

HOW TO GET A PROTECTION ORDER

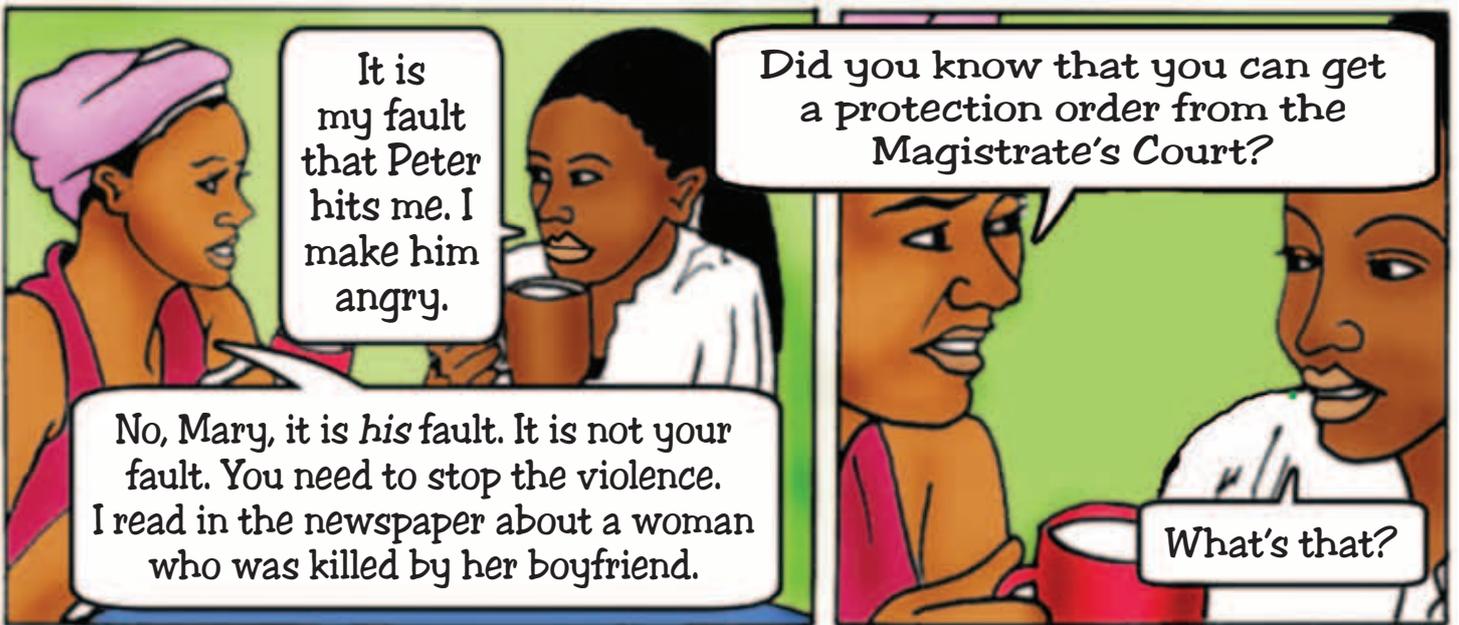


Did you see those bruises? That is what the shouting was about last night then. I think Peter is abusing Mary and little Festus.

She probably deserves it. Leave it alone, it is a private family matter.



No, she does not deserve it, no one does! Violence is violence. We should see how we can help her.



