



ACCORDING TO THE JUSTICE DEPARTMENT, THIS CAN BE DEFINED AS:

- Abuse, be it physical, sexual, emotional, psychological or economic harassment
- Hurtful and controlling behaviour that causes harm to your health, safety and well-being
- Stalking – when someone makes unwanted and obsessive contact with you, such as following you around when you have told them not to
- Entering a person's property without consent
- It can also include damage to property

## EIGHT STEPS TO GETTING HELP:

1

Locate the Magistrate's Court that is nearest to where you live or work.

2

Approach the court and ask to speak to a Clerk of the Court.

3

The Clerk of the Court will assist you to complete the necessary forms to apply for a Protection Order.

4

You will also be asked to fill out an affidavit. This is a document wherein you state the nature of the abuse and you make a promise that what you have written is the truth.

5

The Clerk of the Court will then take you to a Magistrate. Based on the information you have provided, the Magistrate will decide whether to grant the order or not.

6

Once you have been granted the interim Protection Order, you need to take it to the Office of the Sheriff or to the police station closest to the abuser's home or work address.

7

At the police station, make a note of the full name and/or badge number of the police officer to whom you hand the order.

8

The police department will have to hand in a 'return of service' to the Clerk of the Court. This is proof that the alleged abuser was given the order.

### NOTE

You can apply for an interim Protection Order at any time of day.

## WHAT IS A PROTECTION ORDER?

A PROTECTION ORDER IS A DOCUMENT THAT FORBIDS THE ALLEGED ABUSER TO ACT IN CERTAIN WAYS THAT COULD HARM YOU.

An order can rule that

- the person is not allowed to physically or verbally abuse you or your children
- the abuser may not get anyone else to harm you on his/her behalf
- the person is not allowed near your home or workplace
- any guns or weapons that the person owns are taken away

The first order you would be given is called an interim order. This means that the order is temporary. A date will be set for you and the accused person to appear in court. At this time, the Magistrate will decide whether or not to grant a final order.



## WHO CAN APPLY FOR A PROTECTION ORDER?



- Anyone who believes they are a victim of this criminal abusive behaviour
- A child under 18 can apply for the order, even without the consent (agreement) of his/her parents
- Another person can also apply on a child's behalf
- Furthermore, if, for some reason, a person cannot apply for him/herself – another person, who has an interest to see the abuse stopped, can apply on that person's behalf

## WHAT HAPPENS IF THE ABUSER DISOBEYS THE ORDER?

- If the abuser ignores the order, you may file a complaint at the police station.
- The court will have previously given you a document called a Warrant of Arrest. This is done in case your abuser disobeys the law. You can now hand this in to the police. This will allow them to arrest the abuser.
- Once arrested, the abuser can face criminal charges and be tried in a Criminal Court for breaching the Protection Order.

### WITHDRAWALS

- You may, at any time, make an application to have the order set aside (removed).
- However, it is at the discretion (the choice) of the Magistrate as to whether or not to set aside the order.
- If they set it aside, this will mean that the Protection Order will be declared null and void – there will be no legal ruling against this person.



## LEGAL&TAX AGAINST ABUSE

YOU ARE NOT ALONE. IF YOU NEED FURTHER LEGAL ADVICE AND ASSISTANCE, CONTACT US ON 0860 587 587.

OUR EXPERTS WILL BE YOUR COMPANIONS IN HELPING YOU GET THE HELP AND SUPPORT YOU NEED. ALONG WITH LEGAL ASSISTANCE, YOUR EMOTIONAL HEALING AFTER THIS PAINFUL EXPERIENCE IS ALSO IMPORTANT. AS SUCH, LEGAL&TAX ALSO OFFERS TRAUMA ASSIST, WHEREBY YOU CAN SPEAK TO A QUALIFIED TRAUMA COUNSELLOR OR GET EMERGENCY PRIVATE AMBULANCE RESPONSE SHOULD YOU NEED ONE.

### USEFUL NUMBERS:

HERE IS A LIST OF ORGANISATIONS THAT CAN HELP IN CASES OF DOMESTIC VIOLENCE AND ABUSE:

- SOUTH AFRICAN POLICE SERVICE (SAPS) 10111
- PEOPLE OPPOSING WOMEN ABUSE (POWA) +27 (11) 642 4345
- SOUTH AFRICAN HUMAN RIGHTS COMMISSION +27 (11) 484 8300
- LIFELINE +27 (11) 728 1347 / 0861 322 322
- COMMISSION FOR GENDER EQUALITY (CGE) +27 (11) 403 7182
- INDEPENDENT COMPLAINTS DIRECTORATE (ICD) +27 (12) 320 0431
- STOP WOMEN ABUSE 0800 150 150
- CHILDLINE +27 (11) 938 8745 FAMSA NATIONAL +27 (11) 833 2057

LEGAL&TAX IS PROUD TO BE A PARTNER WITH PEOPLE OPPOSING WOMEN ABUSE (POWA)

## WITH LEGAL&TAX YOU'RE NOT ALONE