

SO YOU WANT THE VIOLENCE TO STOP

Women's Domestic Violence Court Advocacy Services



Advice about domestic
violence and help at court

Who we are

Women's Domestic Violence Court Advocacy Services

(WDVCAS) are locally based, independent services for women and their children seeking information and help about domestic and family violence and how to get protection from the court.

Funding for Women's Domestic Violence Court Advocacy Services is administered by Legal Aid NSW.

If you are just thinking about what to do and want some information about Apprehended Violence Orders (AVOs) and other services—WDVCAS can help you.

Before court

If you have a domestic violence case which is going to court and you want to know what will happen, Women's Domestic Violence Court Advocacy Services can provide you with information and referrals to other agencies and services for assistance.

At court

They will make sure you have a safe place to sit at court, give you information to help you understand what is happening and work with you to get an order that is best for your situation. Women's Domestic Violence Court Advocacy Services will also keep you informed about the progress of your case, including future dates when you need to attend court.

After court

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

Some Women's Domestic Violence Court Advocacy Services have specialist workers to help Aboriginal women, or women from multicultural backgrounds.



About court orders

What is an AVO?

An AVO is an Apprehended Violence Order. It is an order to protect victims of domestic violence when they are fearful of violence or threats to 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 have had a domestic or intimate relationship. Women's Domestic Violence Court Advocacy Services are funded to assist women in ADVO matters.
- **Apprehended Personal Violence Order (APVO).** This is made where the people involved are not related or do not have a domestic or intimate relationship, for example, they are neighbours, or where a person is being stalked or intimidated.

An AVO is not a criminal charge. It is an order for your future protection. An AVO sets out restrictions 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 on your behalf. Women's Domestic Violence Court Advocacy Services can provide information about both private and police applications and will arrange for you to obtain legal advice if you need it.

The Women's Domestic Violence Court Advocacy Service will explain what will happen in court. They will work with you, the police or your lawyer to make sure the conditions of your AVO suit your needs. Information can also be provided to assist and support you if the other person has been charged by the police with an offence.

Do I need to go to court?

Yes. It is preferable 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 in relation to your situation. Workers from the Women's Domestic Violence Court Advocacy Service will be at court to assist you and provide further information for your ongoing needs.

We will explain what happens in court

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

Yes. You can still apply for an AVO which protects you but which 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. The Women's Domestic Violence Court Advocacy Service will help you apply for conditions that meet your needs, but still give you protection.

If you already have an order but your situation has changed, you should speak to the Women's Domestic Violence Court Advocacy Service about changing your AVO.

What if I want to withdraw the application for an AVO?

Although you might feel that things have settled down, it is best to seek advice before you consider withdrawing the application. Remember, this is not a criminal charge, it is about protecting you from future violence and abusive

behaviour. If you have children, it will protect them as well. The Women's Domestic Violence Court Advocacy Service can provide you with information and discuss any concerns you have about withdrawing your application for an AVO.

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

The Women's Domestic Violence Court Advocacy Service will be able to explain this further.

What if the defendant breaches one of the conditions of the AVO?

A breach of an AVO is a criminal offence. You should report any breach of the AVO to the police. The police will investigate the case and decide whether or not to charge the defendant for breaching the AVO.



After court

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

If an order has been made at court it will usually be mailed to you. If you would like a copy of the AVO immediately you can ask for a copy at the court office before you leave court. The workers from the Women's Domestic Violence Court Advocacy Service can assist you with this.

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

Call your Women's Domestic Violence Court Advocacy Service if you need any further information or assistance.

For more information on AVOs, or to find your nearest Women's Domestic Violence Court Advocacy Service, call 1800 WDVCAS (1800 938 227).

What is Safer Pathway?

Safer Pathway is a new way to provide services to victims of domestic and family violence. You will have a single contact point and services will work together to create a coordinated response for you or you and your children.

When police attend a domestic violence incident or you go to the police station to report an incident, they will assess the current level of threat to you. Your information will be quickly relayed to the nearest Local Coordination Point where you live. This service is part of the Women's Domestic Violence Court Advocacy Service. A specialist domestic and family violence worker will contact you to discuss your needs and will talk to you about available services to support you.

