



Do you need protection from violence?

ENGLISH

Do you need protection from physical or sexual violence or abuse, threats, stalking, harassment, intimidation, property damage or something similar?

or

Has someone in your family been violent or abusive to you? This may include physical or sexual abuse or violence, emotional or psychological abuse, economic abuse, threatening behavior, or behavior that controls, dominates or makes you fear for your safety or that of a family member.

If you need urgent assistance or you feel your safety is at immediate risk call the Police on 000

If you require information about family violence services or emergency accommodation please call the Domestic Violence Crisis Service on their 24hrs crisis line **02 6280 0900** or visit **www.dvcs.org.au**

You can apply for a court order to protect you at the ACT Magistrates Court. Orders can include your children.

An order puts conditions on another person (“the respondent”), like having to stay away from you or not contacting you.

How do I apply?

Fill out an application form and hand it in at the court. You can get the forms at court or online **www.courts.act.gov.au/protection**.

Does it cost anything to apply?

No. It is free to apply.

I am under 18 years old

You can apply for an order in your own name. If you are under 14 and want an order, you must have a litigation guardian appointed to assist you. If you are over the age of 14 but under 18 you may also be required to have a litigation guardian

A litigation guardian is a person over 18 who can help you at court (for example, your mother, father or a responsible adult that you trust). If you do not have a parent or guardian or other suitable adult who is can help you at court, you should call the Public Advocate on **02 6207 0707**.

What if my application is urgent and I fear for my safety?

You can apply for an interim order. An interim order is a temporary order. If an interim order is granted it will remain in place until a final decision can be made by the court. If you attend court before 11.30am your application will be considered that day. If your application is not handed in until after 11.30am, the court will decide if it is urgent enough to be heard in court that day or the next normal working day.

All interim applications are heard in a courtroom by a registrar or a magistrate. You will need to explain why you fear for your safety and who

you are afraid of. The court will make an interim order if it is satisfied that there is an immediate need for it. The order will have a number of conditions that the respondent will have to obey.

An interim order takes effect after the Police have given a copy of it to the respondent.

The Court has made an interim order, what happens next?

The court will allocate a conference date to your matter. You will need to attend the conference on the date and time you have been given otherwise your application may be dismissed and the interim order may no longer protect you.

What happens if an interim order is not applied for or is not granted?

The court will allocate a conference date to your matter. You will need to attend the conference on the date and time you have been given.



What happens on the day of my conference?

You will need to report to the registry counter and tell them you have arrived. If you do not want to wait in the same area as the respondent, please tell the counter staff. Your name will be called by a deputy registrar who will conduct the conference.

During the conference you and the respondent will be in different rooms. You can have someone there to support you.

The deputy registrar will see if you and the respondent can agree on an outcome.

Legal Aid ACT has staff at the court who may be able to help you with legal advice. The Domestic Violence Crisis Service (DVCS) has staff at the court who may be able to support you. If you want help from either of these organisations please ask the person at the counter or the deputy registrar.

Possible outcomes of the conference

- You and the respondent agree to Final Orders. Orders are enforceable by the police.
- You and the respondent agree to undertakings. Undertakings are a formal promise to the Court. If an undertaking is broken, police cannot enforce it.
- If you cannot agree the court will list for your matter for a hearing before a magistrate.
- If the respondent does not attend the conference it may be listed in court later the same day to consider making a final order.
- If you do not attend court, your application may be dismissed and any interim order may no longer protect you.

- If the police could not give the respondent notice of the court date, application and any interim order the court will give it a new conference date.

What happens if my application goes to a hearing?

You will need to give evidence so that the magistrate can make a decision about the need for a final order. You may want other people to tell the court what has happened to you. They are called witnesses. If you have witnesses, you should ask them to come to court at the date and time allocated for the hearing. If you have records which are relevant to your case, like photographs or messages, you should bring those with you to show the court.

The respondent can do the same thing in their case.

If you are unsure about this process please seek legal advice.

How long will an order last?

A Personal Protection Order can last up to 12 months and a Family Violence Order up to 24 months. You can apply to have your final order extended. This must be done before it expires.

Can the order be changed?

You can apply to the court to change the order or to end it if you want to.

Does the order have effect interstate?

Family Violence Orders can be enforced throughout Australia and New Zealand. A Personal Protection Order can be registered in other states and territories so that it can be enforced in those states and territories.

Important telephone numbers

Emergency
000

Protection Unit ACT
Magistrates Court
02 6205 4939

ACT Policing
131 444

Victim Support ACT
1800 822 272

Legal Aid ACT
02 6207 1874 or 1300 654 314

Domestic Violence Crisis
Service (DVCS)
02 6280 0900

Accessibility

- If you need a translating and interpreting service, call TIS on **13 14 50** or visit **www.tisnational.gov.au**
- If you are deaf, or have a speech or hearing impairment, and need the teletypewriter service, call **13 36 77** and ask for **02 6205 0000**
- For speak and listen users, call **1300 555 727** and ask for **02 6205 0000**
- If you want to receive this document in large print, call our Court Assistance Officer on **02 6205 0322**.

This document is not intended to be a substitute for legal advice. If you are unsure of how you will proceed or conduct your case, please seek legal advice.