

Safety orders can protect from violence

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LEGAL MATTERS



Anyone in a domestic relationship worried about their safety in that relationship should contact the police.

The police can put in place a Police Safety Order (PSO) to help keep you safe. An order can be issued if the police have reasonable grounds to believe that family violence has or may occur. An order can be for up to five days, but is usually for one to two days.

The PSO is to help protect people from violence, harassment or intimidation and police can issue the order without needing agreement from the people at risk.

The person bound by the order:

- Must move out of the property if the protected person lives there.
- Must not assault, threaten, intimidate or harass the protected person or encourage such behaviour.

- Must not follow or contact the protected person in any way.
- Must give any firearms and their firearms licence to the police.

A PSO also covers any children living with the protected person. Any terms of parenting orders or agreements permitting access or care are suspended. There is no right of appeal from a PSO.

Alternatively, you can seek a Protection Order from a court. Usually a Protection Order can be applied for urgently, and a judge will make a decision on the same day you apply for it.

It is important to note that domestic violence is wider than just physical abuse. It can also include sexual, psychological, and financial or economic abuse.

A domestic relationship is a relationship between a husband and wife, civil union partners, de facto partners, parents of the same child, people related by blood or through adoption, people who live together, or people in a close personal relationship who don't live together.

A Protection Order can include

several people, for instance a partner and children. The Protection Order can also cover the offender and associated people, for example other people who encourage violence.

If you apply for a Protection Order, and it is granted, it will usually last initially for three months.

If the alleged abuser decides to oppose the Protection Order, there is likely to be a court

hearing to determine if the order should be cancelled, or made final. If the offender does not defend the Protection Order it will automatically become final after three months.

Usually a Protection Order will prevent contact with the people listed in the Protection Order. It will also prevent the person from holding a firearms licence and holding any firearms. It might also order the person to attend a

non-violence program.

If the conditions set out in the Protection Order are broken, the person can be prosecuted.

■ Column courtesy of RAINEY COLLINS LAWYERS, phone 0800 733 484, www.raineycollins.co.nz. If you have a legal inquiry you would like discussed in this column please email Alan at aknowsley@raineycollins.co.nz

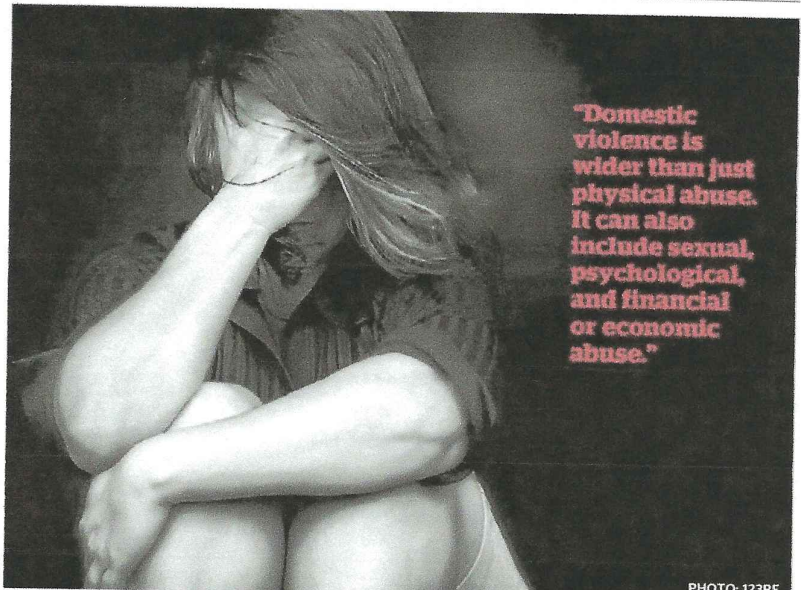


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