Year: 2026 **Vol:** 01 **Case No:** 31

Categories: domestic violence; unrepresented

Cases adjourned for legal advice

In a District Court in a rural town the judge adjourned an application for a safety order in order for the applicant woman to get legal advice. She represented herself, and the respondent ex-partner was represented by a solicitor. The applicant had previously applied for a protection order which had not been granted.

The respondent's solicitor told the judge that his client would like the application to go ahead that day but if it was going to be adjourned, the respondent wanted it to be adjourned to another District Court where other applications were being dealt with.

The applicant said she had made the safety order application in this District Court as that was where she was living currently. She told the judge that she had a solicitor acting for her in the other county, but the solicitor had advised the applicant to apply for the safety order in this Court, as that was where she was living.

The judge advised the woman that she needed the chance to seek legal advice for the safety order hearing and for the transfer of the safety order application to the other District Court, as sought by the respondent.

Judge: "It makes no sense to have parallel proceedings in two District Courts".

Applicant: "I have been persecuted for 14 years by my ex-partner, and I want to go to work without being harassed by him".

The judge told the woman that she was going to adjourn the matter to the following month for mention to enable her to seek legal advice. The judge said that she could not get any undertaking from the respondent not to contact the applicant in the interim, as there was no *ex-parte* application before the Court. The application was adjourned to have the applicant's solicitor also attend on the later date.

Adjournment for legal advice

The judge adjourned another application for a safety order brought by a woman against her ex-partner to enable them both to get legal advice. The applicant appeared in person and did not have legal representation.

A solicitor appeared on behalf of the respondent, who was not in court, and told the judge that they were not formally instructed to act on behalf of the respondent in the current family law domestic violence proceedings, but they had been acting for the respondent in a separate matter. The solicitor advised the judge that the respondent did not qualify for legal aid and did not have the funds to pay for a private solicitor.

The judge said it was advisable that the respondent consult a solicitor, even if just for legal advice.

The applicant asked the judge if she could withdraw her application and stated that she was exhausted with having to wait for the hearing of her safety order application. The judge told the applicant that she could not give the applicant legal advice, but she was going to adjourn the matter for two months to enable both parties to obtain legal advice and representation. The safety order application was adjourned with the protection order previously granted to continue in the interim.

This was one of a number of cases adjourned so that one or other party could obtain legal advice.