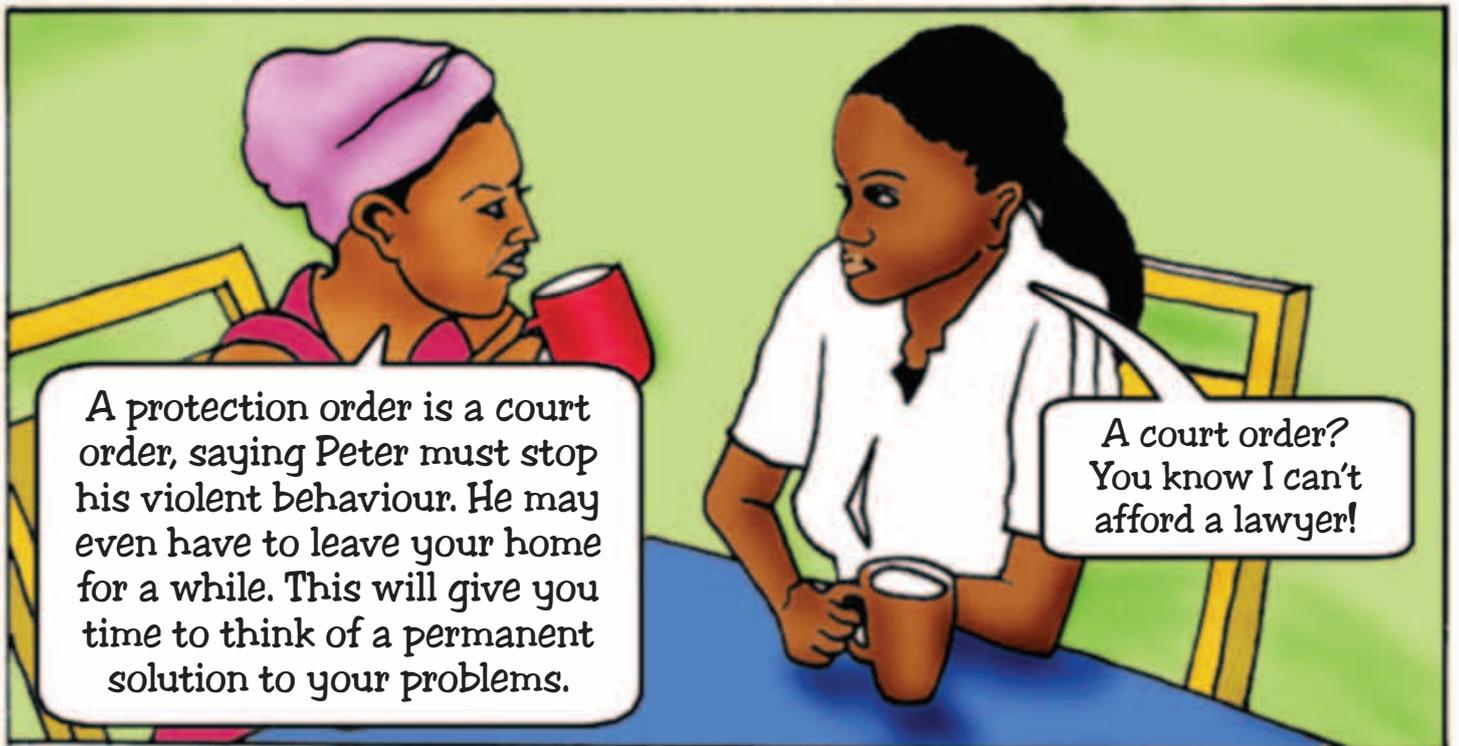
It is my fault that Peter hits me. I make him angry.

Did you know that you can get a protection order from the Magistrate's Court?

No, Mary, it is his fault. It is not your fault. You need to stop the violence. I read in the newspaper about a woman who was killed by her boyfriend.



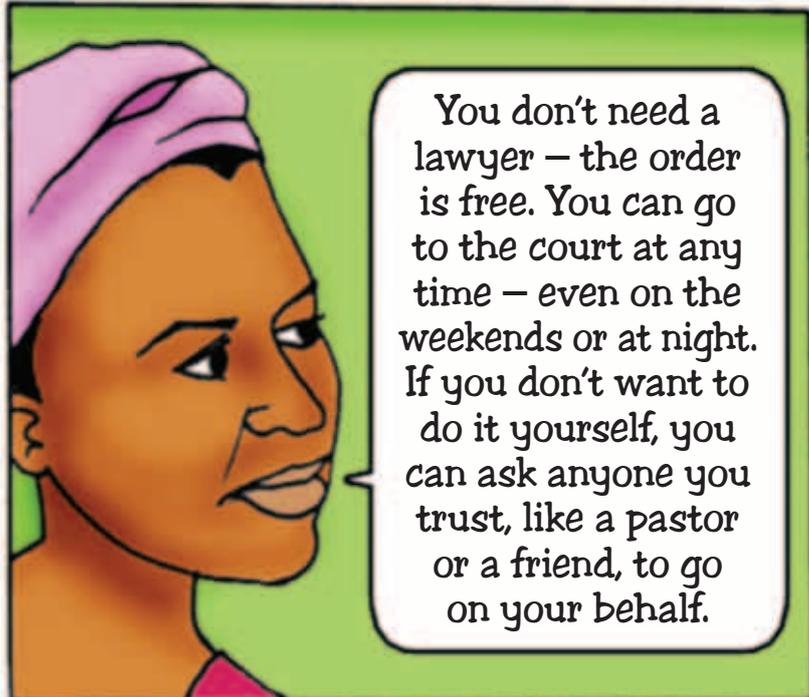
What's that?



