

DOMESTIC VIOLENCE

So you want the **violence** to stop



**Advice about domestic violence
and help at court**



Legal Aid
NEW SOUTH WALES

Women's Domestic Violence Court Advocacy
Services are funded by Legal Aid NSW

Who we are

Women's Domestic Violence Court Advocacy Services are locally-based, independent services for women and children seeking help and information about how to get protection from the court from domestic violence. Women's Domestic Violence Court Advocacy Services are funded by Legal Aid NSW and are managed by local agencies. If you are just thinking about what to do and want some information about Apprehended Violence Orders (AVOs) and other services—they can help you.

Women's Domestic Violence Court Advocacy Services can't provide legal advice. They will put you in contact with a lawyer who can give you legal advice or you can contact LawAccess NSW (see back panel).

BEFORE COURT If you have a domestic violence matter which is going to court and you want to know what will happen, they can provide you with information and other assistance.

AT COURT They will make sure you have a safe place to sit at court, give you information to help you understand what is happening and work with you to get an order that is best for your situation. Women's Domestic Violence Court Advocacy Services will also keep you informed about the progress of your matter through the court, including future dates when you need to attend court.

AFTER COURT After court, they can refer you to other services that can help you with safe housing, income support, children's needs, family law and counselling. They can provide you with information about what to do if the abuse continues.

A number of Women's Domestic Violence Court Advocacy Services have specialist workers to help Aboriginal women, or women from culturally and linguistically diverse backgrounds.

About court orders

What is an AVO?

An AVO is an Apprehended Violence Order. It is an order to protect victims of domestic violence when they are fearful of future violence or threats to their safety. They are sometimes called restraining orders or protection orders. There are two types of AVOs:

- **Apprehended Domestic Violence Order (ADVO)**
This is made where the people involved are related or have had a domestic or intimate relationship. Women's Domestic Violence Court Advocacy Services are funded to assist women in ADVO matters.
- **Apprehended Personal Violence Order (APVO)**
This is made where the people involved are not related or do not have a domestic or intimate relationship, for example, they are neighbours or workmates.

An AVO is not a criminal charge. It is an order for your future protection. An AVO sets out restrictions on the other person's behaviour, so that you can feel safe. If you have children, the order will also protect them.

How do I apply for an AVO?

There are two ways you can apply for an AVO. You can apply yourself— this is called a private

application—or the police can make an application on your behalf. Women's

Domestic Violence Court Advocacy

Services can provide information about

how to make an application. If you wish

to make a private application, you can

do this through your Local Court or

through your lawyer. If you do not

have a lawyer, the Women's Domestic

Violence Court Advocacy

Service will arrange legal

advice for you. Some

Women's Domestic Violence

Court Advocacy Services

work with lawyers who give

free legal advice and can

represent you.



The Women's Domestic Violence Court Advocacy Service will help by explaining what will happen in court. They will work with police or your lawyer to make sure the AVO suits your situation. If your partner has been charged, they can also assist you with information and support while the charges are dealt with.

Do I need to go to court?

Yes. It is important for you to go to court to get information about what is happening in your case. It is important that the court has up-to-date information about your situation and what you want and whether anything has changed since your application was made.

I want to live with my partner. Can the Women's Domestic Violence Court Advocacy Service help me?

Yes. You can still apply for an order which protects you but which allows you to live with your partner. There are many different conditions which can be included in an order so that it is suited to your situation. The Women's Domestic Violence Court Advocacy Service will help you apply for conditions that meet your needs, but still give you protection from violence and abuse.

If you already have an order but your situation has changed, you should speak to the Women's Domestic Violence Court Advocacy Service about changing your AVO.

What if I want to withdraw the application for an AVO?

Although you might feel that things have settled down, it is best to seek advice before you consider withdrawing the application. Remember, this is not a criminal charge, it is about protecting you from future violence and abusive behaviour. If you have children, it will protect them as well. The Women's Domestic Violence Court Advocacy Service can provide you with information and discuss any concerns you have about withdrawing your application for an AVO.

If the police have applied for the AVO, you may not be able to withdraw the application, particularly where children are involved, or where police believe an offence has been committed or is likely to be committed. The Women's Domestic Violence Court Advocacy Service will be able to explain this further.

