

Women's Domestic Violence Court Advocacy Services



Need support? We're here for you!

Information about domestic and family violence and help at court.



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This publication is a general guide to the law. You should not rely on it as legal advice, and we recommend that you talk to a lawyer about your situation. The information is correct at the time of printing; however, it may change.

For more information call 1800 WDV CAS (1800 938 227).

Order brochures online at

www.legalaid.nsw.gov.au/ways-to-get-help/publications-and-resources

Languages

This brochure is available in Arabic, Bengali, Chinese (Traditional) Chinese (Simplified), Dari/Farsi, English, Fijian, Hindi, Indonesian, Korean, Punjabi, Samoan, Spanish, Tagalog, Thai, Tongan, Vietnamese.

Do you need an interpreter?



If you need help to talk to us in your language, call the Translating and Interpreting Service (TIS) on 131 450 (9am–5pm).

Do you find it hard to hear or speak?



If you are deaf, or have a hearing or speech impairment, contact us through the www.accesshub.gov.au/about-the-nrs National Relay Service (NRS).

Funded by Legal Aid NSW.

Who we are

Women's Domestic Violence Court Advocacy Services (WDVCAS) are local, community-based services for women and their children seeking information and help about domestic and family violence (DFV) and how to get protection from the court.

These services are funded by Legal Aid NSW.

Before court

If you have a domestic violence case which is going to court, WDVCAS can give you essential information. They can also refer you to other agencies and services for help.

At court

WDVCAS will make sure you have a safe place to sit at court, give you information about what is happening and work with you to get a result that is best for your situation. They will also keep you up to date about your case, including future court dates.

After court

WDVCAS can refer you to other services that can help you with housing, income support, children's needs, family law and counselling. They can give you information about what to do if the abuse continues.

WDVCAS are culturally safe services for all women. We have culturally and linguistically diverse staff who can support you.



About Apprehended Violence Orders

What is an AVO?

An AVO is an Apprehended Violence Order. It is an order to protect victims of domestic violence when they fear for 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 in a relationship.

Apprehended Personal Violence Order (APVO). This is made where the people involved are not related or do not have a relationship, for example, they are neighbours or work together.

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

How do I apply for an AVO?

There are two ways to apply for an AVO. You can make a private application at your Local Court, or the police can apply for you. WDVCS can provide information about both private and police applications and will arrange for you to get legal advice if you need it.

The WDVCS will explain the procedure in court. They will work with you, the police, or your lawyer to try and make sure the conditions of your AVO suit your needs. Information can also be given to help you if the other person has been charged by the police with an offence.

Do I need to go to court?

Yes. It is best for you to go to court, so the court has the most up-to-date information about your case and knows what you want to do about your situation. Workers from the WDVCS will be at court to help you. They will explain what is happening and provide more information for your ongoing needs.

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

Yes. You can still apply for an AVO which protects you but 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 and the WDVCS will discuss them with you.

If you already have an order but your situation has changed, you can speak to the WDVCS about changing your AVO.

What if I don't want an AVO?

Even if you feel things have settled down, it is best to get advice before you think about withdrawing the application.

Remember, this is not a criminal charge, it is about keeping you and your children safe from violence and abuse in the future. The WDVCS can give you information and discuss any concerns you have about your application for an AVO.

If the police have applied for the AVO, you may not be able to withdraw the application, especially if children are involved, or police believe an offence has been committed or is likely to be committed.

The WDVCS can explain this further.



What if the defendant breaches one of the conditions of the AVO (breaks the AVO)?

In any emergency call '000' and ask for police.

A breach of an AVO is a criminal offence. You should report any breach of the AVO to the police. The police will investigate and decide whether to charge the defendant for breaching the AVO.

What happens after an AVO is made at court?

If an AVO has been made at court, it is important you get a copy. Please talk to the WDV CAS about this.

Make several copies of the AVO and always have a copy with you. You may want to give a copy to the children's school, have a copy in the car, at work and at home.

