

Intervention Order Series – Part 1 – What is an Intervention Order?

What is an Intervention Order?

An **intervention order** (formerly known as a restraining order or AVO) is a court order that prohibits a person (the defendant) from committing an act of abuse against a protected person.

When can an Intervention Order be sought?

An intervention order can be sought in domestic (family) situations where the protected person is related to the defendant, for example a spouse or child. An intervention order may also be obtained in relation to non-domestic (non family) situations, such as against a neighbour.

Who can apply for an Intervention Order?

It is generally the Police Prosecution who make an application for an intervention order on behalf of the protected person. This usually occurs in circumstances where the defendant has been also charged with an offence against the protected person.

A person who has been the victim of an act of abuse can make an application privately.

A person can also make an application on behalf of a child who is the victim of an act of abuse.

What is an act of abuse?

An act of abuse may include physical, sexual, emotional, psychological or economic abuse, where the act is intended to or does result in:

- Physical injury; or
- Emotional or psychological harm; or
- An unreasonable and non-consensual denial of financial, social or personal autonomy; or
- Damage to property in the ownership or possession of the person, or used or otherwise enjoyed by the person.

On what grounds can an intervention order be issued?

The Intervention Orders (Prevention of Abuse) Act 2009 deals with intervention orders in South Australia.

Under that Act, an intervention order may be issued against a person (the defendant) if –
a) It is reasonable to suspect that the defendant will, without intervention, commit an act of abuse against a person; and
b) the issuing of the order is appropriate in the circumstances.

Intervention orders for victims of abuse (applicants)

You may wish to seek advice about how to apply for an intervention order, what the process entails and what to expect. You may also want to seek advice about the Family Law process and how orders made in that system can protect you or your children. Our experienced team is here and ready to assist you in relation to these matters.

Intervention orders for defendants

An intervention order may be coupled with criminal charges or may proceed alone. In both scenarios you may be ordered to undergo an assessment for an Abuse Prevention Program and may then be ordered to participate in that program. Failure to do so would result in a sanction from the court.

An intervention order may affect you in many different ways that may not be apparent on the face of it, for example in relation to work and other opportunities and in respect to any Family Court proceedings.
The order can be defended if you choose to do so, if the allegations that form the basis for the order cannot be proven.

If you have been served with an interim intervention order you should seek legal advice immediately. We can help provide advice in relation to the order and its effect on you. We can also assist in navigating the process moving forward, for example in relation to strict time frames for intervention order proceedings, or defending the order.

If you have any further queries in relation to **intervention orders**, or would like to make an appointment with one of our team, please contact our office on 8238 6666.

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