

Final Protection Order: What does this mean for you

Hello Respondent

YOU REALLY NEED TO READ THIS

- You have received a Final Protection Order.
- This Order lists what you cannot do and things you must do.
- This is a Final Protection Order. This means these rules last forever or until a Judge removes them.
- You should read the other documents as there may be other rules not included here.
- **You need to know what this Order means for you.** You might feel angry but even if you don't agree with what has been said you need to follow these rules.



Breaking these rules is a crime. You can be arrested and could go to prison.

NO VIOLENCE

NO CONTACT



Do not contact the Protected person or anyone covered by this Order in **any way**



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

Do not be violent to them, abuse or threaten them in **any way**



You must not do anything that makes the Protected person feel afraid that you might hurt them or damage their property.

Do not go near where the Protected person lives, works or goes to school, or go near them in any place they may be



Even if you live at the same address, you cannot go there. Contact the Police or a Lawyer if you need to get your things.

Do not ask someone else to do any of these things



You must not tell or ask anyone else to contact them in any way, give them things, approach them or follow them.

YOU MUST



- **Give any guns and any gun licenses you have to the Police within 24 hours**
- **Go to a non-violence programme**

Read your Order to find when and where you need to go to attend the programme.

If these details are not in your Order contact the Court on **0800 224 733** or email: DVprogrammes@justice.govt.nz

YOU CAN



- Talk to someone if you have questions. Call the Family Court on 0800 224 733, or one of the numbers in the *Who can help?* section.
- You can apply to have this Order removed or changed. **If you do you should talk to a lawyer or the Court.** The rules in this Final Protection Order will stay in place until a Judge removes them.
- Call Work and Income to talk about support with money.

There is more information in the *Understanding your Protection Order* document, like what happens if you have children. Or go to: justice.govt.nz/family/family-violence/respond-to-a-protection-order/

What happens now?

You have received a Final Protection Order. This will be in place forever.
It can only be changed or removed by a Judge.

No matter what - you need to follow the rules in this Order.

You need to follow the rules in the Protection Order as long as it is in place.

If you don't, you are breaking the law. This is a '**breach**'. You can be arrested and can go to prison.

If this happens this will go on your criminal record. This may stop you from doing things like travelling overseas.

Make a plan

The best way to avoid breaching this Order is to follow everything in it. Take some time to make a plan to stay violence free and follow these rules. Think about the things that might stop you from following the rules and the ways you can avoid them.

For example:

- *If I am feeling stressed, I know I can ring my support people to talk things through.*
- *If I feel like I am going to get upset, then I will go for a walk until I calm down.*

You can work towards living without violence.

Go to a non-violence programme

One of the rules in this Order will be that you need to complete a non-violence programme.

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

These agencies also help people in your situation live without violence:

It's Not OK: **0800 456 450** (9am-11pm everyday) or **areyouok.org.nz**

Shine: **0508 744 633** (9am-11pm everyday) or **2shine.org.nz**

Most relationships do not include violence, fear, control or threats. The coming months may be hard for you. But lots of people in New Zealand have made a change and are on a journey to have violence free relationships – you can too.

You can apply to have the Order removed or changed.

If you want to remove this Order, or have parts of it changed (for example, around contact with children), you will need to make an application to the Family Court. You will then need to go to a court hearing.

A Judge will **only** change or remove this Order if they believe that it is no longer needed for the safety of the people protected by this Order.

Your behaviour will be the most important factor. The Judge will need to see that you have:

- ✓ not broken the rules in this Order
- ✓ taken responsibility for your previous behaviour
- ✓ changed your behaviour and are no longer a risk to the protected persons (including your children)
- ✓ completed your court ordered non violence programme.

UNDERSTANDING YOUR PROTECTION ORDER (RESPONDENT/ASSOCIATED RESPONDENT)

You have received a Final Protection Order. The Order contains conditions, these are rules you must follow. This document explains what these rules mean.

Read the words in the Protection Order very carefully. 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 Orders.

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.



Breaking these rules is called a breach. This is a crime and you can be arrested and could go to prison.

If you don't follow this Order you are breaking the law. The Court can send you to prison for up to 3 years. Breaking a rule will also give you a criminal record.

If the Police have a good reason to think that you have not followed this Order, you may be arrested without a warrant. If this happens, you will not be able to get bail for 24 hours. In that time, you must apply to the Court and a Judge will decide if you can get bail.

Do not contact the Protected person or anyone covered by this Order



You cannot contact the Protected person (this is the person named in the Order) or any of their children. This means no calls, texts, emails, faxes, talking face to face, social media (such as Facebook, Instagram, Snapchat, WhatsApp and others), letters, or any other type of communication.

