

# Your **Temporary Protection Order** has been granted.

## Getting this Order was an important step.

The Order sets out rules that the Respondent has to follow. Please read this information to help you use this Order and look at the timeline on the back to see how the process will work from here.

### **Call the Police (111) if any of these rules are broken or you feel unsafe**

- ⊗ **The Respondent can't be violent** to you, abuse or threaten you or your children in **any** way



This is anything that makes you feel afraid that they might hurt you or your children or damage your property in any way.

- ⊗ **The Respondent can't contact** you or any of your children in **any** way



This means calls, texts, Facebook, Snapchat or other social media, email, face to face, letters or any other way.

- ⊗ **The Respondent can't come near** where you or your children live, work or go to school. They can't go near you or your children in any place you may be



This means they can't follow you or try to stop you or your children from coming or going anywhere. If you're in the same public place as them they have to leave.

- ⊗ **The Respondent can't ask someone else** to do any of these things

**The Respondent** has to give any guns they have to Police and may have to go to a non-violence programme.

### **If you have a Parenting Order or other Court Order some of these rules may be different**

### **Things you can do**

- ✔ Contact the Court about attending a safety programme for you and your children.  
Email: DVprogrammes@justice.govt.nz
- ✔ Contact support agencies for help (see below).
- ✔ Keep a copy of the Order with you and a copy at home.
- ✔ Talk to your children's school or day-care about this Order and other Orders.
- ✔ Tell people you trust about this Order so they can support you.

### **You can consent to contact**

- If you want the Respondent to have contact with you or live with you, you will need to give them written permission (on paper, email, a text).
- If you change your mind, you only need to say this to them and they have to stop all contact.

**If other people know, you don't have to be the only person looking after your safety. Tell them to call the Police if a rule is broken.**



### **Contact these agencies, they're there to help.**

#### **For general support and help staying safe**

- Women's Refuge: 0800 733 843 (24/7)
- Shine: 0508 744 633 (9am-11pm)
- Shakti: 0800 742 584 (24/7)
- It's Not OK: 0800 456 450 (9am-11pm)

