

Policy: Applying for a Domestic Violence Order

Policy Purpose

To describe the circumstances under which a Domestic Violence Order application should be made to ensure the safety of a child.

Policy Statement

Where there is an immediate threat to the safety of a child as a result of domestic or family violence, Case Managers should notify the police, irrespective of the wishes of the non-offending parent.

Section 5 of the [Domestic and Family Violence Act 2007](#) (the Act) defines domestic violence as any of the following conduct, committed by one person against another, when they are in a domestic relationship:

- Conduct causing harm e.g. sexual or other assault;
- Damaging property, including the injury or death of an animal;
- Intimidation e.g. harassment or any conduct causing reasonable apprehension of violence to the person or damage to property, any conduct that causes mental harm or has effect of unreasonably controlling the person;
- Stalking;
- Economic abuse e.g. coercing a person to relinquish control over assets, withholding money necessary for maintenance of person or child of person; and/or
- Attempting or threatening to commit conduct as described above.

Domestic relationships include any family relationships, intimate personal relationships, care giving relationships, and cohabiting relationships.

Section 29(1) of the Act states that a child protection officer must apply for a Domestic Violence Order (DVO) on behalf of the child in circumstances where the officer reasonably believes:

- Domestic violence has been, is being, or is likely to be committed; and
- The child's wellbeing has, or is likely, to be adversely affected.

An application for a (DVO) is not necessary if:

- There is a police DVO or a DVO from the Local Court already in force that includes the child; or
- The child is adequately protected because an order is in force for the child's protection under another Act.

In general, Case Managers should use their professional judgement and consult with their Team Leader in determining whether a DVO is necessary or appropriate to protect a child from harm.

Case Managers should regard an application for a DVO as a casework tool that can be considered in the context of a Case Plan that includes preserving a family placement.

In the first instance, a non-offending parent or carer should be encouraged to take protective action where domestic violence is an issue by applying for a DVO on their own and/or their children's behalf.

Some of the contexts in which an application for a DVO should be considered are:

- As part of risk reduction during the child protection investigation stage;
- At any point in the case planning and review processes for open child protection cases or open family support cases;

- As part of the case planning and review process for open substitute care cases where a child is on a Protection Order and the child is placed, or it is planned to place the child, in a family placement;
- Where a child is not a client of the Department, Police need to apply for the DVO on behalf of a child. The Department can only respond to situations where a child has reached the threshold for intervention by the Department.

Legislative Basis

[Care and Protection of Children Act](#)

[Domestic and Family Violence Act](#)

Standards

[Standards of Professional Practice 1, 2, 3, 4, 5, 6](#)

Authorised by:

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