

What if I'm served?

A Domestic Violence Order is a legal document issued by a court to provide protection to people in domestic violence situations.

When police are called to an incident and if we reasonably suspect domestic violence has occurred, we will apply for a Protection Order on behalf of the person suffering the abuse.

If someone thinks you've committed domestic violence against them, they may go to a lawyer who can file the protection order on their behalf. Or they may apply on their own.

On the written application and in the courtroom, you will be called the Respondent. The person who will be protected under the order is called the Aggrieved.

If you are given an application for a Protection Order by a police officer, read the paperwork carefully – it sets out the allegations made against you, the date and time you must appear in court and which court to go to. If you don't attend, the magistrate may make an order in your absence.

In some cases a magistrate may issue a warrant for Police to take you into custody and bring you to court.

In some cases, a Temporary Protection Order may have been made before you were served. This Order protects the aggrieved until the court has the opportunity to consider the case in more detail.

If you receive a Temporary Protection Order you must obey it.

The first court appearance is called a Mention. If you have been served with an application and you don't go to this court appearance, a final Protection Order could be made against you, and the conditions of the order may affect your living situation with the Aggrieved.

You can use a lawyer or contact a community legal centre who may be able to provide free legal advice about your case.

When it's time to consider the application in a court mention, you will have several options.

You can:

- Agree with the Protection Order being made.
- Or ask for an adjournment to another court date, so you have time to seek legal advice.
- or, Disagree with the Protection Order being made.
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If you do disagree, then you and the aggrieved must attend a full hearing at a later date, set by the court

A Temporary Protection Order may be made by the Magistrate to protect the aggrieved until your matter is decided by the Magistrate.

The hearing provides you with an opportunity to respond to allegations made against you, present your case, and provide any evidence.

What if I'm served? - Video Transcript

If you are not in court when an order is made, we will give you a copy of the order and explain what the conditions mean. If it's a Temporary Protection Order, you will also be told when you have to go to court.

If you are in court when an order is made, you can agree to a Voluntary Intervention Order. This type of order requires you to attend an approved domestic violence program to help you stop being violent.

It's best to set aside the day to come to court, and remember it's a formal setting, so make sure you dress in good clothes.

A Protection Order or Temporary Protection Order requires you to be of good behaviour and not commit domestic violence against the aggrieved and anyone else protected by the order. The magistrate may add more specific conditions to the order.

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