

## The Domestic and Family Violence Court Process

You can apply for a Protection Order by filling out an Application for a Domestic Violence Protection Order form (DVO). You need to detail the most recent incidents of violence, intimidation or threats, history of your relationship and the violence and why you feel the domestic violence will occur again.

Take the completed DVO Application to the Magistrates court registry office. The clerk will give you a date when you need to appear in front of a Magistrate. This date is referred to as the first mention date. If an urgent order is required the clerk will set down the mention date for as soon as possible.

### First Mention

The Magistrate will read your application and determine if you are at risk of further violence or abuse.

If the Magistrate determines that you are at further risk the court will grant you a **temporary protection order** and give you a date for a **second mention**.

Police will serve the **Temporary Protection Order** and a copy of your DVO application on the respondent. You are not protected by the temporary order until it is served. The respondent is summoned to appear in court at the second mention.

If the Magistrate determines that there is not enough evidence in your application to demonstrate further risk you will be given a date for a **second mention**.

Police will serve the DVO Application on the respondent. The respondent is summons to appear in court at the second mention.

### Second Mention

You must appear at this second mention. If not your application may be dismissed.

Respondent has been served and appears at court.

Respondent is served but does not appear at court.

Respondent is not served and does not appear at court.

Respondent contests order (disagrees)

Date is set down for a Hearing.

Respondent consents to the order (Agrees)

The court grants a full 2 year Domestic Violence Protection Order

A new mention date is set down to give Police more time to locate and serve the respondent.

*This process may continue until the respondent is served, it can become the third or fourth mention date.*

### Hearing

At the hearing you (the Aggrieved) will be required to provide evidence of the domestic violence (witnesses, photographs, statements, police reports, letters). The Magistrate will then make a decision based on the evidence provided and the balance of probability. If satisfied the Magistrate the Court will grant a full 2 year Domestic Violence Protection Order.