

# DOMESTIC VIOLENCE INFORMATION SHEET



NSW Police Force

## AVO's – Protected Person:

### Before Court:

The police officer in charge of your case will give you a copy of the AVO please read it carefully. You will see that you are referred to as the 'protected person' The person the order against is referred to as the defendant. A police officer – the Domestic Violence Officer – DVO – will call you. They will discuss the AVO conditions with you and explain what will happen at Court. If you have any concerns or questions please ask them.

### Does the defendant have to comply with the AVO?

Yes, it is an offence to knowingly breach the AVO. If the defendant breaches a condition on the AVO you need call the police. Police may also visit you to check on your safety and do an ADVOC compliance check. For further information visit [police.nsw.gov.au](http://police.nsw.gov.au)

### What happens if the defendant has been excluded from the house?

If there is an AVO condition that says the defendant can't go to an address and they go there they will be breaching the AVO, even if you give them permission to be there. It is the defendant's responsibility to comply with their AVO.

### How Can I get my belongings?

If you need to get your personal belongings from the house where the defendant is, the DVLO can apply for an ancillary property recovery order (APRO) on your behalf for you to get your property. [Click here for information.](#)

### Do I have to go Court?

If the DVLO has advised you to go to court you will need to go. This may be the only time you will need to go to court.

### What happens at Court?

The court staff will direct you to the DVLO or to the 'safe room' where you will be supported by the Women's Domestic Violence Court Advocacy Service (WDVCAS) workers. They will discuss what conditions you are seeking, and they will advise the DVLO.

**Note:** There is currently no male support service at Court.

The DVLO will speak to the defendant before they go into court and ask them if they consent to the order.

You may be called into court. The police prosecutor will speak on your behalf. The defendant will be asked by the Magistrate if they consent to the AVO:

- If they consent a final AVO will be made with the conditions as agreed.
- If they don't consent the AVO will be adjourned for a hearing date to be set.

You will be contacted by the police officer in charge and subpoenaed if you are required to give evidence at the hearing. At the hearing your statement will be given to the Magistrate however you still may be asked questions by the defence.

### Does the defendant get a criminal record if a final AVO is made?

No. If a final AVO is made it does not give a person a criminal record. A defendant may get a criminal record if they are convicted of a charge of breaching of a condition of the AVO.

### AVO's and Charges:

If the defendant has been served with an AVO and also charged with an offence, the court procedure is different. For [further information click here](#) or contact:

**Women:** [Women's Domestic Violence Court Advocacy Program](#) Ph: 1800938277

**Men:** [Men's Telephone Counselling Referral Service](#) Ph: 1300766491