

Responding to a domestic violence order application

Options for people who are respondents to an application for a domestic violence order

If you DO NOT appear in court:

The court may make a domestic violence order in your absence.

If you DO appear in court you can:

Option 1

Agree with the making of the domestic violence order. You can tell the magistrate you consent to (or do not oppose) a domestic violence order being made or varied. You can do this even if you do not admit to any or all of the particulars/allegations of the application. The magistrate will then make a domestic violence order.

Option 2

If you have **not had time to get legal advice** you can ask for an adjournment to another date. The magistrate may make a temporary protection order. On the adjourned date you can then advise the court whether you agree or disagree with a domestic violence order being made.

Option 3

If you **disagree** with the domestic violence order being made, tell the magistrate and a **hearing date** will be set. On the hearing date you can give evidence about why a domestic violence order should not be made, and bring along any witnesses or evidence you wish to rely on.

Please note:

- ▶ Get legal advice before deciding whether you agree or disagree with the domestic violence order application, or before asking for a hearing date.
- ▶ If a domestic violence order is made you will not have a criminal record if you follow the terms of the order. However, a conviction for breaching (breaking) a domestic violence order is a criminal matter.
- ▶ If a domestic violence order is made it may affect licences and other cards you hold, including weapons and security licences.
- ▶ A final domestic violence order normally lasts for five years. A temporary order can be made whenever an application is mentioned in court and will last until the next mention date or a hearing of an application.

For more information call 1300 65 11 88 or visit www.legalaid.qld.gov.au

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 **Legal Aid**
QUEENSLAND