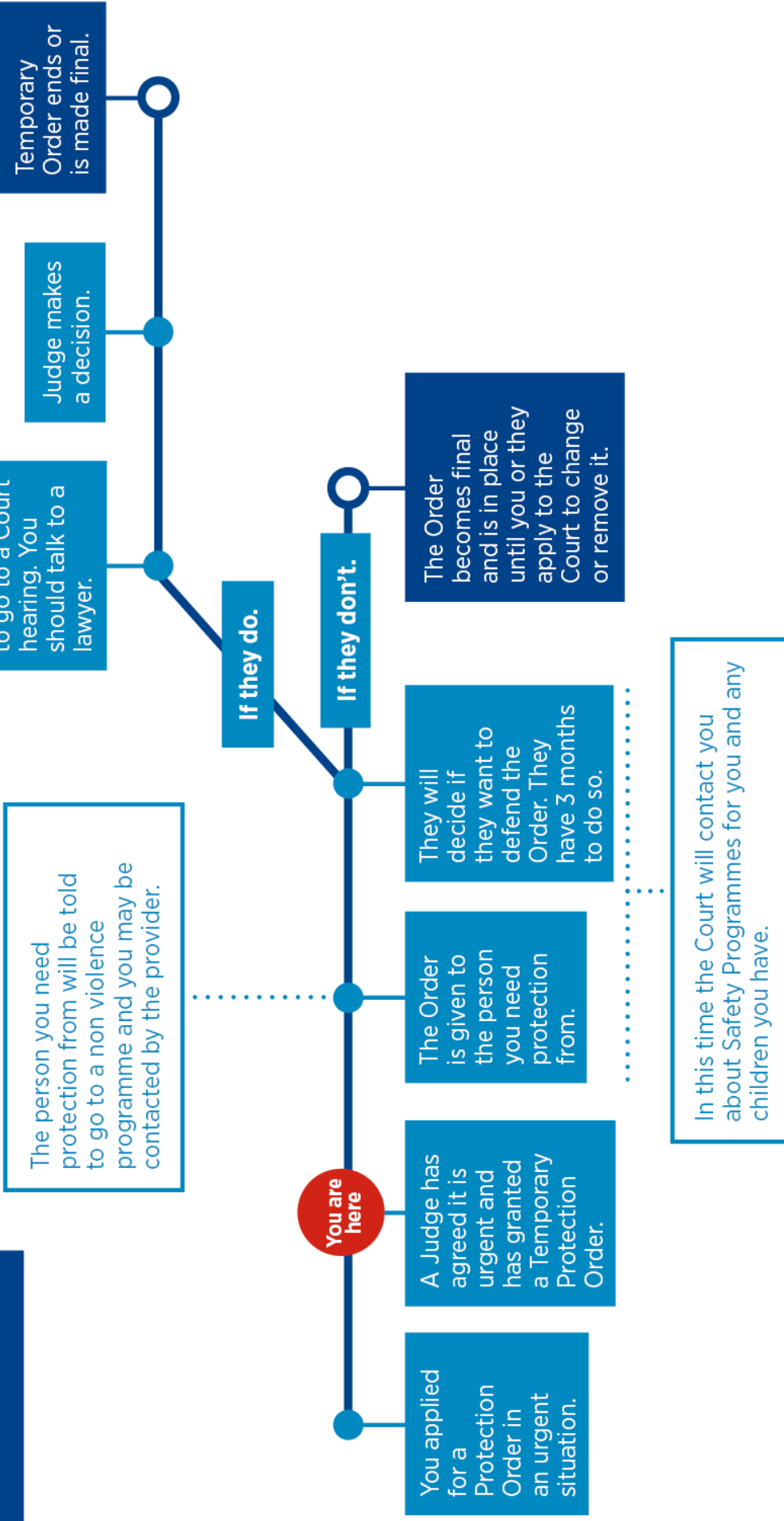
#### **For support with money**

- Work and Income: 0800 559 009

#### **For questions about the Court and legal process**

- Ministry of Justice: 0800 224 733 (9am-5pm, Mon-Fri)

## What happens now?



## Will I have to appear in court?

- You may have to appear in court if the person you applied for the Order against (respondent) wants to defend the Protection Order becoming Final.

## What are Safety Programmes?

- These are education and support programmes available to you, your children and other protected people. The programmes are free and confidential.
- You can also find more information about safety at [www.2shine.org.nz/get-help/safety-planning](http://www.2shine.org.nz/get-help/safety-planning)

## UNDERSTANDING YOUR PROTECTION ORDER (PROTECTED PERSON)

### Your Temporary Protection Order has been granted.

The Temporary Protection Order sets out the rules that the Respondent (the person you applied for protection against) must follow. These are called conditions.

There may be other people (Associated Respondents) named in this Protection Order, they must follow all the same rules as the Respondent, unless the Protection Order states that things are different for an Associated Respondent.

**The goal of the Temporary Protection Order is to keep you safe. Please read the documents very carefully so you know the rules the Respondent needs to follow and what to do if they don't.**

**Some of these rules may be different if:**

- **this Order contains special conditions (different rules) that apply to your case.**
- **you have a Parenting Order or other Court Order.**

**If you don't understand something in these documents ask someone to explain them to you or talk to a lawyer. You can also call one of the numbers in the *Who can help?* section.**



**Call the Police (111) straight away if the Respondent doesn't follow the rules in this Order**

If the Respondent or an Associated Respondent does not follow the rules in this Order they are breaking the law. This is called a breach.

If the Police think that the Respondent has not followed the rules in this Order, they can arrest them without a warrant. If that happens, they can be charged, and the Court can send them to prison for up to 3 years.

**In most cases, the rules are:**

**The Respondent can't contact you in any way**



The Respondent should not make any contact with you or your children. This means no calls, texts, emails, faxes, talking face to face, social media (e.g. Facebook, Instagram, Snapchat etc.), letters, or any other type of communication.



## The Respondent can't go near where you live, work, go to school or go near any other places you might be

They can't follow you, or try to stop you, or your children from coming or going anywhere. If you are in the same public place as them they have to leave. Even if they are accidentally in the same place as you, such as a supermarket or a friend's place, they have to leave.