What if the defendant breaches one of the conditions of the AVO?

A breach of an AVO is a criminal offence. You should report any breach of the AVO to the police by calling 000. The police will investigate the matter and decide whether or not to charge the defendant for committing the offence.

After court

Some important things to remember:

- In any emergency, ring the police on **000**.
- Make sure you obtain your copy of the AVO from the court office before you leave the courthouse.
- Make several copies and always have a copy with you.
- If your partner or ex-partner breaches the order, call **000** immediately.
- Call your local Women's Domestic Violence Court Advocacy Service if you need any further information or assistance.
- Call LawAccess NSW for legal information and advice on **1300 888 529**.



For more information on AVOs or to find your nearest WDVCAS, call LawAccess NSW on 1300 888 529 or visit www.legalaid.nsw.gov.au/domesticviolence

Common terms used at court

Chamber Registrar

Chamber Registrars work at the Local Courts and can help prepare AVO applications for people who wish to make a private application.

Consent

Sometimes the defendant will agree to an AVO being made against him/her. In this case, the matter does not have to go to a hearing at a later date. The defendant may *consent without admissions* which means that he/she agrees to the order but doesn't necessarily agree to the facts in the AVO application.

Court list

This is the list of cases being heard by the court each day. Some courts have an AVO list day so that AVO matters are heard on the same day each week.

Cross-application

Sometimes a defendant in an AVO matter will apply for an AVO against the protected person. If this happens to you, contact your local Women's Domestic Violence Court Advocacy Service straight away or seek legal advice. Your local Service will be able to assist you to obtain legal representation.

Defendant

The person against whom you have an order.

Final order

The order made at the end of the court proceedings. It lasts as long as the court thinks you need it and you do not have to return to court unless you need to change the conditions on the order or to extend it.

Interim order

An order that lasts until the next court date.

Magistrate

Magistrates decide whether or not to grant an AVO, which conditions should be included and for how long the order will last. In court they are referred to as 'Your Honour'.

Mention

This is the occasion when your case or matter is brought before the court. If the defendant does not consent to the AVO, it will go to a hearing on another day. You should attend court on every mention date and the hearing.

Police prosecutor

Police prosecutors present information to the court on behalf of police, just as lawyers do on behalf of private applicants.

Private applications

These are applications for AVOs made by the person in need of protection, instead of by the police. A lawyer may apply on the person's behalf. Legal Aid is available for a lawyer to represent you at court, if you meet the Legal Aid means test.

Protected person

The person for whom the order is sought or made (you).

Provisional interim order (PIO)

A temporary order obtained by police in an emergency until your court date.



**Women's Domestic Violence
Court Advocacy Services**

MORE INFORMATION AND HELP

Information about your AVO or to find your nearest WDVCA
www.legalaid.nsw.gov.au/domesticviolence

LawAccess NSW 1300 888 529
TTY 1300 889 529

Community Services Domestic Violence Line

(24 hours, 7 days) 1800 656 463
TTY 1800 671 442

Women's Legal Services Domestic Violence Advice Line

Within Sydney 8745 6999

Outside Sydney (Rural Free Call Line) 1800 810 784

Domestic Violence Advice Lines are open 9.30am - 12.30pm
Tuesday and Friday; and 1.30pm - 4.30pm Monday and Thursday.
Advice lines do not operate on a Wednesday.

**Safe Relationship Project (Same Sex, Transgender,
Intersex)** (02) 9332 1966 or 1800 244 481

Police 000 (112 from mobiles)

TTY 106

 **Translating & Interpreting Service (TIS)** . 131 450

LOCAL CONTACTS

Women's Domestic Violence Court Advocacy Service

Police

Police Domestic Violence Liaison Officer

Court information

Produced by the Publications Unit of Legal Aid NSW. For copies email:
publications@legalaid.nsw.gov.au or ring 9219 5028. Available online at:
www.legalaid.nsw.gov.au/pubsonline

This publication is intended as a general guide to the law. It should not be
relied on as legal advice and it is recommended that you talk to a lawyer
about your particular situation.

At the time of printing, the information shown is correct but may be subject to
change (February 2011).

If you need more help, contact LawAccess NSW on 1300 888 529.