

QUICKLAW

ANSWERS YOUR QUESTIONS

DOMESTIC VIOLENCE

If you answer YES to any of these questions and the abuse falls within a domestic relationship the law considers you a victim of domestic violence and you may apply for a Protection Order:

1. Are you being physically abused?

Eg. Are you being hit, punched, slapped or does your abuser throw things at you?

2. Are you being sexually abused?

Eg. Are you being forced to perform sexual acts that you do not want to perform or being forced to have sex with other people?

3. Are you being emotionally abused?

Eg. Are you being insulted or being made to feel stupid or worthless, are you being ignored or is your abuser isolating you from your family and friends and/or threatening to kill you?

4. Are you being economically abused?

Eg. Does your abuser take or spend your money or prevent you from having a job or refuse to give you information about your joint financial situation?

5. Is your abuser intimidating, harassing or stalking you?

6. Is your abuser damaging your property or entering your house without your consent?

7. Is your abuser's behaviour controlling or abusive and could it cause you harm?

8. Are you being refused entry to the property to remove your belongings?

What is a "Domestic Relationship"?

The following relationships constitute domestic relationships:

1. Married couples.
2. Couples living together including same-sex couples.
3. Parents of a child.
4. Family members.
5. Engaged, dating, customary marriages.

How do I apply for a Protection Order?

1. Go to the nearest Magistrate's Court to where you live or work or where the abuser lives or works or where the abuse occurred.
2. Ask to speak to the Clerk of the Court.
3. The Clerk will assist you to fill out an application form for a Protection Order and he will take it to the Magistrate.
4. If it is established that you have suffered abuse and will suffer more abuse the court may grant an **Interim Protection Order**.
5. The Magistrate will prepare a notice instructing the abuser to come to court for a hearing on a particular day.
6. The notice will be served on the abuser by the Sheriff of the Court.
7. After the Interim Protection Order has been served on the abuser, the Magistrate will authorise a Warrant of Arrest which you must keep with you at all times.

What will happen at the hearing?

1. If the abuser does not appear in court a **Final Protection Order** will be granted.
2. If the abuser does appear in court, the Magistrate will hear evidence from both you and the abuser and any witnesses to the incident or incidents.
3. Once the Magistrate has heard all the evidence, s/he

will decide whether or not to grant a Final Protection Order.

4. A copy of this order will be served on the abuser.
5. You will also receive a copy of the Final Protection Order and a suspended warrant for the abuser's arrest.
6. A copy of the order is also sent to the police station of your choice.

What happens if the abuser does not obey the Protection Order?

1. Call the police and hand them the Warrant of Arrest. You will be requested to make a statement describing the conduct of the abuse.
2. The abuser will then be arrested or given notice to appear in court.
3. Go back to court and obtain a new Warrant of Arrest.
4. Follow the same procedure if your abuser does not obey the Protection Order. Call the police and give them the Warrant of Arrest.

What will happen to the abuser?

If the abuser does not obey the Protection Order:-

- He or she will be fined or
- He or she will be fined and go to jail or
- He or she will be sent to jail for up to 5 years.

Will I have to renew this Protection Order?

You will only have to renew the Protection Order if the order is set aside or cancelled by the court.

What if I move, will the Protection Order be valid in a different province?

Yes, the Protection Order is valid throughout South Africa.

KEY:

1. INTERIM PROTECTION ORDER - a temporary court order prohibiting another person from doing certain things
2. FINAL PROTECTION ORDER - a final court order prohibiting another person from doing certain things

LEGALWISE BRANCHES & TEL NUMBERS

BELLVILLE	021 949-1860
BENONI	011 421-8131
BLOEMFONTEIN	051 447-5262
CAPE TOWN	021 419-6905
CENTRAL SERVICES	011 470-4000
DURBAN	031 306-3800
EAST LONDON	043 722-0811
EMPANGENI	035 772-2182
FLORIDA	011 470-4208
GERMISTON	011 873-4022
HAZYVIEW	013 737-6365
HEAD OFFICE	011 670-4500
JOHANNESBURG	011 836-8422
KEMPTON PARK	011 394-5457
KIMBERLEY	053 832-5964
KING WILLIAM'S TOWN	043 642-1975
KLERKSDORP	018 462-9240
MAFIKENG	018 381-2308
NELSPRUIT	013 755-3290
NEWCASTLE	034 315-5503
PIETERMARITZBURG	033 342-6010
PIETERSBURG	015 297-5844
PINETOWN	031 702-0202
PORT ELIZABETH	041 585-4370
PRETORIA	012 328-6225
QWA-QWA	058 713-0932
RANDBURG	011 787-5059
RANDFONTEIN	011 693-6091
RUSTENBURG	014 594-2082
SECUNDA	017 634-4122
SOWETO	011 984-2722
UITENHAGE	041 922 6551
ULUNDI	035 870-1621
UMTATA	047 532-5911
VANDEBIJLPARK	016 931-2440
VEREENIGING	016 422-1531
WELKOM	057 357-1452
WITBANK	013 656-4290



Legal Power and Protection

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The QuickLaw Series

- Bail**-Someone I know has been arrested-what should I do?
Blacklisted-I have been blacklisted, what should I do?
Buying a House-I am buying or selling a house, what should I do?
Child Access-I am having problems gaining access to my child after divorce, what should I do?
Car Accidents-If I am involved in a car accident and my car is damaged, what should I do?
Dismissals-I have been dismissed from work, what should I do?
Divorce-I am thinking about getting divorced, what should I do?
Domestic Violence-I am a victim of domestic violence, what should I do?
Domestic Violence-I have been served with a Protection Order, what should I do?
Domestic Workers-What are my rights as a domestic worker?
Employee Rights-What are my rights as an employee?
Evictions-I am about to be evicted, what should I do?
Harassment-I am being harassed at work, what should I do?
Lease Agreements-What should I know before I sign a lease agreement?
Landlord / Tenant Problems-What are my rights in a Landlord/Tenant dispute?
Maintenance-How do I apply for maintenance?
Neighbours-I am having problems with my neighbours, what should I do?
Pregnancy-What are my rights?
Retrenchment-What are my rights?
Road Accident Fund-How do I claim for injuries from a car accident?
Small Claims Court-Faster and more effective.
Strikes-What should I know?
Unfair Labour Practices-I am being treated unfairly at work, what should I do?
Unwed Father-I am a father of a child born out of wedlock, what are my rights?
Wills-Do I need to draw up a Will?
Workplace Injuries-What should I do if I am injured at work?

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I AM A VICTIM OF
DOMESTIC VIOLENCE,
WHAT SHOULD I DO?



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Authorised Financial Services Provider