Obtaining a Protection Order

Scene of Incident

Police | NGO/Victim Support | Doctor

Tell survivor of right to **Protection Order** and to lay a **criminal case.**

Magistrates' Court

Application form for **Protection Order** with Clerk of Court.

Magistrate decides whether or not to issue an **Interim Protection Order.**

Interim Protection Order is issued if survivor is in danger.

Sheriff of Court serves the Interim Protection Order on the perpetrator.

Police Station

Lay a criminal charge.

Trial

If not in danger, court issues notice to perpetrator of right to contest issuing of Protection Order.

Sheriff of Court serves the notice on the perpetrator.

Magistrates' Court

Court case to decide if final Protection Order should be granted.

If abuser appears:
Court hears evidence. Protection Order is granted if court is satisfied there is evidence of domestic abuse.

Breach of Protection Order

Survivor goes to police to execute warrant of arrest.

Abuser is charged and goes on trial.

If convicted, sentence ranges from a fine to five years.

If abuser does not appear:
Court must be satisfied that the Protection Order was properly served on the abuser and there is evidence of domestic abuse.

If court not satisfied, Protection Order is refused.

Survivor can appeal to higher court OR can re-apply after the next incident.

Mosaic offers Court Support Services at the following Magistrates' Courts:

BELLVILLE (Mon-Fri)	021 950 7700/7712
BISHOP LAVIS (Mon-Fri)	021 934 1021
BLUE DOWNS (Mon-Fri)	021 909 9000
CAPE TOWN (Mon-Fri)	021 461 1204
KHAYELITSHA (Mon-Fri)	021 360 1455
MITCHELLS PLAIN (Mon-Fri)	021 370 4296
PAARL (Mon-Fri)	021 872 3127
PHILIPPI (Mon-Fri)	021 372 0901
WELLINGTON (Mon-Fri)	021 873 6768
WYNBERG (Mon-Fri)	021 799 1800/1902
PRETORIA (Mon-Fri)	012 319 4000
CHATSWORTH (Mon-Wed)	031 403 3237
NTUZUMA (Mon-Wed)	031 530 4062

MOSAIC
TRAINING SERVICE & HEALING CENTRE
combating abuse and gender-based violence

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INFORM WOMEN TRANSFORM LIVES

Am I being abused?

Are you, your family, or your property repeatedly threatened, harmed, or damaged in any way? **The Domestic Violence Act, Act 116 of 1998**, will protect you if you experience any of the following types of abuse:

Types of Domestic Violence

PHYSICAL ABUSE – being beaten or threatened with physical violence.

SEXUAL ABUSE – forced sexual intercourse/oral sex or threat thereof.

PSYCHOLOGICAL AND EMOTIONAL ABUSE – trying to control what you think, do and say, as well as who you see.

VERBAL ABUSE – insulting you, name-calling, shouting and swearing.

ECONOMIC ABUSE – refuses to give you money for you or children for food and other household needs, interferes with your work or prevents you from working, takes your money.

HARASSMENT AND STALKING – texts, emails or telephone contact when you have told the person not to do so; coming to your house or work without permission.

DAMAGE TO PROPERTY – extends over to the physical harm of pets, and the vandalisation of cars, furniture and other tangible items which can cause financial setbacks.

ENTRANCE INTO PROPERTY WITHOUT PERMISSION when there is no shared residence.

Can I get a Protection Order?

You can apply for a **Protection Order** if you are abused by someone with whom you are in a **domestic relationship**.

Domestic Relationships

1. **BLOOD RELATIONS** for example: mother, father, cousin, brother, sister, grandparents etc.
2. **FAMILY MEMBERS** living together in the same house, including minor children.
3. **PEOPLE MARRIED** in terms of civil law, customary marriages, or a foreign marriage concluded outside South Africa.
4. **COUPLES WHO LIVE TOGETHER**, including same-sex couples.
5. **CHILDREN** in the care or custody of an adult.
6. People who are **DATING**, are engaged, or are in a sexual relationship.

IF YOU ARE A VICTIM OF ABUSE within a domestic relationship, approach your nearest police station to report the crime and your nearest magistrates' court to apply for a protection order. **Courts in which MOSAIC offers support are listed on the back!**

What do I need?

When you go to see a court support worker, make sure that you have the following information and documents. **Remember, keep the originals and give the copies to the court.**

You must have:

1. **YOUR IDENTITY DOCUMENT (ID):** if you do not have your ID you must know your date of birth.
2. **YOUR ABUSER'S ID NUMBER:** if you don't have his ID number, you must know when he/she was born.
3. **THE ADDRESS WHERE YOUR ABUSER LIVES OR WORKS:** You cannot get a Protection Order if you do not know the address of your abuser.

Other useful papers:

PICTURES
of physical abuse done to you; your abuser; violence/damaged property.

PAPERS
showing who bought the items.

STATEMENTS
from witnesses.

A J88 FORM
filled in by a doctor.