

Domestic Violence Protection Notices and Orders (DVPNs and DVPOs)

Domestic Violence Protection Notices (DVPN) and Domestic Violence Protection Orders (DVPO) aim to provide victims with immediate protection following an incident of domestic violence and gives them time to consider what to do next. As part of this process victims will be contacted by local specialist services providing advice and support.

What is a DVPN?

A DVPN is served by the police on perpetrators of domestic abuse and provides emergency protection for victims. It must be presented to a magistrates' court for approval within **48 hours** (excluding Sundays and Bank Holidays) of it being served. **If the magistrates' court agrees, the restrictions stated within the DVPN can continue for between 14 and 28 days in the form of a Domestic Violence Protection Order (DVPO).**

When can a DVPN be served?

Police can serve a DVPN on any individual aged over 18 who they believe has been violent or threatened violence against another person and the victim requires protection.

The law allows the police to serve a DVPN on a perpetrator even if the victim does not agree to it.

What does a DVPN do?

A DVPN places conditions on a perpetrator which may include:

- stopping him/her from entering, and being within a certain distance, of the victim's home
- stopping him/her from making the other person leave or excluding them from their home
- requiring him/her to leave the victim's home.

What happens if the victim and perpetrator live at the same address?

If the perpetrator lives at the address specified in the DVPN and the DVPN requires the perpetrator to leave immediately; then the perpetrator must leave straight away. The perpetrator is entitled to take the possessions they may need.

The perpetrator will have to find somewhere else to live and the local authority may be able to provide advice.

The police will ask the perpetrator for an alternative address and a contact telephone number where they may be reached in the next 48 hours.

What happens if the DVPN is breached by the perpetrator?

The victim or a third party should call the police on 101, or in an emergency 999. The perpetrator will be arrested, kept in police custody and then brought before a magistrates' court within 24 hours.

What is a Domestic Violence Protection Order (DVPO)?

As stated above, once a DVPN has been served by the police it must be presented to a magistrates' court within 48 hours. If the magistrates agree, the prohibitions stated within the notice can continue for between 14 to 28 days in the form of a DVPO.

When will the case go to court?

The police will give the perpetrator a time and date, within 48 hours of the DVPN being served, to appear at a magistrates' court. Magistrates can make a DVPO in the absence of the perpetrator.

The law allows magistrates to make a DVPO against the perpetrator even if the other person (the victim) does not agree to it. In addition, the magistrates will take into account the welfare of anyone under 18 who the police consider will be affected by the DVPO.

What happens at court?

All the evidence will be heard at court and the perpetrator will be given the opportunity to ask questions and give evidence. The court will then decide whether to make a DVPO.

If a DVPO is made it will last for a minimum of 14 days and a maximum of 28 days.

The DVPO may:

- stop the perpetrator from entering, and being within a certain distance, of the victim's home
- stop the perpetrator from making the other person leave or exclude them from their home
- require the perpetrator to leave the victim's home.

Does the victim have to go to court?

No. The magistrates can make a DVPO against the person without the victim being present.

What happens if the DVPO is breached?

The victim or a third party should call the police on 101, or in an emergency 999. The perpetrator will be arrested and kept in custody. The perpetrator will be seen before a Magistrates' Court within 24 hours (excluding Sundays and Bank Holidays) **and** could be fined up to £5,000 and/or sent to prison for up to two months.

Does the perpetrator need legal representation?

If the perpetrator wants to be represented at the court hearing, they are advised to seek legal advice and assistance as soon as possible.

If the perpetrator is in police custody for breach of a DVPN or DVPO they will have access to free legal advice and assistance. If eligible, legal aid may also be available.

The perpetrator may also be eligible for legal aid.

Download this guide from the Kent Police website:

<http://www.kent.police.uk/advice/victims/attachments/dvbn-dvpo-partner-news.pdf>