

# Understanding a DVO



## Terms used in this document

**Domestic and/or family violence:** When one person in a relationship acts abusively, dominating and controlling their partner, family member or a person who depends upon them for help with their daily living activities (their unpaid carer). 'Abuse' can be physical, nonphysical or sexual. Children can also be affected by domestic violence if they hear or see the violence, or by the consequences of the violent behaviour.

**Aggrieved:** The person experiencing domestic and/ or family violence and who will benefit from having a domestic violence order or a police protection notice.

**Respondent:** The person who is allegedly responsible for the domestic and / or family violence and against whom the domestic violence order or police protection notice is made.

**DVO:** A DVO (domestic violence order) is a court order, generally made by a Magistrates Court, designed to protect the aggrieved, and their children or others named on it.

**Breach:** When the respondent has been served with / notified of an order and then disobeys the terms and conditions of that order.

## What is a DVO?

A Domestic Violence Order (DVO) is a civil order that contains a series of 'orders' intended to protect the aggrieved from the alleged domestic/ family violence caused by the respondent.

## Am I the only one that the order protects?

No, DVOs can also protect children, other relatives, or associates (including friends, support persons, partners, or workmates) who may be affected by the domestic and family violence.

## What orders can be included in a DVO?

All DVOs have two standard conditions that the respondent must:

- be of good behaviour toward the aggrieved and any others named in the order; and
- not commit domestic violence against the aggrieved, or any others named in the order; or expose any named children in the order to domestic violence.

The magistrate may make additional orders where they believe further protections are needed. There are 'no contact' conditions which, for example, prevent the respondent from approaching or contacting the aggrieved (and other protected persons) or having someone else do so on their behalf. There are 'ouster conditions', which prevent the respondent from remaining in, entering, or coming within a certain distance of the home the aggrieved and respondent have shared. There are also 'return conditions' which allow the respondent to return for a specified period of time, after which they must comply with any no contact conditions in the DVO.

## How can an order be breached?

An order can be breached if the respondent does not obey the conditions of the order with which they have been served/ of which they have been notified. That is, for example, if the respondent:

- uses domestic violence against the aggrieved, or exposes children named on the order to domestic violence
- does not comply with the terms of a no contact order, for example by:
- using phone, text, email or social media to contact the aggrieved, their children and others named on the order
- asking a friend or family member to try to locate or contact the aggrieved
- following the movements of or approaching anyone protected by the order
- returning/entering or approaching the house of the aggrieved inside the distance specified in the order.

Courts grant DVOs for the safety and protection of the aggrieved. If the order is not practical, or the aggrieved's situation changes, the aggrieved (or the police) can apply to the court to vary the order.

## What if I have to have special contact with the other party?

Sometimes there are special circumstances where the aggrieved or protected persons are required to have contact with the respondent, for example where there are family law orders in place which require contact. The aggrieved must disclose these circumstances to the magistrate

so that they may be considered before granting or varying a DVO. In the case of family law orders, parenting orders will always take priority over DVOs, therefore if the Magistrate finds that the current orders are unsafe they may consider changing the parenting orders.

## Will the aggrieved breach the DVO if they agree, under pressure from the respondent, to do something for them (e.g. drive them to work)?

No, the DVO is not against the aggrieved and it is the respondent who may have breached the DVO by both contacting the aggrieved and using intimidating behaviour. It is important that the aggrieved understands the DVO, and what they can report as a breach of the order.

It is also important to note that certain behaviours and pressure from the respondent may be employed as a way of asserting control over the aggrieved. Aggrieved persons should seek professional advice if they are concerned about such instances.



Scan this code using a QR reader app on your smartphone to access the full range of fact sheets.



The Queensland Centre for Domestic and Family Violence Research receives defined term funding from the Queensland Department of Child Safety, Youth and Women to undertake research and develop educational resources pertaining to domestic and family violence in Queensland.