A protection order is a court order, saying Peter must stop his violent behaviour. He may even have to leave your home for a while. This will give you time to think of a permanent solution to your problems.



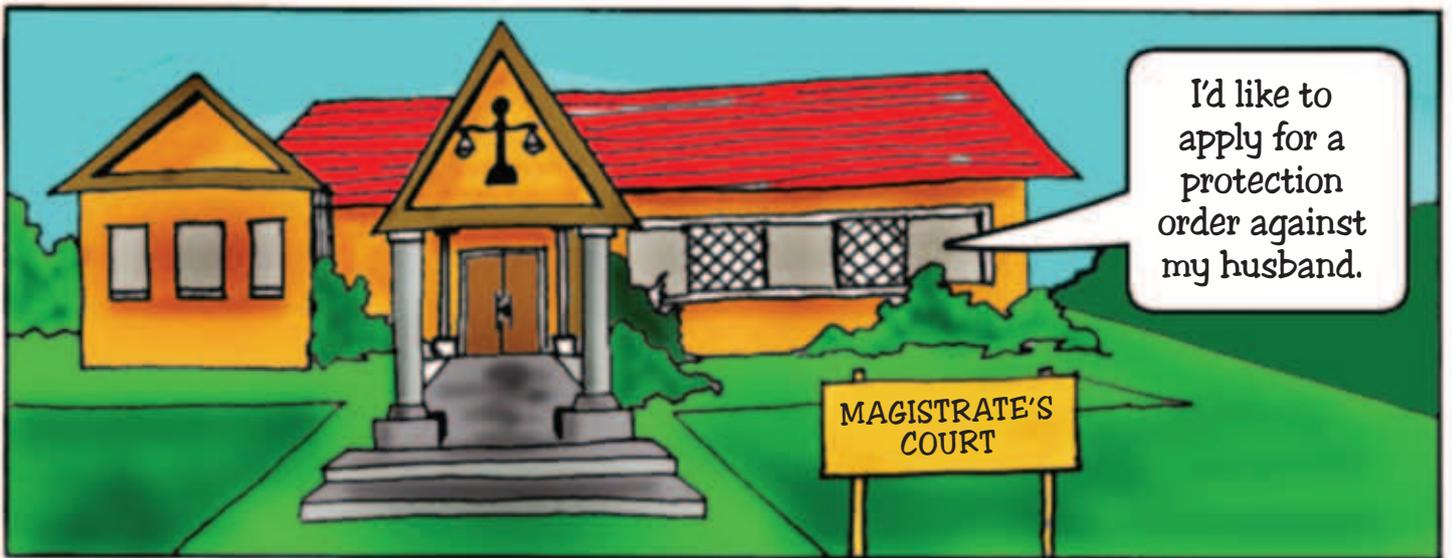
A court order? You know I can't afford a lawyer!



