

Sample Provisional Apprehended Domestic Violence Order

This is a sample. The form you receive will contain information about your case. If you need more help get legal advice.

PROVISIONAL ORDER APPREHENDED DOMESTIC VIOLENCE ORDER – Gary Smith

Crimes (Domestic and Personal Violence) Act 2007

Gary Smith you must follow the orders below. It is a criminal offence not to follow these orders. You could be arrested by police and charged. If you are convicted, you could go to prison for up to 2 years and be fined up to \$5,500.

You could also be charged with other criminal offences. If you are convicted of these offences, you could receive a much higher penalty.

You must follow these orders until it is revoked or a further order made by the Court becomes effective.

The Orders have been made to protect Elizabeth Smith and Dakota Smith.

You must follow these orders even if Elizabeth Smith and Dakota Smith don't want you to or tell you that you don't need to. If you attempt to do any of the things below, it will still be a criminal offence called a breach.

You must attend **Waverley Local Court on 1 December 20XX at 9:30 AM.**

If you fail to attend the court may make orders against you or issue a warrant for your arrest to bring you before the court.

Orders about behaviour

1. You must not do any of the following to Elizabeth Smith and Dakota Smith, or anyone they have a domestic relationship with:
 - A) assault or threaten them,
 - B) stalk, harass or intimidate them, and
 - C) intentionally or recklessly destroy or damage any property that belongs to or is in the possession of Elizabeth Smith and Dakota Smith.

For example:

- You must not do any of these things in person, through another person, or through electronic communication and devices (for example, by phone, text messages, emails, Facebook or other social media, or GPS tracking).
- You must not do or say anything that may make Elizabeth Smith and Dakota Smith feel frightened, or feel that you may harm them or damage their belongings in any way, including any jointly owned property and pets.

Orders about family law and parenting

6. You must not approach Elizabeth Smith and Dakota Smith or contact them in any way, unless the contact is:
 - A) through a lawyer, or
 - B) to attend accredited or court-approved counselling, mediation and/or conciliation, or
 - C) as ordered by this or another court about contact with child/ren, or
 - D) as agreed in writing between you and the parent(s) about contact with child/ren,

Sample only. This is not legal advice

For example:

- You must not approach or contact Elizabeth Smith and Dakota Smith in person or through electronic communication (for example, by phone, text messages, emails, or Facebook or other social media) or by any other means, including by asking someone else to contact them.
- If Elizabeth Smith and Dakota Smith contacts you and you reply, no matter how many times they contact you or the reason for doing it, you will be breaching this order.
- If you have a family law order or any other court order relating to the care of your child/ren, you should contact a lawyer if you are in any doubt about what you can and cannot do.

For (B): For family law matters, accredited means accredited under the *Family Law Act 1975*.

Orders about where you cannot go

- 9 You must not go within 100 metres of:
- A) any place where Elizabeth Smith and Dakota Smith live, or
 - B) any place where they work, or
 - C) any place listed here 12/100 Victoria Road, Double Bay.

For example:

- You are not allowed to go within 100 metres of the boundary of those places.
- If you have been living at this address and need to pick up any of your belongings, you can apply to the court for a Property Recovery Order or you can contact police.

Most relationships do not include fear, control or violence. You are now part of a minority of people who has one of these orders, and this is recorded on the NSW Police system.

When children are exposed to violence in the home, they are much more likely to suffer from depression, anxiety and aggression, and they do worse at school.

Many people take this as a turning point.

If you would like to talk to someone about managing your emotions or stresses, help is available. Call:

- Men's Referral Service on 1300 766 491
- Relationships Australia on 1300 364 277
- The Parent Line on 1300 1300 52.

If you breach this order:

- You could go to prison for up to 2 years and be fined up to \$5,500.
- You could be charged with other criminal offences (for example, assault or intimidation), as well as the breach of this order. If convicted of these offences, you could receive a higher penalty, such as more time in prison.

Immediately take all firearms and prohibited weapons, along with related licences and permits you have to the police. If you keep any of these, you could be in breach of this order and could also be charged with other criminal offences.

If you have any questions about the order, you can contact:

- a solicitor
- Legal Aid NSW on (02) 9219 5000
- Local Police Station and ask for the Domestic Violence Liaison Officer (if you are the protected person)
- LawAccess NSW on 1300 888 529 or www.lawaccess.nsw.gov.au
- Interpreting Services on 131 450 or www.tisnational.gov.au.



Defendant:	Gary Smith, 7 February 1971, CNI 1234567
To protect:	Elizabeth Smith, 17 September 1975, CNI 2345678
Relationship to Defendant:	The protected person is or has been in a relationship (married, de factor or intimate) with the defendant.
Case number and Court:	20XX/00001224, Waverley Local Court
Local Area Command Address:	Paddington Police Station
Fax Number:	02 99999999
Name of issuing Police Officer:	Owens, Philip
Order Date and Time:	10 December 20XX, 09.29
Applicant:	Senior Constable Owen Watts
Police Application ID:	12345678
Police Application Event Number:	654321

SAMPLE