

Applying for a domestic violence order?

What happens in court?

If the police have made a police protection notice or applied for a domestic violence order (DVO) to protect you, they will complete the forms needed.*

If not, you need to fill out the Application for a Protection Order (Form DV1) and lodge it at your local Magistrates Court. **

The police will serve (give a copy of the Form DV1 to) the respondent (the person you need protection from), with the date and court address where the application will be heard.

Mention

The first court date is called a mention. This is usually anytime between the same day and up to 4 weeks after the Form DV1 is lodged at court. On the first court date the magistrate will want to know if the respondent has been served by the police, if they are present in court and whether they agree or disagree with a domestic violence order being made. There may be one or more mentions.

A temporary protection order can be made at a mention and will last until the next mention date or contested hearing date.

Is the respondent at court for mention?

Yes

No

Does the respondent agree to a DVO being made?

Has the respondent been served with the Form DV1?

Yes

No

Yes

No

The magistrate may make a final protection order.

The matter may be set down for a contested hearing. The magistrate may make a temporary protection order.

The magistrate may make a final protection order or adjourn the matter to give the respondent time to get legal advice. If the matter is adjourned the magistrate may make a temporary protection order.

The matter is adjourned for another mention until the respondent is served with the Form DV1. The magistrate may make a temporary protection order.

Contested hearing

If your matter is set down for a hearing, get legal advice as soon as possible. A contested hearing can also be called a trial. At the hearing, the magistrate will hear your evidence about why you need a final protection order, and the respondent's evidence about why a final protection order should not be made.

The magistrate will then decide whether a final protection order should be made. A final protection order usually lasts for five years.

* 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 think you need an **urgent temporary protection order**, speak to the court registry staff, a police officer, or call Legal Aid Queensland.

Form DV1s are available online at www.courts.qld.gov.au or your local Magistrates Court.

For more information call 1300 65 11 88 or 1300 65 01 43 (Aboriginal and Torres Strait Islander Information Line) or visit www.legalaid.qld.gov.au