There are some exceptions, if:

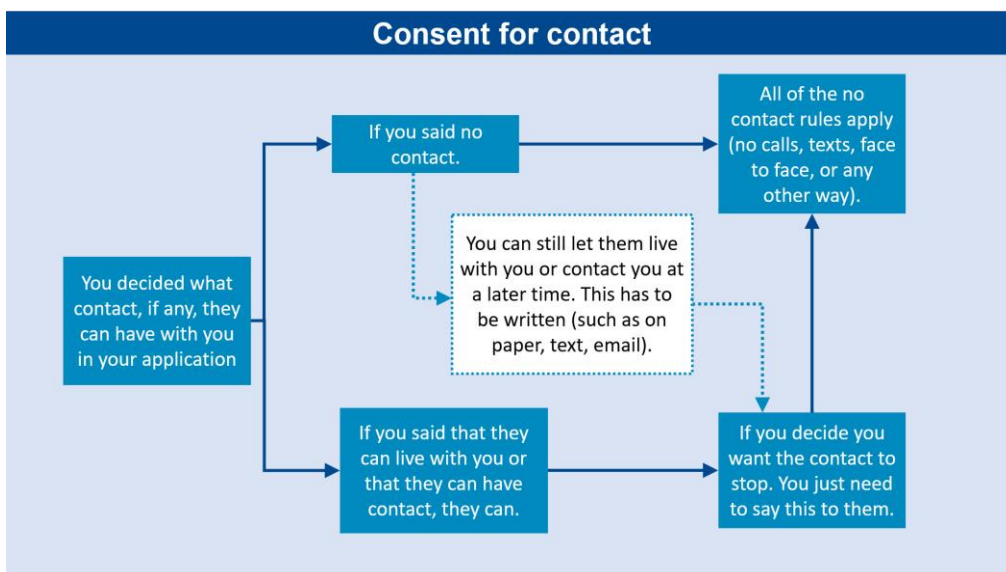
- there is an emergency and contact is necessary
- contact is part of a Court Order (such as a Parenting Order) or a written parenting agreement
- you have agreed to live with them – which means the no contact conditions do not apply
- contact is a special condition of this Temporary Protection Order – that means you have agreed in your application to allow contact
- you both need to attend a family group conference, restorative justice conference, settlement conference, or any court proceedings.



## You can decide what contact is okay

Even if the Order says that they can't live with you or contact you, you are allowed to change your mind and let them have contact or live with you. If you decide this, you need to give the Respondent permission in writing (such as in a letter, text or email).

**You are allowed to change your mind at any time.** If you want to stop any contact, you only need to tell that to the Respondent and they must leave or stop contacting you. This won't apply if the Order has been changed or ended by the Court in the time you had been allowing contact.



## What if we live together?

If the Order says that you want to live at the same address, the Respondent can live with you. You can still change your mind at any time and remove contact.

You might have applied for an Occupation or Tenancy Order in your application – they state who can stay where you are living. If these state that the Respondent can't live there, they have to move out. They also cannot come to your house at a different time. If they do not move out, or they come to your house at any a different time, they can be arrested.

### Property Orders

These orders say who can live in a house or flat and who can keep any furniture and appliances.

- **Occupation Orders** will say who can stay in a property that is owned by you and/or the respondent.
- **Tenancy Orders** will say who can stay at a property that you and/or the respondent have been renting.
- **Furniture Orders** will say who can keep furniture and appliances. A Furniture Order may be made on its own or may be made alongside an Occupation Order or Tenancy Order (in which case it will be called an **Ancillary Furniture Order**).

These orders are usually temporary to give you and the respondent time to sort out where you'll live and how you'll divide your property.

## What about children you have?

The Protection Order covers any children that:

- are named in the Order
- live with you (all the time or some of the time), even if their names are not written in the Order. If a child is born after the Order was put in place, they are included in the Order.

This means that the Respondent may not be allowed to contact your children unless:

- there is a Parenting Order, a different court order or parenting agreement between you and the Respondent. If this applies to you, the Order or agreement will have been given to you
- you have agreed to let the Respondent live with you and therefore the no contact rules don't apply.

The Respondent may be able to have contact or day-to-day care but would need to make an application to the Family Court.



You can tell your children's school or day-care about this Order and any other Orders (such as Parenting Orders or agreements) so that they know who is allowed to have contact with your children and when.



### **The Respondent can't be violent to you, abuse or threaten you**

This is anything that makes you feel afraid that they might hurt you, or your children, or damage your property in any way.

#### **These are all forms of violence and abuse**

**Physical:** Someone hitting, slapping, kicking, or using a weapon or an object. Someone strangling, choking, suffocating, or burning you. Breaking your things, breaking into your home. Taking away things you need because of your age, health condition, or disability.

**Sexual:** Pressuring you to do something you don't want to do sexually. Forcing you to have sex, touching or forcing you to perform sexual acts or watch pornography.

**Emotional and Psychological:** Putting you down, making you feel useless, calling you names, humiliating you alone or in public. Controlling or isolating you, stalking or following or harassing you, in person or on the phone or on the internet.