If you are assessed at serious threat, the worker will talk to you about referral to a Safety Action Meeting. This meeting is attended by agencies who work in the area of domestic and family violence and can initiate action very quickly to reduce the level of threat to you and your family. They will consider your circumstances and develop a safety plan for you to consider. After the meeting, the Local Coordination Point worker will call you to discuss whether or not you wish to accept any of the services offered.

Common terms used in court

Consent

Sometimes the defendant will agree to an AVO being made against him/her. 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 he/she agrees to the order but doesn'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 Women's Domestic Violence Court Advocacy Service straight away or seek legal advice. Your local Service will be able to assist you to obtain legal representation.

Defendant

The person whom the order 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 and you do not have to return to court unless you need to change the conditions on the order or to extend it.

Interim order

An order that lasts until the next court date.

Magistrate

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

Mention

This is the occasion when your case is brought before the court. If the defendant does not consent to the AVO, it will go to a hearing on another day. You should try to attend court on every mention date. If you are unable to attend, call your Women's Domestic Violence Court Advocacy Service and advise them.

Police prosecutor

Police prosecutors present information to the court on behalf of police, just as 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 a lawyer may apply on the person's behalf.

Protected person

The person for whom the order is sought or made.

Provisional Order (PO)

A temporary order obtained by police in an emergency until your court date.

More information and help

Victims Services	Support and assistance for victims of crime	1800 633 063
	Victims Services receive referrals of all domestic and family violence reports made to NSW Police in relation to men.	1800 019 123 (Aboriginal Contact Line)
Domestic Violence Line, Family and Community Services NSW	Assistance with emergency accommodation and referrals to counselling, health and legal services (24 hours, 7 days)	1800 656 463
Link2Home	Referrals to homelessness services across NSW (24 hours, 7 days)	1800 152 152
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	(02) 9219 6300
Women's Legal Service NSW	Legal advice, assistance, referral and representation for women with a focus on family law, domestic violence and sexual assault.	(02) 8745 6900 1800 810 784 Domestic Violence Legal Advice Line
LawAccess NSW	Legal assistance and referral over the phone. Victims of domestic violence are priority customers for advice.	1300 888 529
National Family Violence Prevention Legal Services	Providers of specialist, culturally safe legal services and supports to Aboriginal and Torres Strait Islander victim/ survivors of family violence across Australia. Details for each local service provider can be accessed from the NFVPLS website.	www.nationalfvpls.org/Where-We-Are.php
LGBTIQ Specialist Services	ACON – Another Closet Inner City Legal Centre, Safe Relationships Project	www.anothercloset.com.au 1800 244 481
Mensline	Phone support & referral for male victims and perpetrators of domestic violence	1300 789 978
Men's Behaviour Change Programs NSW	Programs working with men who use violence and abuse with (ex) partners and their children. A list of accredited service providers in NSW is on the website.	www.mbcn-nsw.net

NSW Police	Emergency assistance in relation to domestic and family violence	000 or 112 from mobiles
Women's Domestic Violence Court Advocacy Service	Information, court advocacy and referral for women in domestic violence situations and assistance with getting an ADVO. WDVCAS receive referrals of all domestic and family violence reports made to NSW Police about women and children.	1800 WDVCA or 1800 938 227
1800 RESPECT	Counselling, information and referral (24 hours, 7 days)	1800 RESPECT or 1800 737 732



Languages

This brochure is available in Arabic, Chinese (Traditional) Chinese (Simplified), Dari/Farsi, Korean, Indonesian, Spanish, Tagalog, Thai, Vietnamese.

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 time of printing, however, it may change.

For more information call 1800 WDVCA (1800 938 227)

Order brochures online at www.legalaid.nsw.gov.au/publications or email publications@legalaid.nsw.gov.au

For more information about Legal Aid NSW services:



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 find it hard to hear or speak:
call us through the National Relay Service on **133 677** or www.relayservice.gov.au or call LawAccess NSW on **1300 889 529**

