

COVID-19: Apprehended domestic violence orders

FACTSHEET

This factsheet is part of a series from Legal Aid NSW that aims to help answer your questions about COVID-19 and family law.

You may be worried or confused about how COVID-19 will affect you and your family. Sometimes a crisis can make legal problems worse or new problems might develop. Legal Aid NSW understands that there will be a lot of questions about family law issues, parenting and staying safe. This series of factsheets will give you helpful information and contacts to support you and your family to manage all the changes that are happening in our community.

Domestic and family violence can get worse during a crisis. During the COVID-19 pandemic, you might be worried about your safety, or the safety of someone you know.

Domestic and family violence can include any behaviour that coerces you, controls you or makes you feel afraid. It does not always involve physical violence. If you or children in your care are experiencing domestic and family violence, you should report this to police. If you leave your home to protect your safety or the safety of anyone else in your home, you will not be fined by police. If you leave for safety reasons, this is a reasonable excuse.

Police can make an application in court for an apprehended domestic violence order (ADVO) to keep you and your children safer. An ADVO is an order made by the court against a person who makes you fear for your safety. That person is called the defendant. It is not a criminal charge and it does not automatically mean the defendant will have a criminal record. It does become a criminal offence if the defendant does not follow the ADVO. This is called a breach.

An ADVO can protect you by setting out rules that the defendant must follow. Information about ADVOs can be found on the [Family Violence Law Help website](#).

Who can help me?

The Legal Aid NSW Domestic Violence Unit is a specialist domestic violence service. Our lawyers, social workers and financial counsellors work together to support you to sort out your legal and non-legal problems and to improve your safety. We can give you advice about ADVOs.

You can contact the Domestic Violence Unit by calling (02) 9219 6300 or emailing domesticviolenceunit@legalaid.nsw.gov.au.

What is the process for getting an ADVO?

When police apply for an ADVO to protect someone, they can apply for a provisional order. A provisional order starts when it is given to the defendant. This is called service. This means that a provisional order can protect you and your children after the police serve it on the defendant. If you have a court case with the defendant, the ADVO can be served before your case starts.

The law has recently changed to protect you in the time of COVID-19. When a provisional ADVO is made by the police, it can stay in place for up to six months before the matter has to go to court.

What if my ADVO matter is already in court?

You may not need to go to court. It depends on what your ADVO is listed for. You should speak to the police or your local Women's Domestic Violence Court Advocacy Service (WDVCAS) about whether you need to be at court.

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You can also contact the local court registry or speak to a lawyer at the Domestic Violence Unit.

What if I want to change a provisional order?

If you are the person that a provisional order protects, you can't make an application to change the provisional order. This is called a variation of the order. You should get legal advice about your options if you want to make a variation.

What if the police won't apply for an ADVO for my protection?

The Domestic Violence Unit can give you advice about making an application for a private ADVO. This is done through the local court registry, not the police.

What if I have an interim ADVO or a final ADVO and I want to change it?

If the police applied for the ADVO for you, you should talk to the police. The Domestic Violence Unit can also give you advice about making a private application to vary your ADVO. This is done through the local court registry, not the police.

What if I have an ADVO and I need to sort out parenting matters?

Sometimes, you won't need to do anything. Other times you may need to vary your ADVO, start a parenting plan, go to a family law mediation about your children or get a court order.

The Domestic Violence Unit can give you advice about the next steps or you can find more information in our series of [factsheets about COVID-19 and family law](#).

Useful contacts

The phone number for your local police will be listed on the ADVO. You can contact your local WDVCAS by calling 1800 WDVCAS (1800 938 227) and then entering your postcode.

How can I get help?

For free legal help call 1300 888 529 or [call your local Legal Aid NSW office](#). You can contact the Legal Aid NSW Domestic Violence Unit by calling (02) 9219 6300 or emailing domesticviolenceunit@legalaid.nsw.gov.au.

If you need an interpreter, call the Translating and Interpreting Service on 131 450 and ask for Law Access NSW. If you find it hard to hear or speak, call the National Relay Service on 133 677 and ask for Law Access NSW or visit www.relayservice.gov.au.

This factsheet is intended as a general guide to the law. Do not rely on this information as legal advice. We recommend you talk to a lawyer about your situation. This information is correct at the time of writing, however, it may change.