**Financial:** Taking money from you, using your bank cards, getting you into debt without permission. Pressuring you to get a loan or to sell their property. Stopping you from accessing your money.

**Threats and intimidation:** Making threats to you face-to-face, over the phone, through email, written in notes, letters or on social media.

#### **A threat can be:**

- Saying they're going to hurt or kill you, your children, a pet or someone else.
- Holding their fist, a knife, hammer, gun or other weapon near you and threatening to hurt you (but not physically hurting you).
- Threatening to report you to authorities (e.g. Immigration, Work & Income, Oranga Tamariki – Ministry for Children).
- Threatening to take away your medication or equipment for your care, or for the care of someone else.
- Threatening to commit suicide to try and control what you do.



## **The Respondent has to give any guns to the Police**

They also **must** give all guns they have, as well as any licenses for those guns, to a member of the Police. This **must** be done within 24 hours of being given this Order.

This includes any firearm (gun), airgun, pistol, restricted weapon, ammunition, or explosive. If this Temporary Protection Order is made final any firearms license they have will be cancelled.



## **The Respondent may have to attend a non-violence programme**

The programme will focus on the effects of family violence on others, and the skills they need to live without violence. The programme is free, and they will need to attend it over several weeks.

If they don't think they should have to go they have 10 working days after they have been given the Order to make an application to the Court that explains why.

If they just don't go to programme, this is a breach, the Police can arrest them, and the Court can send them to prison for up to 6 months or fine them up to \$5,000.

The Protection Order will state if they have been ordered to attend a non-violence programme.

## **What happens next?**

The Respondent will be given this Order and details about why this Order was made. This will include a copy of your application and the affidavit you made.

As this is a Temporary Protection Order, the Respondent may challenge this Order. If they do you will need to go to Court where you can both tell your side of the story.

The Court will then decide to make this a Final Protection Order or to end or change the Order.

If the Respondent does not challenge this Order it will become a Final Protection Order in 3 months. You will be sent a copy of the Final Order. Once it is Final it will be in place until you or the Respondent applies to the

Court and the Court decides to end or change it. The Court will let you know if an application is made and you will be able to dispute it.



## Attending a safety programme

Safety programmes are education and support programmes available to you, your children, and other protected people. **The programmes are free and confidential.**

Safety programmes help people to understand:

- how to protect themselves in the future
- family violence and the laws relating to it
- the effects of family violence on families.

Someone from the Court will contact you about going to a safety programme or you can email [DVprogrammes@justice.govt.nz](mailto:DVprogrammes@justice.govt.nz)

Programmes developed specifically for children can help them understand and deal with family violence. Although they cover very serious issues, these programmes are designed to be interactive and fun so that children will enjoy the programme. Children can still attend the safety programme even if you don't go.

Safety programmes provided for protected people are different from the non-violence programmes that respondents must attend. **You and the Respondent do not attend a programme together.**

*“I came in scared, unsure and now feel confident within myself. I have no words to express my feelings. I would recommend this group to anyone that needs it.”*

*“I am very grateful for the programme and will use the tools and safety plan foremost. The service has empowered me. I like how openly I was able to talk with no judgment or opinions.”*





## Who can help?

**If the Respondent breaks any of the rules in this Order call the Police (111).**

If you have questions you can call the Ministry of Justice on freephone: **0800 224 733** (9am-5pm, Monday – Friday).

**These organisations provide general support and advice, and their services are free:**

- Women’s Refuge: **0800 733 843** (24/7) or **womensrefuge.org.nz**
- Shine: **0508 744 633** (9am-11pm) or **2shine.org.nz**
- Shakti: **0800 742 584** (24/7) – Shakti is a support service for Asian, African and Middle Eastern women and their children.
- It’s Not OK: **0800 456 450** (9am-11pm) or **areyouok.org.nz**

For more (local) organisations visit:

- **familyservices.govt.nz/directory/**
- **nnsvs.org.nz/information/**

## If you need legal advice

The New Zealand Law Society has a directory of where public Lawyers are around New Zealand. Visit: **familylaw.org.nz/public/find-a-lawyer**

If you cannot afford a lawyer you might be able to get **Legal aid**. This is where the government will pay for a lawyer for you. Legal aid is usually provided as a loan. In certain circumstances, no repayment may be required. Lawyers can help you apply to get legal aid if you qualify.

