

Do I have to attend family dispute resolution if there is an ADVO in place?

Family Dispute Resolution (FDR) is compulsory for everyone before starting a parenting matter in court.

However, if there has been a history of violence or child abuse, you may be excused from attending FDR.

If you have been invited to attend FDR and there has been a history of violence, there is an ADVO in place or you feel unsafe about attending, you should speak with the FDR service or provider and explain why you do not want to attend.

Other Contacts

Law Access: 1300 888 529

Aboriginal Legal Service: 1800 733 233

Women's Domestic Violence Court Advocacy Service: 1800 938 227



Binaal Billa Family Violence Prevention Legal Service

18 Spring Street
Forbes NSW 2871

Telephone: 026850 1234

Email Coordinator:
debbie@binaalbilla.com.au

Binaal Billa FVPLS is funded to provide Legal Assistance, Advice & Advocacy to Aboriginal & Torres Strait Islander victims of Family Violence and/or Sexual Assault.

Binaal Billa is auspiced by Yoorana Gunya Family Healing Centre.

Original Artwork by Wiradjuri Artist Tim Acheson

AVO & ADVO's Explained



FAMILY VIOLENCE PREVENTION LEGAL SERVICE

An AVO is an **Apprehended Violence Order**. It is an order to protect victims of domestic violence when they are fearful of future violence or threats to their safety. They are sometimes called restraining orders or protection orders. There are two types of AVOs:

Apprehended Domestic Violence Order (ADVO)

This is made where the people involved are related or have had a domestic or intimate relationship.

Women's Domestic Violence Court Advocacy Services are funded to assist women in ADVO matters.

Apprehended Personal Violence Order (APVO)

This is made where the people involved are not related or do not have a domestic or intimate relationship, for example, they are neighbours, or where a person is being stalked or intimidated by someone.

APVO's are now registered Federally and can be accessed and enforced in each state of Australia.

What happens if the defendant breaches an Apprehended Violence Order?

An Apprehended Violence Order is a court order.

If the defendant breaches a condition of the Order, they may be charged with a criminal offence.

You should keep a copy of your Apprehended Violence Order on you at all times and call the police if the defendant breaches any of the conditions listed on it.

A copy also needs to go to the school or pre school that the children attend.

How long does an Apprehended Violence Order last?

Your Apprehended Violence Order will last for a certain period of time, for example, two years. Before that period ends, you can apply for an extension of the Order, as long as you still have a reasonable fear of the defendant.

What types of conditions can be put in an Apprehended Violence Order?

If an Order is made, three conditions will always be included. These conditions prohibit the following behaviour:

- Assaulting, molesting, harassing, threatening or interfering with the Protected Person; Intimidating the Protected Person;
- Stalking the Protected Person; and
- Anyone in a domestic relationship with the Protected Person is also protected by these conditions. This may include your children.

Extra conditions may be included in the Order prohibiting the defendant from:

- Approaching the Protected Person;
 - Approaching or entering places where the Protected Person may live, work or go to;
 - Approaching the Protected Person, or places where the Protected Person may be, after drinking alcohol or taking illegal drugs;
 - Damaging property; and/or
- Any other conditions as agreed by both parties or decided by the court.

If there are no parenting orders in place, an ADVO may make spending time with or contacting the children difficult. Whether a parent can still spend time with the children will depend on what restrictions there are on the parent who the ADVO is against.

An ADVO does not override the obligations in a parenting order. Parents and anyone else named in a parenting order have a legal obligation to make sure that parenting orders are followed. However, if an ADVO is made, you should consider whether the parenting orders are still appropriate in your circumstances.