

## 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.
- **Consent:** when a person agrees to have a protection order made against them. They can also agree "without admission", meaning they do not agree with the facts of the statement.
- **Police Order:** a Protection Order application taken out by the Police on behalf of the aggrieved person.
- **Mention:** Court matters before a Hearing date is made.
- **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:

300 651 188

### NQ Women's Legal Service:

4772 5400.

Free telephone legal advice available on Tues, Wed and Thurs between 9am1pm 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

Freecall 1800 012 255

### NQDVRS

- ◆ Information and referral
- ◆ AARDVARC program for children
- ◆ Resources
- ◆ Court Support
- ◆ Choosing Safety Upgrades program
- ◆ Men's Behaviour Change Program
- ◆ SAFE Dads Program
- ◆ Community education & Training

#### TOWNSVILLE OFFICE

PO Box 6061, Townsville QLD 4810  
Phone: 07 4721 2888 Fax: 07 4721 1794  
nqdvrs @nqdvrs.org.au

1st Floor, Metway Arcade, 390 Flinders Street, Townsville

#### MOUNT ISA OFFICE

Po Box 502, Mt Isa QLD 4825  
Phone: 07 4743 0946 Fax: 07 4743 7999  
minqdvrs@nqdvrs.org.au  
The Old Court House Building, Isa Street

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

## Against Violence #23



## Court Support Advocacy Service



NQDVRS  
Funded by



The North Queensland Domestic Violence Resource Service offers a Court Support and Advocacy service at the Townsville Magistrates Court on Monday, Wednesday and Friday at 10.30am. There is a court support room for aggrieved persons to wait in for their safety.

## **How do the Court Support Advocates help you.**

The first court appearance is called a mention. The court support advocates will:-

- 1) Make sure the court knows you have attended.
- 2) Speak with you about your application for a Protection Order before you go into court.
- 3) Discuss with you what may happen in court.
- 4) Help if you need to make any changes to what you are seeking in your application.
- 5) The court support advocates will sit next to you in court to support you.
- 6) After court they will explain what has happened and assist to help you to feel safe.
- 7) Referrals to other services that may be helpful may be suggested also.

**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 with you.**

## **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. 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 you requested an urgent Temporary Protection Order in your application, the respondent will not have been served with your application before your first court appearance. The Police Prosecutor may request the Temporary Order on your behalf in the terms that you require. The Court Support Advocate can help you with this. The application and Temporary Protection Order will then be sent to the Police so they can serve the respondent with these documents. The court will adjourn the matter for about 2 weeks.

On the next occasion if the respondent is present the JR/Magistrate will advise the respondent that they have three options, to seek legal advice, agree/consent to the Order or contest the Order. If the respondent is present in court and does not agree to the Order then it will get adjourned again. The Temporary Protection Order continues whilst the respondent is obtaining legal advice and for subsequent

mentions until a final decision is made in the Court. If the respondent agrees/consents to the Order at any time then an Order will be made. If the respondent fails to do what the court directs then a Magistrate can make an Order in the absence of the respondent.

## **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 to serve the respondent. A JR/Magistrate will not make a final Protection Order unless the respondent knows about the application.

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

The respondent has a few options but you have a right to say you do not want these options if they have an impact on you:-

- Request to seek legal advice
- Request mediation with you
- Request you accept an undertaking.
- Request they be allowed to attend a Voluntary Intervention Program (VIP)
- Agree to the Order and can agree without admission. (Do not agree to what has been said but agree to the Order)
- Request a shorter Order than 2 years.
- Contest the Order at a hearing.

**Eventually a court will decide whether or not the respondent is to have a Domestic Violence Protection Order.**