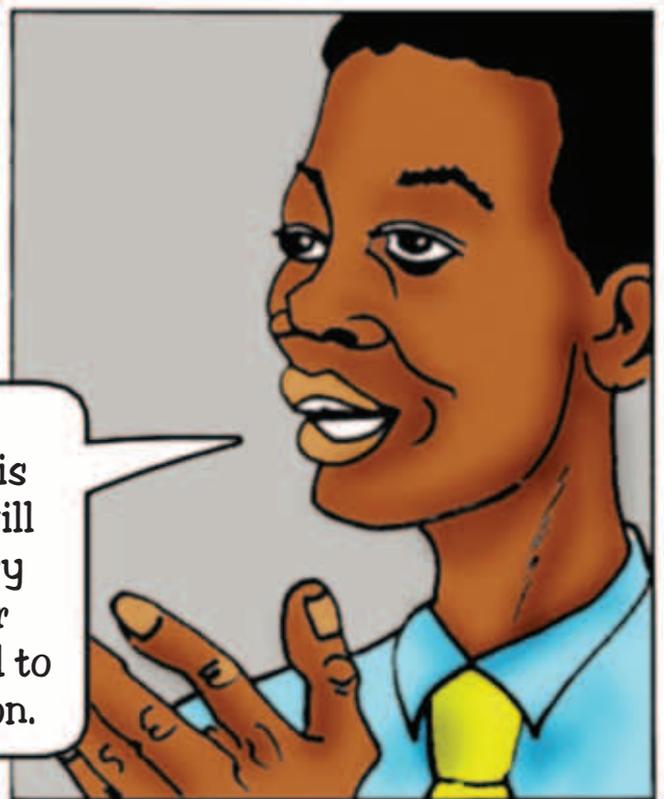
You don't need a lawyer – the order is free. You can go to the court at any time – even on the weekends or at night. If you don't want to do it yourself, you can ask anyone you trust, like a pastor or a friend, to go on your behalf.

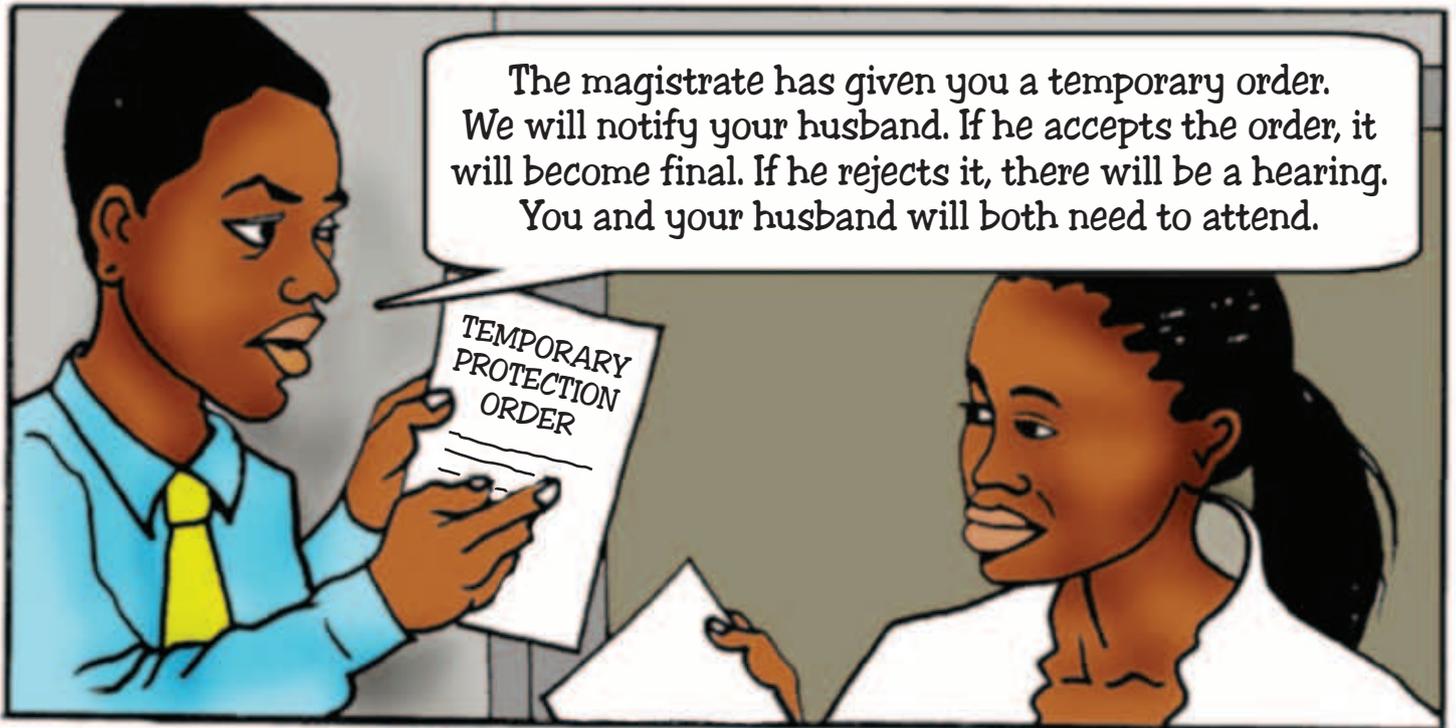


I will do it! I will take control of my life and stop the violence.



