

# Restraining Orders



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Are you struggling with your current family situation? If so, you have legal options available to you. Some ways in which these may apply are if you are:

- Being abused by a partner (including physical or verbal harassment).
- Your children are being abused (including physical or verbal harassment).
- Your children are witnessing abuse.

## What constitutes abuse?

There are many forms of abuse, several of which may apply in a home. Abuse occurs if an act results in:

- Physical injury.
- Emotional or psychological harm (mental illness, nervous shock, distress, anxiety).
- A denial of financial, social or personal autonomy (controlling your individual rights).
- Sexual abuse or coercion (such as rape).
- Damage to property in the ownership or possession of a person.

## Domestic Violence Intervention Orders

If your partner is abusing you, or your children, you have the option of gaining an intervention order. Previously known as a restraining order, this is a court order which prohibits an individual from behaving in a certain manner towards a person (or persons).

- Can include setting distances.
- Nature of control is at court's discretion.
- These are civil orders, meaning that they will not result in a criminal charge (or record) against the defendant.

## How to gain an order

Orders are aimed at eliminating potential future abuse, and are available if it is **reasonable to suspect** that the defendant will, **without intervention, commit an act of abuse**, and **the order is appropriate** in the circumstances.

If you are suffering from abuse, whether domestic or otherwise, a restraining order can protect you. To apply for these orders, you can:

- Contact the police if you feel you need immediate protection (interim order).
- File for an order in the Magistrates Court (Immediate).

**For further information about your rights and responsibilities, contact the Adelaide Legal Outreach Service on (08) 8118 5200 or email us at [alos@adelaide.edu.au](mailto:alos@adelaide.edu.au) to arrange an interview.**

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