



Family violence orders and going to court

Women's Legal Centre ACT



Easy English

Hard words



This book has some hard words.

The first time we write a hard word

- the word is in **blue**
- we write what the hard word means.

You can get help with this book



You can get someone to help you

- read this book
- know what this book is about



- find more information.

About this book



This book is written by the
Women's Legal Centre ACT.



The Women's Legal Centre helps women with
legal problems in the ACT.

For example, **family violence**.



Family violence is when a person hurts
someone in their family.



This book is about how to get a
family violence order.

A family violence order is a piece of paper from
the court that

- might protect you from a violent
family member



- has rules the violent family member
must follow.



How does a family violence order help?

The family violence order might protect you from different types of violence.



Family violence can be

- **physical.**

When a person

- hurts you
- does **not** give you things you need such as medication or support tools.



- **verbal.**

When a person says things that make you feel

- bad about yourself
- afraid. For example, threatens to hurt you or other family members.



Family violence can also be

- **social.**

When a person stops you from

- going out
- seeing your family and friends.



- **financial.**

When a person

- spends your money and does **not** ask you
- does **not** let you use your own money for things.



- **sexual.**

When a person

- makes you have sex with them when you do **not** want to
- touches your private parts when you do **not** want them to.

Who can get a family violence order?

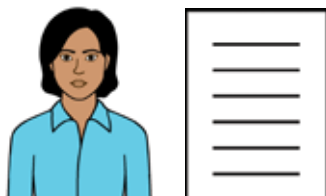


You can get a family violence order to protect

- you



- your children.



A **guardian** can get a family violence order to protect you.



A guardian is someone who makes legal choices for you.

Police can get a family violence order to protect you.

For example, when

- police get called to your house

and



- they think you are unsafe.

How to get a family violence order



To get a family violence order, you must go to court.



You might go to court up to 3 times to get a family violence order.

At court you can get help from

- the Domestic Violence Crisis Service
- the Legal Aid office for legal advice.

dvcs | Domestic Violence
Crisis Service

Legal Aid ACT

There are 5 steps to get an order.



1. Get help
2. Fill out a form



3. Interim order
4. Preliminary conference



5. Final hearing

Get ready for court

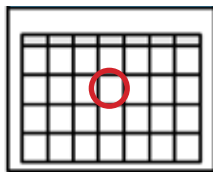
You must give **evidence** of the violence.



Evidence is when you tell the court what happened.

For example

- what the **respondent** did
 - the respondent is the person who uses violence



- when it happened



- how it made you feel



- things you are scared might happen next time.

1. Get help



Legal Aid ACT is available at court to help you

- know what to say and do in court



- know how court works



- fill out paperwork.



The Domestic Violence Crisis Service has support workers at court who

- know a lot about family violence



- give information and advice

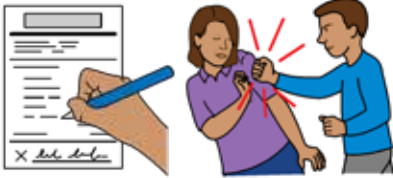


- help you tell your story.



There is more information about where to get help at the end of this book.

2. Fill out a form



A Legal Aid lawyer at court will help you fill out a form about

- family violence that happens to you



- why you need an order.



You can find the form

- online



- at court.



The lawyer will give your form to the court.

3. Interim order

You might go to a **hearing** to get an **interim order**.

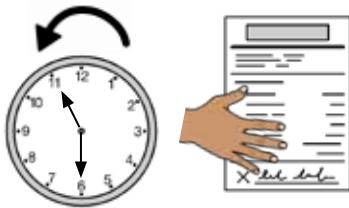


A hearing is where you tell the court your story.

A lawyer will help you tell the court your story.



An interim order protects you while the court decides what to do.



If you hand in the form before 11:30 am, you might get your order that day.



The respondent is **not** at court when you ask for the order.



If the court does **not** give you an interim order, you can ask for a judge to look at your case again.



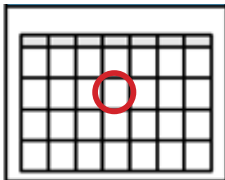
If you get an interim order, the police will give the order to the respondent with rules they must follow.

For example, to stay away from you.



The court will tell you

- what the order means



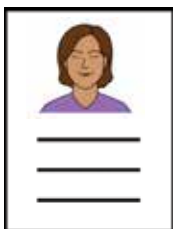
- a day to come back to court.



The police will tell you when the respondent gets the order.



The interim order might make the respondent angry.



Make sure you have a **safety plan** for when the respondent gets the interim order.

A safety plan helps you know what to do to stay safe when family violence happens.

4. Preliminary conference



The second time you go to court you will go to a **preliminary conference**.

A preliminary conference is when you go to court and someone from the court



- talks to you



- talks to the respondent



- helps you find an agreement.



You will **not** be in the same room as the respondent.

Most family violence orders are made at the preliminary conference.



If you can **not** agree, you will be told a day to come back to court for a final hearing.

5. Final hearing



The third time you go to court you will have a **final hearing**.

