

# 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.*

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.

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.

Contact the Domestic Violence Unit on **1800 979 529** or email [domesticviolenceunit@legalaid.nsw.gov.au](mailto:domesticviolenceunit@legalaid.nsw.gov.au).

### What is the process for getting an ADVO?

Most ADVOs in NSW are applied for by the police. When the police apply for an ADVO, they can apply for a provisional order if they think that someone needs immediate protection. 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.

### The police have applied for an ADVO for my protection, do I need to go to 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.

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?

Making an application to change an ADVO is called a variation of the order. There are rules around who can apply to vary an ADVO. You should get legal advice about your options if you want to make a variation.

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### 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 and is an application you can make yourself.

### 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, draft 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 WDVCS by calling 1800 WDVCS (1800 938 227) and then entering your postcode.

### How can I get help?

If you are experiencing family violence, call the Domestic Violence Unit on **1800 979 529**. You can also email [domesticviolenceunit@legalaid.nsw.gov.au](mailto:domesticviolenceunit@legalaid.nsw.gov.au).

For free legal help call LawAccess NSW on **1300 888 529**.

If you need an interpreter, call the Translating and Interpreting Service on 131 450 and ask for LawAccess NSW. If you find it hard to hear or speak, call the National Relay Service on 133 677 and ask for LawAccess NSW or visit [www.relayservice.gov.au](http://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.

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