

Responding to a domestic violence order application

What are my options?

If you DO NOT appear in court:

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

A domestic violence order (DVO) is an official document issued by the court with the aim to prevent threats or acts of violence and behaviour that is controlling or causes fear. The term domestic violence order includes temporary (short-term) protection orders and final (long-term) protection orders.

If you DO appear in court you can choose:

Option 1: Consent

If you agree to a domestic violence order being made against you, tell the magistrate you consent to (or do not oppose) the domestic violence order being made or varied (changed). You can do this even if you do not agree with any or all of the statements made in the Application for a Protection Order (Form DV1) – this is called ‘consenting without admission’. The magistrate may then make a domestic violence order.

Option 2: Adjournment

If you have not had legal advice you can ask the magistrate for an adjournment to give you more time. The magistrate may make a temporary protection order until the next court date. On the adjourned date you must then tell the court if you agree or disagree with a domestic violence order being made.

Option 3: Contest

If you disagree with a domestic violence order being made, tell the magistrate and you will be given a new court date for a contested hearing. A contested hearing can also be called a trial. At the contested hearing you can give evidence about why a domestic violence order should not be made, and bring along witnesses or evidence. The magistrate will then decide whether to make a domestic violence order.

Note:

- Get legal advice before deciding whether you agree or disagree with the Application for a Protection Order (Form DV1), or before asking for a contested hearing date.
- A final protection order usually lasts for five years. A temporary protection order can be made whenever an application is mentioned in court and will last until the next mention date or contested 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, if you breach (break) a domestic violence order, it may result in criminal charges.
- If a domestic violence order is made it may affect licences and other cards you hold, including weapons and security licences. Get legal advice.

For more information call 1300 65 11 88 or 1300 65 01 43 (Indigenous hotline) or visit www.legalaid.qld.gov.au