Call the WDV CAS if you need any further information or help. To find your nearest WDV CAS, call **1800 WDV CAS (1800 938 227)**.

Common terms or words used in court

Consent

Sometimes the defendant will agree to an AVO being made against them. If so, the case does not have to go to a hearing at a later date. The defendant may consent 'without admissions' which means that they agree to the AVO but don't admit to the information 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 most AVO cases are heard on the same day each week.

Cross-application

Sometimes a defendant in an AVO case will apply for an AVO against the protected person. If this happens to you, contact your local WDVCAS for help straight away or get legal advice.

Defendant

The person who the AVO is against.

Final order

The order made at the end of the court proceedings. It lasts as long as the court thinks you need it. The standard length for an AVO is two years. You don't have to go back to court unless you need to change the conditions or extend the AVO.



Interim order

An order that lasts until the next court date.

Magistrate

Magistrates run the court and decide whether or not to make an AVO, which conditions should be included and for how long. In court they are called 'Your Honour'.

Mention

This is the date when your case is at court. If the defendant does not consent to the AVO, it will go to a hearing on another day. You should try to go to court every mention date (there may be more than one). If you can't go, call the WDVCS to tell them.

Police prosecutor

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

Private applications

These are applications for AVOs made by the person in need of protection. You can apply yourself at the local court or get a lawyer to apply for you. The WDVCS can help you find a lawyer.

Protected person

The person who the AVO is made to protect

Provisional Order (PO)

A temporary order applied for by police in an emergency to protect you until your court date.

Useful referrals

NSW Police Force

Emergency assistance in relation to domestic and family violence
000 or **112** from mobiles

Women's Domestic Violence Court Advocacy Services

Information, court advocacy and referral for women in domestic violence situations and help with getting an ADVO.

1800 WDVCAS or **1800 938 227**

1800 RESPECT

Counselling, information, and referral (24 hours, 7 days)

1800 RESPECT or **1800 737 732**

Domestic Violence Line NSW, Department of Communities and Justice

Assistance with emergency accommodation and referrals to counselling, health and legal services (24 hours, 7 days)

1800 656 463

Domestic Violence Unit, Legal Aid NSW

Legal advice, assistance, referral, and representation as well as social work support to victims of domestic and family violence.

1800 979 529

Women's Legal Service NSW – DV Legal Advice Line

Free confidential legal information, advice, and referrals for women in NSW with a focus on domestic violence and Apprehended Domestic Violence Orders. **(02) 8745 6999** or **1800 810 784**



Victims Services

Support and assistance for victims of crime.

1800 633 063, 1800 019 123 (Aboriginal Contact Line)

Lifeline

National crisis and suicide prevention telephone counselling, (24hours, 7 days) **13 11 14**

Link2Home

Referrals to homelessness services across NSW (24 hours, 7 days)

1800 152 152

LawAccess NSW

A free information service run by Legal Aid NSW. Provides legal information and referrals for people with a legal problem in NSW. Access the web chat service on the website or call **1300 888 529** (9am to 5pm, Monday to Friday (excluding public holidays)).

www.legalaid.nsw.gov.au

MensLine Australia

Phone support and referral for male victims and perpetrators of domestic violence. **1300 789 978**

Men's Behaviour Change Programs NSW

Men's Behaviour Change Programs (MBCPs) work with men who use violence and abuse with (ex) partners and their children. Visit the Communities and Justice website for a list of accredited service providers.

www.dcj.nsw.gov.au

LGBTIQ Specialist Services

ACON

LGBTIQ health organisation offering information, referrals, counselling, advocacy, and practical support for LGBTIQ people in NSW including DFV. (02) 9206 2000

www.acon.org.au

Inner City Legal Centre

Provide court assistance and other support for people who are gay, lesbian or bisexual; people who are transgender; and people who are intersex and are experiencing or escaping an abusive relationship.

1800 244 481

www.iclc.org.au



