

ADVOs: Changes to Duration

Factsheet – March 2020

From 28 March 2020, changes will come into force for Apprehended Domestic Violence Orders (**ADVOs**):

- The default period for ADVOs will be extended from one year to two years for adult defendants.
- In certain circumstances, ADVOs can be made for an indefinite period of time.
- ADVO application forms will provide space for applicants to state the reasons for why they are seeking a particular duration.

How long does an ADVO last?

An ADVO lasts for the period the court considers necessary to ensure the safety and protection of the protected person. The court will consider:

- the circumstances of the protected person;
- the circumstances of the defendant;
- any material presented in support of the ADVO being made; and
- any other matter the court considers relevant.

If the court does not specify a period, it will be made for the **default period**, which is now:

- **two years** if the defendant is over 18 years of age when the application is made.
- **one year** if the defendant is under 18 years of age when the application is made.

An ADVO can be sought for an indefinite period of time, which means it has no end date.

An indefinite ADVO can only be made if the application requests this from the court. The court must also be satisfied that:

- there is a significant and ongoing risk of death or serious physical or psychological harm to the protected person or their dependants.
- that the risk cannot be managed by an ADVO for a specific duration.

Indefinite ADVOs can only be made where the defendant is over 18 years of age.

If someone is the subject of an indefinite ADVO, they need permission from the court to apply to change or remove it. The court needs to be satisfied that there has been a significant change in circumstances since the ADVO was made.

The application form now has space to specify the reasons for why an applicant is seeking an ADVO for a certain period of time.

When providing the reasons why an ADVO is being sought, reasons for why the ADVO should last for particular time period can also be included in the application form.

The reasons will help the court determine the length of the ADVO necessary to ensure safety and protection. Reasons can include:

- The types of violence used (e.g. assaults, strangulation, stalking, intimidation, or threats to you, your children, any other people, your pets or your property).
- The seriousness and frequency of the violence used, including a history of the violence, how long it has been going on, and if there is a pattern of behaviour.
- Impacts on children who may also need protection.

The court can make the ADVO with a different time period from what you have sought.

Further information

For more information on ADVOs, visit the [LawAccess website](#).