Or talk to Community Law. **Community Law Centres** have lawyers who can help you, and this service is usually free. They are located throughout the country, look in your phone book or online at: **communitylaw.org.nz**



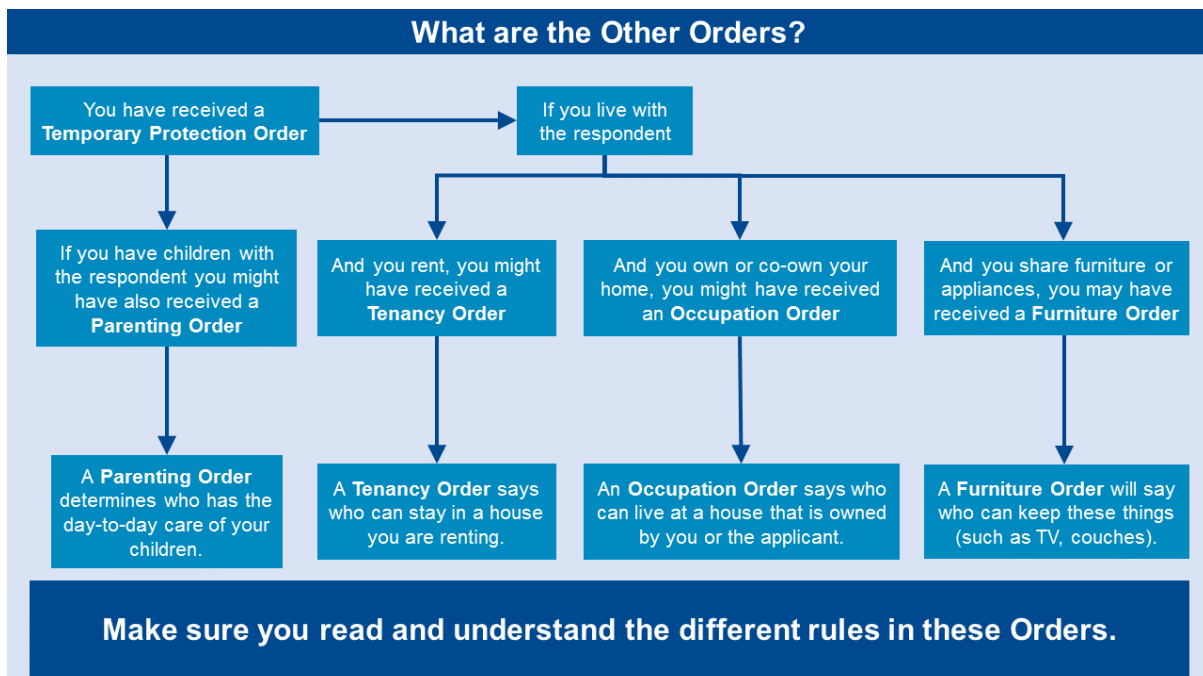
## There may be special conditions or other Court Orders

### Special Conditions

Your Temporary Protection Order might contain special conditions related to your circumstances, such as when and where the respondent can have contact with you or your children.

### Other Orders

Depending on your situation, you might have applied for other Court Orders.



## What do these words mean?

**Protection Order:** a Protection Order is a court order given by a Judge that says that a person must stop being violent, abusive or threatening towards the person who has applied for the order, their children or anyone else named in the Protection Order.

**Breach:** not following any of the rules set out in the Temporary Protection Order. This can be either doing something to break a rule, or not doing something like not going to a non-violence programme.

**Protected person:** this is the person who the Protection Order stops the respondent from having contact with, in this case you as well as any children you have.

**Applicant:** usually the same as the protected person.

**Respondent:** this is the person you have asked to have protection from. This is the person being violent, abusing or threatening you.

**Associated Respondent:** anyone else name in the Order that the rules also apply to. You are also protected from these people.

**Served:** is when a document (such as a Protection Order) is officially given to someone by Police or a Court Official.

**Order:** this means the Temporary Protection Order, this is a legal document that explains the things the Court has decided you cannot do anymore or have to do.

**Weapons:** any firearm, airgun, pistol, restricted weapon, ammunition, or explosive.

**Condition:** these are the rules that are included in the Order.

**Special condition:** these are the different rules the Order may include to deal with your particular case, like when and where the Respondent can have contact with your children.

**Affidavit:** this is the detail you wrote about why you need the Order. This is a legal document and is the evidence that you provided about the violence, abuse, and/or threats that you experienced.

**Children:** the Order covers any children who are aged 18 or under or regularly live with the you. This Order applies to children even if they aren't born yet. It can also include other children if they are named in the order.