I'll give it to the magistrate. If there is enough proof, you will be given a temporary protection order. Or you may be requested to give more information.





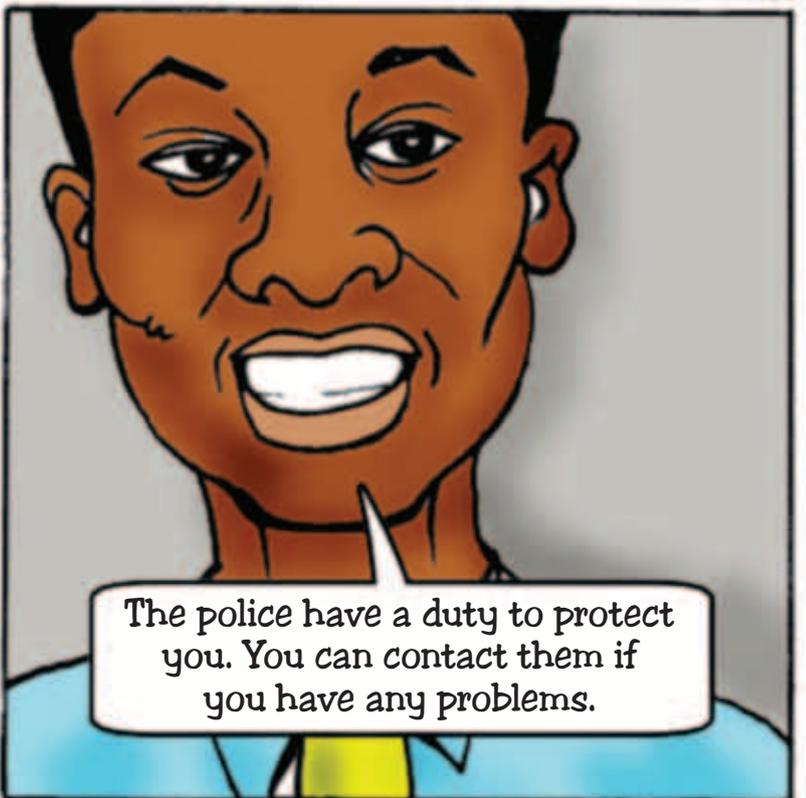
The magistrate has given you a temporary order. We will notify your husband. If he accepts the order, it will become final. If he rejects it, there will be a hearing. You and your husband will both need to attend.



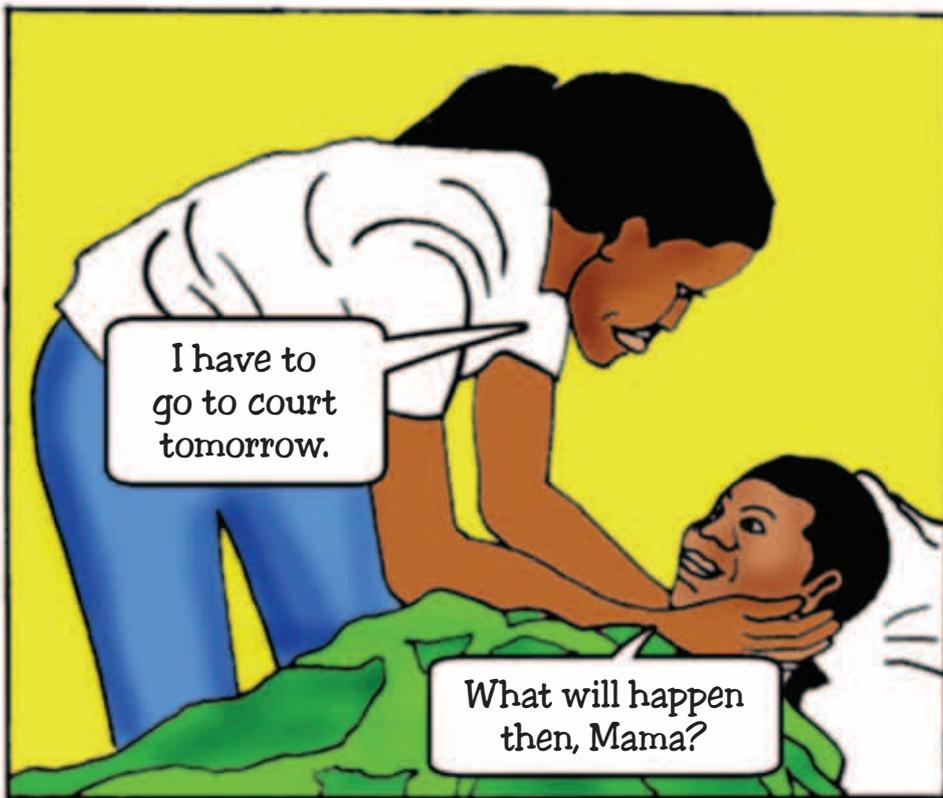
I'll send this over to the police.



