring someone else with you for support but it will be up to the magistrate if this person is allowed in the courtroom at the time of the hearing.

What happens at the court?

The magistrate will consider your application and the conditions you have asked for in your application.

First there will be a mention which is a short court hearing for the magistrate to find out what is happening with the application.

The magistrate may make a temporary protection order at the mention, which will be in force until a protection order is made.

The respondent will have been served with the application together with details of the court hearing and may bring a lawyer to the court.

The respondent can agree to a protection order being made and a protection order may be made at the mention or, the respondent can disagree with your application and another court date, called a hearing, will be set where you must present your case as to why a protection order should be made.

Courts hearing applications are closed—no members of the public will be allowed into the courtroom. You can bring someone else with you for support but it will be up to the magistrate if this person is allowed in the courtroom.

If the magistrate makes a DVO, both you and the respondent will be given a copy.

Can I bring my children to court?

There are no facilities to mind children at courthouses and it is inappropriate for children to go into the courtroom. You should make other childcare arrangements for your children.

Is the magistrate's decision final?

Either you or the respondent can appeal the magistrate's decision if either of you disagree with it. You must lodge your appeal within 28 days of the magistrate's decision.

You should get legal advice if you want to appeal. Appeals must be lodged at the District Court.

Is a DVO a criminal offence?

No. Taking out a DVO does not give the respondent a criminal record.

However, it is a criminal offence to disobey a DVO.

What should I do if the respondent disobeys the order?

Tell the police. You should report any breach, so always keep the order with you in case you need to show it to the police.

Can an order made in another state or territory, or in New Zealand, be enforced in Queensland?

Only if the order has been registered in Queensland. Registering the order is a simple matter of completing and lodging an application form ([Form DV14](#)) from the Queensland Courts website. The respondent will not be told about the registration unless you agree to this in writing.

A protection order made in Queensland can also be registered and enforced in other Australian states and territories as well as in New Zealand.

Can the conditions be changed if the situation changes?

Yes. If circumstances change, you can apply to have the order varied.

An *Application to Vary a Domestic Violence Order* ([Form DV4](#)) must be filed at a Magistrates Court registry.

How do I get more information about the order?

If you do not understand the conditions of your order or would like advice you may contact Legal Aid Queensland, community legal centre or a private lawyer.

Domestic and Family Violence Services

DVConnect – Women’s Line -----	1800 811 811
DVConnect – Men’s Line -----	1800 600 636
Immigrant Women’s Support Service -----	(07) 3846 3490
Brisbane Domestic Violence Advocacy Service -----	(07) 3217 2544

Legal Services

Legal Aid Queensland (state-wide hotline) -----	1300 651 188
Indigenous Infoline -----	1300 650 143
Violence Prevention and Women’s Advocacy -----	(07) 3238 3425
Western Queensland Justice Network -----	1300 651 188
Women’s Legal Service -----	(07) 3392 0670
(freecall outside Brisbane) -----	1800 957 957
Queensland Law Society hotline -----	1300 367 757
Aboriginal and Torres Strait Islander Women’s Legal and Advocacy Service (ATSIWLAS) -----	(07) 3720 9089
(freecall outside Brisbane) -----	1800 442
450 Seniors’ Legal and Support Service – Brisbane -----	(07) 3214
6333 Cairns -----	(07)
4031 7179 Hervey Bay -----	(07)
4124 6863 Toowoomba -----	(07)
4616 9700 Townsville -----	(07)
4721 5511 Lesbian, Gay, Bisexual, Trans, Intersex Legal Service Inc -----	
0401 936 232	

Interpreting Services

Translating and Interpreting Service (TIS) -----	13 14 50
Advanced booking -----	1300 655 081
Deaf Services Queensland -----	(07) 3892 8500

Other

National Enquiry Centre, Family Law Court -----	1300 352 000
Victim Assist Queensland, LinkUp Information Officers -----	1300 546 587
Elder Abuse Prevention Hotline -----	1300 651 192
Residential Tenancies Authority -----	(07) 3046 5400
Lifeline (24 hours 7 days) -----	13 11 14
Disability Services Queensland -----	1800 177 120
Queensland Aged and Disability Advocacy Inc -----	1800 818 338

Please note: This publication was produced prior to the current government.