

QUICKLAW

ANSWERS YOUR QUESTIONS

DOMESTIC VIOLENCE PROTECTION ORDERS

What is a Protection Order?

- It is a court order that forbids you from doing certain things in a domestic relationship. For example, your husband or wife may ask the court to order you not to assault, harass or abuse him or her. You may also be ordered to stay away from your husband or wife and not go close to the place where he or she lives.
- The initial Protection Order is called an Interim Protection Order.

What must I do if I have received the Interim Protection Order?

- You must go to court.
- The last page of the Protection Order will specify the date and time when you must go to court.
- If the court date is unreasonably distant, you can apply to court for an earlier date.

What will happen when I appear in court?

1. When you appear in court, the Magistrate will allow you and your partner to tell your sides of the story. You are allowed to call witnesses.
2. The Magistrate will then decide whether or not to grant a Final Protection Order.
3. If the Magistrate decides to grant the Final Protection Order, a copy of the order will be served on you.
4. The complainant will also receive a copy of the Final Protection Order and a suspended warrant for your arrest. This means that if you do anything that you are ordered not to do, the police may arrest you.
5. A copy of the order will also be sent to the police station of the complainant's choice.

What will happen if I do not go to court?

You will be arrested or given a notice to appear in court.

What will happen if I do not obey the Protection Order?

You will be arrested or given a notice to appear in court.

What if I did not commit an act of domestic violence?

- Tell your side of the story. Address every issue mentioned by the complainant in the Interim Protection Order.
- Explain to the court why the Protection Order shouldn't be confirmed or made final.
- You may call witnesses to testify about any incident/s that may or may not have happened.
- If a Final Protection Order has been granted against you, you must apply to the court to have this order set aside. You would however, have to prove why the order should not have been made against you.

What must I do while I wait for the outcome of the matter?

- Keep a record of all relevant events and documents, and
- Most importantly:
OBEY THE PROTECTION ORDER!

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