Do not ask or tell someone else to contact them in any way.

There are some exceptions that may apply, 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
- contact is a special condition of this Final Protection Order
- you both need to attend a family group conference, restorative justice conference, settlement conference, or any court proceedings.

The Protected person can decide what contact is okay

If the Order says that they want to live at the same address as you, you can have contact and live with that person.

They can also agree to other types of contact (such as calls, texts, social media), but they must give you permission in writing (such as a letter, email, or text). You should keep a copy of the written permission.

The Protected person can decide not to allow contact at any time and tell you to stop contact. If they do, then all the no contact rules apply and you must leave or stop contacting them. If you don't leave or stop contacting them, you are breaking the rules and can be arrested.

In some cases other people can tell the Court what the protected person wants to do, if this is the case it will state that in your Order.

Contact with your children

This Protection Order covers any children that:

- are named in the Order
- live with the Protected person (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 you may not be allowed to have contact with your children unless:

- there is a **Parenting Order**, a different court order or parenting agreement between you and the protected person. If this applies to you, the Order or agreement will have been given to you.
- as part of the Protection Order, the Protected person has agreed to live with you and therefore the no contact rules don't apply.

You might be able to have contact or day-to-day care, but you need to make an application to the Family Court.



Do not be violent to the Protected person in any way

You must not do anything that makes the Protected person feel afraid that you might hurt them or damage their property in any way.

These are all forms of violence and abuse

Physical: Hitting, slapping, kicking, or using a weapon or an object. Strangling, choking, suffocating, burning someone. Breaking their things, breaking into their home. Taking away things they need because of their age, health condition, or disability.

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

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

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

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

A threat can be:

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

Do not go near where the Protected person lives, works, or goes to school

Unless this Order states that the Protected person wants to live at the same address as you, you cannot go near where they live. This is the case even if you were living together up until now, you own the house, or you have your stuff at their house.

If you need something from the house, you need to contact the Police or a lawyer to get your things. You cannot ask anyone else to pick up your stuff or contact the Protected person, as that is a breach.

You can ask anyone not named in the Order (friends or family) if you can stay at their house, as long as the Protected person doesn't live there. If you cannot find a place to stay, contact one of the numbers in the *Who can help?* section below.

Property Orders

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

- **Occupation Orders** will say who can stay in a property that is owned by you and/or the protected person.
- **Tenancy Orders** will say who can stay at a property that you and/or the protected person 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 or tenancy order (in which case it will be called an **Ancillary Furniture Order**).



You may need to go to a non-violence programme

If the Order states that you have to go to a non-violence programme, you have to attend. Check the Final Protection Order to make sure.

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

Where to go

Read your Order to find when and where you need to go to attend the programme.

If these details are not in your Order contact the Court on **0800 224 733** or email: DVprogrammes@justice.govt.nz

If you don't turn up to the programme the Court can send you to prison for up to 6 months or fine you up to \$5,000.

If you are not able to go to a session and you have a good reason, you will need to talk to the provider and they may agree to let you attend a different time.

"A few years ago, I was taken along to an anger management course in Levin by a friend of mine.

He had been attending for a while and I was noticing the changes in him. I didn't think I needed anything from it, but I had been an angry, violent person all my life with my family, thought it was normal.

Took me a while to engage due to serious trust issues that stemmed from my childhood. The facilitators were an amazing woman and her husband who lead me on a journey of discovery that everything I thought what it was to be a man, father and a partner was bullshit. They and the other men I shared with in the group gave me the skills and the tools I should have been given in my own home as a kid.

The course and the facilitators transformed my life to make me a safe man with a safe family. Best choice I ever made."



You must give any guns that you have to Police

If you haven't already, **you must** give all guns you have, as well as any gun licenses, to a member of the Police. Any gun licences you have will be cancelled.

This **must** be done within 24 hours of being given this Order, or earlier when a member of the Police tells you to do so.

If you don't do this, the Police can enter your address without a warrant and search for and take any weapons. They may also charge you for not following this Order.

In a few exceptions, the Order may state that you are allowed to have or use a weapon or allow you to have a firearms licence (for example if it is needed as part of your job). In those cases, the Protection Order will describe how you can access and use this weapon.



You can apply to remove or change the order

This is a Final Protection Order. This means these rules are in place forever or until a Judge decides to remove them.

If you believe that the Court has made a mistake, or you believe that you have made the positive changes needed to live without violence, you can apply to have the Order removed or changed. If you do you should talk to a lawyer or the Court.

The Judge will only remove the Order if they believe that it is no longer needed for the safety of the protected person.

