

**Terms used in the Domestic Violence
Court Process**

Aggrieved: the person for whose benefit the Domestic Violence order is made

Respondent: the person whom the Domestic Violence order is sought against

Application: this refers to the application for a Domestic Violence Protection Order

Police Prosecutor: this person can appear in court on behalf of the aggrieved person if so requested. They are a member of the QLD Police Service

Adjournment: this is when the Judicial Registrar (JR) /Magistrate will hear the matter at a later date

Service: delivering the application for a Protection Order and a summons to appear in court on the Respondent person. This is usually done by the Police

Contest: when a person disputes an application for a Protection Order against themselves.

Police Order: a Protection Order application taken out by the Police on behalf of the aggrieved person.

Hearing: The Magistrate will hear evidence from both sides and will either make a Protection Order or dismiss the application. This is after the matter has not been resolved through a mention.

The Court Support Workers at the NQ Domestic Violence Resource Service can provide you with information and support. They are not able to give you legal advice.

LEGAL SERVICES

- **Legal Aid:** 1300 651 188

- **NQ Women's Legal Service:** 4772 5400.
Free telephone legal advice available on Tues,
Wed and Thurs between 9am-1pm on
1800 244 504

- **Indigenous Women's Legal Service:**
4721 6007

- **Townsville Community Legal Service:**
4721 5511

- **Aboriginal & Torres Strait Islander
Community Legal Service:** 4722 5111 or
Freecall 1800 074 463

NQDVRS

Funded by the Department of
Communities

- Information and referral
- Aardvarc program for children
- Community education & training
- Resources
- Court Support
- Men's Behavioral Change

TOWNSVILLE OFFICE

PO Box 6061, Townsville QLD 4810

Phone: 07 4721 2888 Fax: 07 4721 1794

nqdvrs@nqdvrs.org.au

Mezzanine Floor, Metway Arcade 390 Flinders
Street

MOUNT ISA OFFICE

Po Box 502, Mt Isa QLD 4825

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The Old Court House Building, Isa Street

<http://www.nqdvrs.org.au>

Against Violence #25

Court Support Advocacy Service

**North Queensland
Domestic Violence Resource
Service**



The North Queensland Domestic Violence Resource Service offers a Court Support and Advocacy service at the Townsville Magistrates Court every day at 11:00am and at other times for urgent applications. There is a court support room for aggrieved persons to wait in for their safety.

What can I expect to happen?

The first court appearance is called a mention. The domestic and family violence court support advocate will speak to you about your application for a Protection Order before you go into court. They will discuss with you what happens in court. They can help if you need to make any changes to what you are seeking in your application. The court support advocate will be with you in court, and after court to ensure that you fully understand what has happened and to help you to feel safe.

The domestic violence court is a closed court. This means that members of the public, family or friends are not allowed in the court while it is in session. A court support advocate will be in the court room.

What do I do when I get to court?

When you get to court you can go to the front help desk at the Magistrates Court and ask for the Domestic Violence Court Support Advocate or ask security to take you to the

safe room. The safe room is a secure room where you can wait safely until you are required to enter the court room. Please note that the Townsville Magistrates Court has a public security system when entering the courts.

What will happen in the courtroom?

The Police Prosecutor will read through your application and speak on your behalf to the Judicial Registrar (JR)/Magistrate regarding your application. The JR/Magistrate will read your application and may ask you some questions if they need clarification.

If the respondent is present the JR/Magistrate will ask whether they have obtained legal advice or whether they would like a legal representative present. If the respondent has not had legal advice they can ask for an adjournment to another date to do so. You will then be given another court date.

If you require a Temporary Protection Order in the mean time, you can ask that the Prosecutor request one on your behalf in the terms that you require. The Court Support Advocate can help you with this.

If you already have a Temporary Protection Order you can request that this be extended whilst the respondent is obtaining legal advice and until the next mention date.

What if the respondent has not been served with the application?

If you get to court and the respondent has not been served with your application, the matter will need to be adjourned until another date. This is so that the Police can try and serve the respondent. A JR/Magistrate will not make a final Protection Order unless the respondent knows about the application. Once again if you require a Temporary Protection Order until the next date of mention, request that the Prosecutor ask for this on your behalf.

What choices does the respondent have in regards to the application?

The respondent will be asked whether they consent to or contest the order being made. Consent means agree and contest means they do not agree to the order being made. If the respondent consents to the order then it is normally made for two years in the conditions you request. If the respondent contests, dates for material to be filed are issued and the matter is set down for another mention to ensure the matter is still going ahead and to set a hearing date. The court support advocates will then provide you with information about what you can expect to happen in a hearing.