I'm scared to go back to my house. Peter will be angry with me.

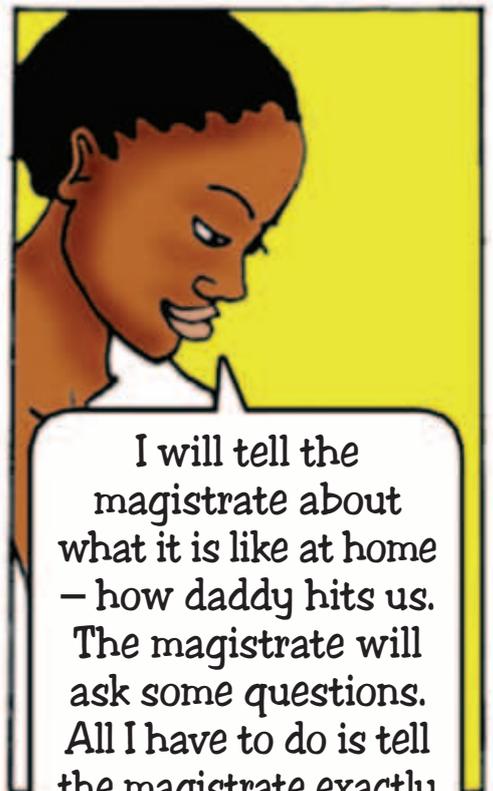


The police have a duty to protect you. You can contact them if you have any problems.



I have to go to court tomorrow.

What will happen then, Mama?



I will tell the magistrate about what it is like at home – how daddy hits us. The magistrate will ask some questions. All I have to do is tell the magistrate exactly what is happening.



Can we help Meme Esther too? I saw her husband hitting and hitting her last night until she cried.



Yes, we will help her. I want to help others who have been in the same situation as us.



Good night.

click!



No one deserves to be beaten.

THE NEXT DAY

Yes, I hit her. But she is my wife, I have to make her behave. And my son ... you know how kids can be.

You have no right to hit your wife or injure your child. A home should be a place of safety and trust, not danger. Mary, do you have any place to take Festus?

