

Domestic Violence Orders 4

What do I do when I receive an Application for Domestic Violence against me?



Magistrates Court

If you receive an application for a Domestic Violence Order with you named as the “Defendant”, then you should read the document very carefully. The application should tell you who is applying for an order against you, on what grounds and the orders they are asking the Court to make.

The application will have a Court date written on it and you should take note of that date and time and turn up to Court on that date. If you do not turn up, then orders can be made without you being there or having your say.

An application for a domestic violence order **SHOULD BE TREATED AS A SERIOUS MATTER**. If you have to take time off work to attend, you should do so even if it means changing your roster with someone else.

You will also receive an affidavit in support of the application and if you disagree with what is said in that affidavit, you can say so to the Court.

Do I need a Lawyer?

It is important you try and get some legal advice before you go to Court, you don't need a lawyer to

stand up and speak for you, but it is important you are aware of all of the consequences of the application against you.

If an order is made against you and you do not obey that order, you could be charged by the police and dealt with in the Criminal Courts. That is how important these matters are.

What are my options?

On the Court date, you will be asked what you intend to do about the application.

If you haven't had the opportunity to get some legal advice, you can ask for the application to be adjourned or postponed for a couple of weeks to allow you to get that advice. The Court will then give you another date for the matter to come back.

If you have decided to agree to the order, then you can tell the Court that and the order will be made. Usually an order will be made to last for 12 months, however it can be for any time that the Court thinks is appropriate. You can agree to an order before the date of the Court by going to the Court Office and telling the Clerk of Courts, who can make the order with your consent. If you do it this way, then you will not have to go to Court on the Court date.

If you do not want the order to be made, you need to tell the Magistrate that and then the application will be given another date for a hearing where everyone gets to give evidence and the Court gets to decide whether an order can be made.

Interim Orders

If the application is given a hearing date, it is still possible that the Court will make an interim, temporary order against you, even if you object. It will be up to the applicant to convince the Court that an interim order is needed and for you to argue that it is not needed.

What happens at a Hearing?

See the brochure “What happens in Court”.

What do I do if I have an Order made against me?

Be sure you understand the terms of that order and if you do not, ask the Magistrate or the police officer making the order what it means.

If there are things that concern you, ask the Magistrate or the police officer making the order to take that into account. A common concern is when someone has been ordered not to be in contact with the applicant, but their clothes are still at the address where they both live. If this is the sort of situation you are in, then you can ask the Court for an order to allow you to collect your personal belongings. There may be other things like that which concern you and if there are, you need to talk to the Magistrate about those things.

What if the Applicant is behaving badly towards me as well?

It is always a choice open to you to make an application for an order against the applicant if you think that he/she has also done some acts of domestic violence against you.

What if we live in the same place as tenants?

The Court can take into account the accommodation situation of both the applicant and yourself and can make an order about access to the property. Even if you are the tenant on the rental agreement, you could be excluded from being on the premises, so it is best to get some legal advice before you face this application.

Further information can be obtained by visiting our website www.nt.gov.au/justice/ntmc/