

What can happen at Court?



Consent to order

Consent can be with or without admission - the person might not agree they've done the wrong thing, but the order is in place.



Adjournment

The court can adjourn - put off - another meeting about your matter. Adjourn literally means "another day."



The other person doesn't attend

This is called failing to appear. The court can either adjourn the matter, make a provisional order, or make a final order.



Provisional Order

The Court can make a provisional order. The order is then put into place until the hearing date.



Final decision

This is the last decision that can be made in a case. Unless there's another AVO process, this is the end of the process.

What does it mean for me?

The other person has consented (agreed) to the order. This means the order is in place, and they have to follow it. You don't have to go back to Court. This is the best outcome for you, if you want the ADVO in place.

This means you have to wait for another day where there will be more Court proceedings. Your order may be in place as a provisional order, or it may not. You can still call the police if the other person hurts or harasses you.

Any Interim or Provisional orders work the same as Final Orders - it's a crime for the other person to breach them. Any Final Orders mean you can go home, and don't have to come back to Court.

This means your order is in place until the Court can meet again. The other person has to follow the order, and breaching it is a crime; like it would be with a Final Order. You still have to go back to Court another day.

This means a Final Order is made. The magistrate can rule that there is an ADVO; or that there isn't an ADVO. **Either way, you can still call the police or support services if you're in danger.**

The ADVO process

"It wasn't easy, but it was worth it."

Mention

This is the first Court date. It's where your case is briefly **mentioned** at Court for the first time. You won't be required, or allowed, to speak in Court.

More mention dates

These are administrative (compliance) days for the Court. You won't be required, or allowed, to speak in Court. It's common that the other person may try to prolong the process by asking for adjournments.

Hearing

This is where the facts of your case are examined, or **heard**. You still might not be required, or allowed, to speak in Court.

It can be very important for you to attend Court:

*- if you need to apply for a Property Order, it **must** be done at the first Mention*

- so you understand the conditions, and what they mean.

Understanding the Conditions helps you keep safe.

- if you need to Vary the conditions - change them - you need to be at Court.

- on the hearing date, the Court might make a formal order for you to be there. This is called a subpoena. If you are served with (given) a subpoena, it's legally required for you to go to Court.

This is just a quick, simple pocket guide to cover the basics. It is not legal advice. More info is available at lawaccess.nsw.gov.au



Court supports

Safe Room

You may be able to sit in a safe room at the Courthouse. These are spaces - for women only - to wait for proceedings in a safe location, away from the other person.

Giving evidence

If the other person is charged with a crime, you can give evidence from a different location, or from behind a screen.

Specific officers

There are specific officers who are Aboriginal Liaison Officers, Multicultural Liaison Officers, or LGBTIQ+ Liaison Officers.

Police supports available

Aboriginal Liaison Officer

A Police Officer who works with Aboriginal communities

Multicultural Liaison Officer

A Police Officer who works with multicultural communities

GLLOs - LGBTQ+ Liaison Officers

A Police Officer who works with LGBTQ+ communities

Interpreters

Interpreters are available for Police matters.

Accessibility

Accessibility needs can be accommodated by Police.

Aged Crime Officer

A Police Officer who works with older people



What is an ADVO (Apprehended Domestic Violence Order?)

Apprehended means to stop.

Domestic means someone you have a close relationship with - not only someone you live with.

Violence means hurting you in any way - not just physically. It can also mean hurting your loved ones or pets.

Order is something a court can make that says a person can't do something. It's a civil order, not a criminal charge.

So, an ADVO is a "stop the violence" order.

Is an ADVO the same as a criminal charge?

No. ADVOs aren't the same as charging someone with a crime. The other person may be facing criminal charges, or it might just be an ADVO application. If there's an ADVO in place, including interim or final ADVOs, it's a crime to break the conditions (called "breaching").

Can an ADVO make someone do something?

An ADVO can't make someone do something, like attend counselling or take medication. An ADVO can make it a crime for a person to do certain things, like be near you, be around you when they've been drinking, or harass you.

An ADVO is a good tool. By itself, it's still a piece of paper. If you want to be more safe or supported, it's best to talk to police and domestic violence services. Services can assist you with being safer, usually at no cost to you.

My info

Officer In Charge

ADVO application number

Local Court Support

My court date(s):

AVO type

Application Interim Provisional Final
(not in place)

Useful numbers

Call 000 if you are in danger. Call 000 if the other person approaches you, your workplace, or your home, and tell the operator the information above.

1800 Respect

1800 737 732

Newcastle Women's Domestic Court Advocacy Service

4940 8766

To find support services, visit newcastledvc.org.au, or scan the QR code.

This guide was made with the support of local survivors, local services, and NSW Police.



Who does an ADVO protect?

An ADVO Condition One protects you, and any pets or people you live with. Other conditions can protect specific people.

What is an ADVO condition?

Every ADVO has things the other person **must not** do to you; called "conditions." There are standard conditions, but custom conditions can be made. Breaking these conditions is called breaching, and is a domestic violence crime.

When is an ADVO enforceable?

An ADVO application **means your ADVO is not in place**. A provisional, interim, or final ADVO needs to be served on - given to - the person, before the ADVO is in place.

Do I need a lawyer?

If the police take out an ADVO for you, they appoint a police lawyer, called a police prosecutor. You won't need a lawyer of your own.

What other supports are available locally?

Experiencing domestic violence is tough, but you don't have to do it alone. From pets to visas, local agencies can help.

Local support agencies can assist with lots of things, including:

- families - children, custody and Family Court
- housing - tenancy and crisis
- financial hardship
- counselling
- visa, settlement and multicultural support
- Aboriginal specific support
- LGBTIQ+ specific support



ADVO Pocket Guide

Key information about the process, safety and support