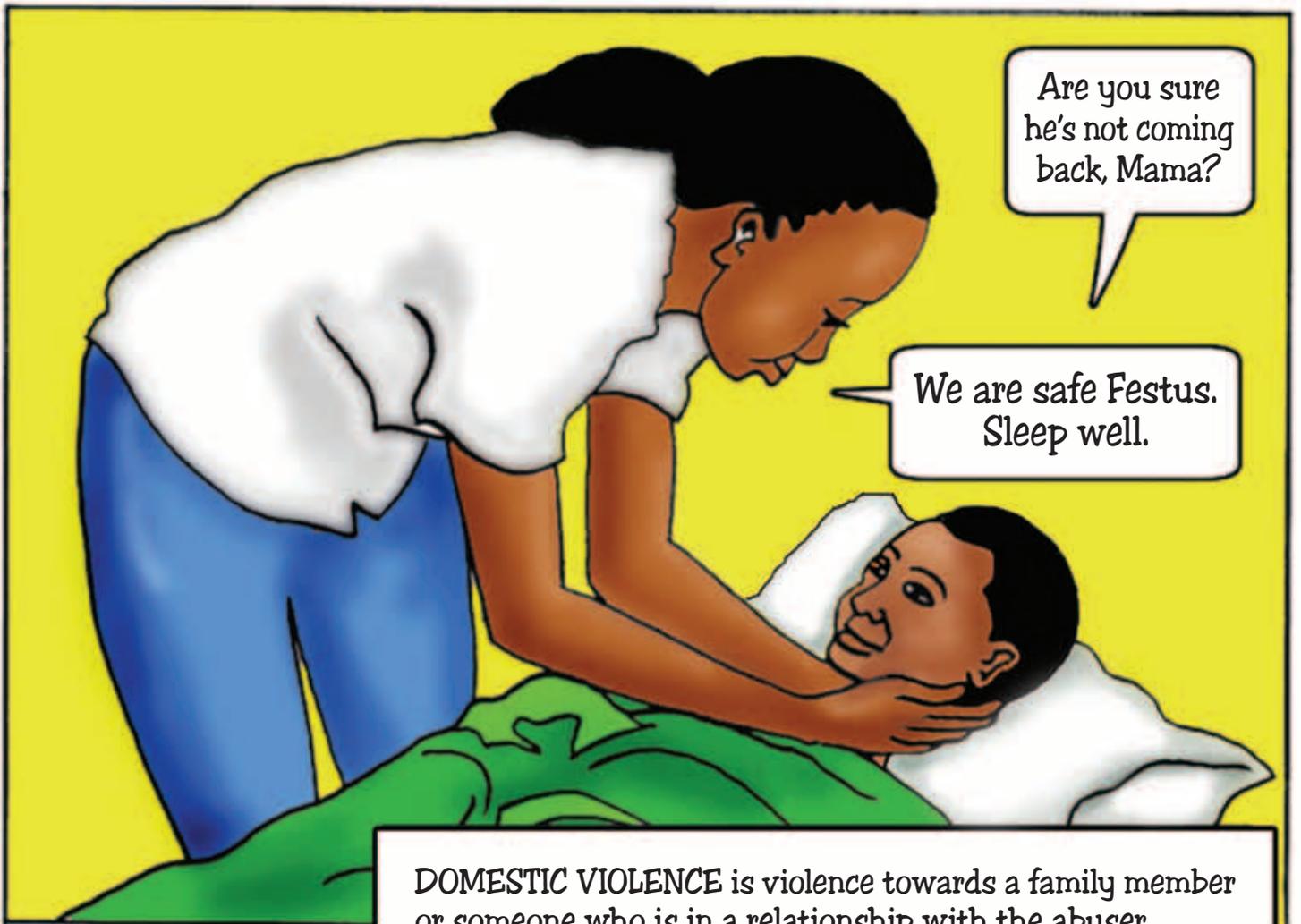
No, Sir. I don't even have a job.

Since you have nowhere to go, I think Peter should move out for 6 months.

During this time perhaps you will be able to learn how to manage your temper. Or Mary may decide she wants to live alone and will find a way to move out. During the next 6 months you must pay maintenance. Mary, before 6 months is up, you must go to the maintenance court if you need a permanent maintenance order. The maintenance order I am making is just a temporary one.

What!?! It is my house!

MAGISTRATE



Are you sure he's not coming back, Mama?

We are safe Festus. Sleep well.

DOMESTIC VIOLENCE is violence towards a family member or someone who is in a relationship with the abuser. It is most commonly physical abuse, but may also include sexual abuse, emotional and verbal abuse, economic abuse, threatening and intimidation, harassment and trespass.

An application for a protection order has 4 steps:

1. Go to the Magistrate's Court and fill out an application. The clerk can help you do this. Be sure to bring any witnesses and proof you may have. You do not need a lawyer.
2. The magistrate will look at your application and if there is enough proof, you will be given a temporary protection order.
3. If the abuser disagrees with the temporary protection order, an informal and private hearing will be held with the magistrate. The magistrate will decide whether or not to make the protection order final. If the abuser accepts the temporary protection order, it will become final and there will not be a hearing.
4. The final protection order will be sent to the local police station. It is a crime to violate a protection order.





DO YOU
... HAVE A QUESTION?
... HAVE A COMMENT?
CONTACT US!

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We would like to hear your feedback about this comic.

For more information about the **Combating of Domestic Violence Act 4 of 2003**, or to get copies of our publications, please contact the Legal Assistance Centre.

For more information, see the Legal Assistance Centre's **Guide to the Combating of Domestic Violence Act.**

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