

Legal Matters and DVOs

Legal Matters

Our Court Support program allows our experienced and specialist workers to provide information and support the aggrieved in the application process for a Domestic Violence Protection Order (DVO). While we are not a Legal Support service (and therefore cannot provide legal advice), we understand the complex and distressing situation of going to court, and aim to make the process less daunting. We can refer women to Legal Services, who understand Domestic and Family violence, for professional assistance in issues such as Property and Family Matters. and/or your partner (the perpetrator) are living, and preferably in a major regional centre.

Who the law protects ...

The Domestic Violence (Family Protection) Act 2012 protects people from their spouse in situations of domestic violence. The law can also protect the relatives and associates (family, friends and work-mates) of the aggrieved spouse

The person from whom the aggrieved wants protection from is called the **respondent**.

The person who wants protection is called the **aggrieved**.

How to apply for a Domestic Violence Order (DVO) ...

You can apply for a Protection Order yourself or get a police officer, solicitor or authorised person (friend, relative, community worker) to apply for you. Applications for Protection Orders are available at all Magistrates Courts and Legal Aid Offices, or are available online on the Queensland Courts website. WAVSS Staff are also available to help with the application process.

The application will ask for details about the history of domestic violence, recent incidences of abuse and protection conditions sought.

There are four basic conditions which state that the respondent must be of good behaviour towards the aggrieved spouse and their relatives / associated; and that the respondent must not possess a weapon and that their weapons licence will be cancelled. An aggrieved spouse may hold an order with the basic conditions while they are still residing with the respondent. Other conditions can be applied for to restrict contact the respondent may have with the spouse, her relatives / associated and children.

For an in-depth guide to completing an application for a protection order, please google 'Guide to completing an application for a protection order' or ask a WAVSS Staff member for a copy.



After you lodge the application ...

The court will grant you an urgent temporary order or you will be given a date to appear in court in about three to four weeks. A permanent order can only be granted after the respondent is served with the application. If the respondent agrees to the order, the magistrate may issue an order for two years. If the spouse opposes the application there will be a contested hearing at another date.

While a DVO is part of the civil court, a breach of the order is a criminal offence, the respondent can be charged with a breach if they knowingly disobey any of the conditions of the order.

Serving of the order ...

The court will grant you an urgent temporary order or you will be given a date to appear in court in A protection order must be served on the Respondent for it to be effective.

If it is not served:

- The respondent cannot be charged with a breach; and
- A final Protection Order cannot be made

Important: Check that the order has been served by contacting the Police Station nearest to the respondent's address.

If the respondent is not served, you may be able to help the police:

- Inquire if there are any problems with service
- Provide the police with more information about other addresses at which the respondent may be found
- Give the police the particular times that the respondent may be found at home or at the other addresses.

