

Responding to a Protection Order

For people responding to a Protection Order (or an application for a Protection Order) made against them

You might have been served with (given) a Protection Order or been told someone (the applicant) has applied for a Protection Order against you.

If you've been served with a temporary Protection Order, it means the Court decided it was urgently needed by the person who applied, to protect them from family violence.

You must keep to the Protection Order's conditions

A Protection Order has two main conditions: no violence and no contact with the people protected by the Order.

1. No violence

You must not:

- abuse (physically, sexually, financially or psychologically) the protected people
- threaten to abuse them
- damage, or threaten to damage, property that belongs to them
- stalk them by hanging around where they live, work or study
- follow them
- encourage anyone else to abuse or threaten them.

2. No contact

You must not:

- go to the home, workplace or school of the protected people
- try to stop them coming or going anywhere
- phone, text, email, send letters, internet messages on social media (like Facebook) or contact them in any other way.

It's also important to know:

- the no contact conditions don't apply if you (the respondent) and the applicant live together
- if the applicant tells you at any time they no longer want to live with you, the no-contact conditions apply, and you must leave. If you don't leave, you're breaking the conditions of the Order and can be arrested and charged with a crime.

Contact with the other person

You must not contact the protected people unless:

- there's an emergency, and contact is reasonably necessary
- contact is part of a court order (eg a Parenting Order) or a written parenting agreement between you both
- contact is a special condition of the Protection Order
- you both need to attend a family group conference, restorative justice conference, settlement conference under the Care of Children Act 2004 or any court proceedings.

Contact with your children

A Protection Order will also protect any children who usually live with the applicant and may also protect children not living with the applicant. This means you may not be allowed to have contact with your children unless:

- the Protection Order says you can
- the protected person has given consent in writing
- there's a Parenting Order, other court order or parenting agreement between you and the applicant, or
- the applicant has agreed to live with you and therefore the no contact conditions don't apply.

If you break the conditions

Breaking the conditions of a Protection Order is a crime. It's also a crime if you don't go to, or don't finish, a non-violence course you've been ordered to attend.

If you're found guilty of breaking the conditions of the Order, you could be sent to prison for up to three years.

If you're convicted for not attending a non-violence course when you're ordered to, you could be fined up to \$5000 or sent to prison for up to six months.

If you have weapons

You must give the Police:

- any firearms licences you have
- any weapons you have.

Weapons are any firearm, airgun, pistol, restricted weapon, ammunition or explosive. If a final Protection Order is made against you, your firearms licence will be automatically cancelled by the Police.

Going to a non-violence course

When a Protection Order has been made against you, you'll usually have to go to a non-violence course. The Order will say when and where the course will be held. The course is free of charge.

The course will focus on:

- understanding the effects of family violence on others
- learning skills for living without violence.

You'll need to attend the course over several weeks.

How long a Protection Order lasts

A temporary Protection Order lasts for three months. If you don't agree with the Order you must go to court before the three months is up.

If you don't go to court, the Protection Order will become final and will last until you or the applicant asks the court to end it. The judge must be satisfied the Order is no longer needed to keep the protected people safe.

Application for a Protection Order

If you've been given an application for a Protection Order, that means the Order has not been issued yet. You can go to court and tell the judge why you don't agree with it.

A lawyer can help you do this. If you don't go to court, the judge can make the Protection Order without you being there.

What to do if you don't agree

It's free of charge to go to court and fill out the forms to tell the Court you don't agree with a Protection Order or an application for a Protection Order.

You should talk to a lawyer to help you. If you can't afford a lawyer, you may be able to get legal aid or free help from a Community Law Centre.

Time limits for responding

To respond to a temporary Protection Order, you must file your forms at court. You must do this within three months of the Order being issued.

To respond to an application for a Protection Order, you usually need to file and serve your documents five working days before the hearing date. You'll be told the date of the hearing by the Court.

To tell the Court you don't want to go to a non-violence course, you must respond within 10 working days from when the Order is given to you.

Get a form

Get the forms you need if you don't agree with a Protection Order or don't want to go to a non-violence course online at justice.govt.nz/family

You or your lawyer, if you have one, must file your forms with the Court. The Court or your lawyer will arrange for a copy to be given to the applicant. A temporary Protection Order stays in force while you do this, and you need to follow the no-violence and no-contact conditions.

What happens next?

You'll go to a hearing, so you can tell the judge why you don't agree with the Protection Order or the application for a Protection Order. Then the judge will decide whether to issue a final order or not.

Where to get help

Are you OK: 0800 456 450 or areyouok.org.nz

National Network of Family Violence Services: nnfvs.org.nz

Shine: 0508 744 633 or 2shine.org.nz

Safe to Talk: 0800 044 334 or safetotalk.nz

Family Services Directory: familyservices.govt.nz

Family Court: 0800 224 733 or justice.govt.nz/family/about

Police: 111 in an emergency, or phone 105 or visit your local Police station

Find a lawyer: lawsociety.org.nz

Free legal advice: communitylaw.org.nz

Citizens Advice Bureau: 0800 367 222 or cab.org.nz

For more information, contact Te Tāhū o te Ture – Ministry of Justice justice.govt.nz or 0800 268 787

justice.govt.nz/family