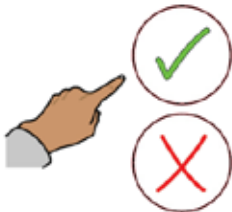


A final hearing is where a judge

- listens to all the evidence



- asks questions



- decides if you need a family violence order.

The judge can still make a decision if someone does **not** come to court.

For example



- you can ask the judge to make the order if the respondent is **not** there



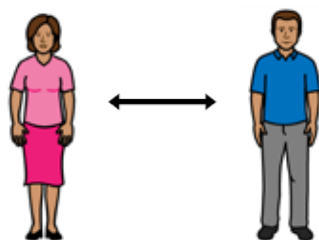
- the respondent can ask to stop the order if you are **not** there.



If the order is made, the respondent must follow some rules.

For example, they must

- **not** use family violence



- stay away from you



- **not** contact you.

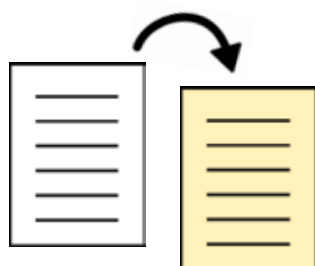
A family violence order

- can last 2 years



- protects you anywhere in Australia.

You must go back to court if you want to



- make the order longer
- change something in the order
- stop the order.

Court tips

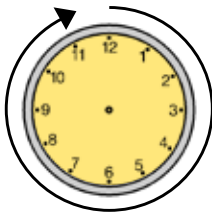


Make sure you get to court on time or early.



You must tell court workers when you get there so they can tell you

- what to do
- where to go.



It is a good idea to plan to be at court all day.



In court make sure you

- turn off your phone
- dress in neat and comfortable clothes
- use good manners
- treat court staff with respect
- ask questions if you do **not** understand.



When you give evidence



When you give evidence in court you make a promise to tell the truth.



Try to remember as much as you can about violence that happens.



Make sure you listen to the questions people ask.



You can take your time to think about what to say.



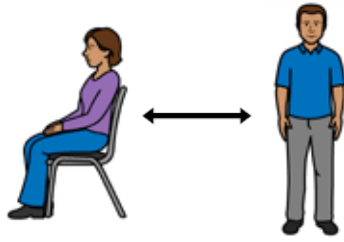
It is OK if you

- do **not** know the answer to some questions



- get upset and need to take a break.

If you feel unsafe



Court workers can show you a safe place to sit where you do **not** have to see the respondent.



You might bring someone you trust.
For example, a friend or support worker.



There are people at court you can talk to.



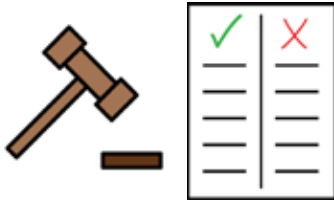
At court you can get help from

- support workers from the
Domestic Violence Crisis Service



- the Legal Aid office for legal advice.

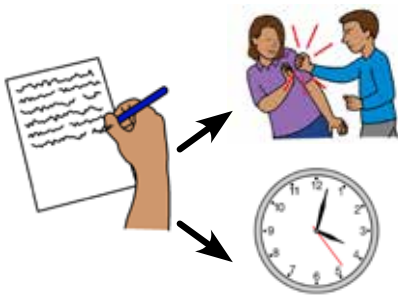
What if the respondent breaks the rules?



It is against the law to break the rules in the order.



Tell the police if the respondent breaks the rules in the order.



If it is safe, you might write down

- what happened
- when it happened.

It is against the law if you help the respondent break the rules in the order.

For example, if the order says the respondent can **not** contact you



- do **not** call the respondent



- do **not** invite the respondent to your home.



Where to get help

Call 000 if you are unsafe and need help quickly.



Domestic Violence Crisis Service

You can get help from the Domestic Violence Crisis Service 24 hours a day.



Call 02 6280 0900



Legal Aid ACT

Contact the Domestic Violence and Personal Protection Unit.



Call 02 6207 1874



Sunny app

You can get the Sunny app on your phone to learn more about family violence.

You can get help from an **advocate**.



An advocate can help you

- understand information



- say what you want



- make decisions.



ACT Disability, Aged and Carer Advocacy Service



Call 02 6242 5060

Go to www.adacas.org.au



Advocacy for Inclusion



Call 02 6257 4005

Go to www.advocacyforinclusion.org



More information

We can help you find support services you need.

Contact Women's Legal Centre ACT



Call 02 6257 4377



Website www.wlc.org.au



Email admin@wlc.org.au



If you need help to speak or listen

Contact Women's Legal Centre through the National Relay Service or NRS.



Call the NRS help desk
1800 555 660

Go to the NRS website

communications.gov.au/accesshub/nrs

Notes

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These resources were developed with the support of an ACT Women's Grant.

The Women's Legal Centre ACT and Region Inc. acknowledges the NSW Department of Justice and Attorney General as the owner of the original booklet titled 'Your Court, Your Safety'.

The Women's Legal Centre obtained permission to modify this booklet for use in the ACT in 2012. The booklet was substantially revised and updated in 2018.

This Easy English resource is based on the 2018 version, available at www.wlc.org.au

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To contact Scope call 1300 472 673 or visit www.scopeaust.org.au

To see the original contact the Women's Legal Centre ACT.

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