

Family Violence Courts

Information for defendants

What are Family Violence Courts?

Family Violence Courts deal with criminal cases relating to family violence. They were set up because communities were concerned about the increase in family violence cases.

Te Tāhū o te Ture – Ministry of Justice and the judiciary (judges and judicial officers), along with other agencies, work together to resolve family violence cases and help keep families safe.

Role of Family Violence Courts

Family Violence Courts:

- deal with criminal cases relating to family violence
- encourage defendants to take responsibility for their actions and know how their actions affect other people
- promote the safety of victims
- make sure people affected by family violence get the right support and education.

Court process

Family Violence Courts are held at the District Court in locations around the country. Hearings take place at regular times and places, with dedicated people like judges, police prosecutors, Court Victim Advisors, court staff and representatives from community organisations to help people through the process.

Family Violence Courts make sure defendants are held accountable for their actions and are encouraged to take part in programmes that address their issues, like a government-funded family violence programme.

How your case will be dealt with in the Family Violence Court

The court will ask you to think about your offending and how it affects you and other people. The judge may discuss what should be done about your offending with you, your lawyer and the police prosecutor.

There are a number of sentences the judge can impose in the Family Violence Court. Every case is different, and the judge will deal with each case individually.

They'll weigh up all the information available, such as your use of violence previously, the level of violence involved, your attitude, any steps you've taken to deal with issues that may affect your behaviour and what you can do to stop being violent.

Getting legal advice

As a defendant, it's important you have a lawyer, preferably one who has experience in dealing with family violence. If you're worried about the cost of legal advice, ask your lawyer about applying for legal aid.

Lawyers are listed on our website at the address on the reverse. Or you can ask a Community Law Centre or District Law Society to help you find a lawyer.

A duty lawyer will be at court to help you with legal advice on the day of your hearing if you need it.

Non-violence programmes

Non-violence programmes aim to get you thinking about how your violent behaviour affects you and other people.

Te Tāhū o te Ture will pay for you to attend a Ministry-approved programme.

There are two ways this can happen:

- under a Protection Order, which the judge can issue either on conviction or as part of sentencing
- if you plead guilty and accept responsibility for your violence, the judge may direct you to attend a non-violence programme before being sentenced.

When you are directed to a non-violence programme, you'll be formally assessed to find out how much of a risk you are to the safety of other people and what type of programme will be best for you.

It's your responsibility to contact the service provider and attend the assessment and programme sessions. When you finish the programme, a report on your attendance and participation will be given to the court.

For information about individuals and organisations that offer support programmes in your area, talk to court staff, the duty lawyer or your own lawyer.

justice.govt.nz/courts/criminal/charged-with-a-crime/#no-lawyer

justice.govt.nz/family/family-violence

justice.govt.nz/contact-us/find-us

Protection Orders

Protection Orders are usually made when a victim applies through the Family Court. The Family Court is separate from the Family Violence Court.

However, if a Protection Order isn't already in place, a judge can make one in the Family Violence Court if:

- you've breached a Police Safety Order, or
- you're convicted of a family violence offence and the judge believes a Protection Order is needed to protect the victim and any children living with them.

If a Protection Order is made against you, you must go to a non-violence programme.