For information on responding to a protection order go here:

justice.govt.nz/family/family-violence/respond-to-a-protection-order/



Who can help?

If you want help to understand what to do

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

You can also contact one of these agencies who help people in your situation live without violence:

- It's Not OK: **0800 456 450** (9am-11pm everyday) or **areyouok.org.nz**
- Shine: **0508 744 633** (9am-11pm everyday) or **2shine.org.nz**

For more (local) organisations visit:

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

If you want help to remove or change this Protection Order

Talk to a lawyer or contact a Family Court office. You should talk to a lawyer who is familiar with the Family Violence Act 2018 and the Family Court.

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

If you can't afford a lawyer, you might be able to get **Legal aid**. This is where the government will help pay for a lawyer. Lawyers can help you apply to get legal aid if you qualify.

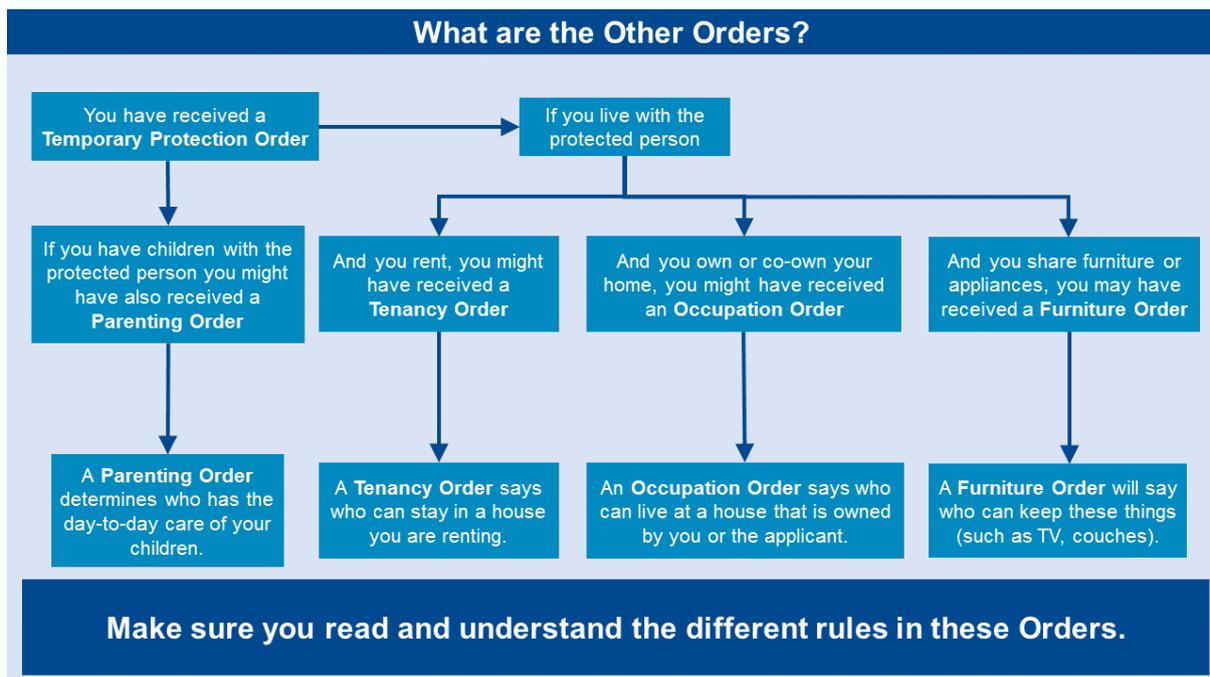
Or talk to Community Law. **Community Law Centres** have lawyers who can help you, and this service is usually free. They are located throughout the country, look in your phone book or online at: **communitylaw.org.nz**



There may be special conditions and/or other court orders

Special Conditions – This Final Protection Order might contain special conditions related to your circumstances, such as when and where you can have contact with the Protected person and/or your children.

Other Orders – Depending on your situation there may be other Court Orders.



What do these words mean?

Protection Order: a court order given by a Judge that says that you 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 Final 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: the person or people that the Protection Order protects from you, these are the people you cannot contact.

Applicant: usually the same as the protected person.

Respondent: you are the respondent.

Associated Respondent: anyone else named in the Order that the rules also apply to. The protected person is also protected from them.

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 Final 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 you can have contact with your children.

Children: the Order covers any children who are aged 18 or under or regularly live with the protected person. 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.

Affidavit: this is the detail the protected person wrote about why they needed the Order. This is a legal document and is the evidence provided about the violence, abuse, and/or threats that they experienced.