

TEMPORARY PROTECTION ORDER

Section 79, Family Violence Act 2018

In the Family Court
at Porirua

FAM-2023-091-000115

Applicant

**Amanda Kathleen Louise Solt
Of Paraparaumu****12 August 1988**

Respondent

**David Jeremiah Solt
Of Paraparaumu****08 November 1988****NOTE**

Rule 311 of the Family Courts Rules 2002 permit the Applicant's address to be omitted from the heading.

On application without notice, the Court makes a temporary protection order against **David Jeremiah Solt**, the Respondent.

Person(s) protected by the order

This order protects the following person(s) (the protected person(s)):

Amanda Kathleen Louise Solt

Child/ren Names:

Lily Emily Natalie Solt**19 December 2022**

and any other child of the applicant's family, including any child born after the date of this order.



1 Conditions of order

A Standard conditions: no family violence, no contact, no having others breach order

The respondent, and any associated respondent, must not—

- (a) engage in behaviour that amounts to any form of family violence against the protected person, (whether physical abuse, sexual abuse, or psychological abuse); or
- (b) make any unauthorised contact with the protected person; or
- (c) encourage a person to engage in behaviour against, or to make contact with, a protected person if the behaviour or contact, if engaged in or made by the respondent, would be prohibited by this protection order.

B Exceptions to standard no-contact conditions, with consent

The protected person can suspend or reinstate the no-contact condition by giving or cancelling consent to contact.

The protected person's consent is only valid if given in writing or in a digital communication but the protected person may withdraw consent at any time and in any way.

The protected person cannot consent to any contact inconsistent with—

- (a) any order for supervised contact in relation to a child; or
- (b) no-contact conditions imposed by a direction under section 168A of the Criminal Procedure Act 2011.

C Other exceptions to no-contact conditions

Contact by the respondent, or associated respondent, with the protected person is authorised, and not in breach of the standard no-contact condition, if the contact is—

- (a) reasonably necessary in any emergency; or
- (b) permitted under any order or written agreement relating to the role of providing day-to-day care for, or contact with, or custody of—
 - (i) any child (within the meaning of section 8 of the Care of Children Act 2004); or
 - (ii) any child or young person (within the meaning of section 2 of the Oranga Tamariki Act 1989); or
- (c) permitted under any special condition of this protection order; or
- (d) necessary for the purposes of attending a family group conference (within the meaning of section 2 of the Oranga Tamariki Act 1989); or
- (e) necessary to attend any proceeding (of any kind) in or before any court or person acting judicially, or to attend any other matter that is associated with such a proceeding and that is a matter that the parties to the proceeding jointly attend (for example, a restorative justice conference, or a settlement conference convened under section 46Q of the Care of Children Act 2004).

D Standard conditions about weapons

The respondent and any associated respondent—

- (a) must not possess or have under their control, any weapon; and
- (b) must not hold a firearms licence; and
- (c) must, as soon as practicable after being served with a copy of this order, but in any case no later than 24 hours after such service; and on demand made, at any time, by any constable, surrender to a constable—
 - (i) any weapon in their possession or under their control, whether or not any such weapon is lawfully in their possession or under their control; and
 - (ii) any firearms licence held by them.

On the making of this temporary protection order, any firearms licence held by the respondent, and any associated respondent, is deemed to be suspended.



Note: The Family Violence Act 2018 defines a weapon as any firearm, airgun, pistol, restricted weapon, ammunition, or explosive, as those terms are defined in the Arms Act 1983.

Unless otherwise stated, these conditions last for the duration of this order.

2 Assessment for, and attendance at, non-violence programme/Assessment for prescribed services and engagement with prescribed standard service*

The court directs **David Jeremiah Solt**, (the **specified person**) to undertake an assessment and attend a non-violence programme, provided by a service provider, that an assessor determines is an appropriate non-violence programme for the specified person to attend.

The Registrar of the court will arrange for the specified person to be referred to an assessor, and the specified person must meet with the assessor so that the assessor may—

- (a) undertake an assessment of the specified person; and
- (b) determine, if the direction in the notification is that the specified person undertake an assessment for a non-violence programme, whether there is an appropriate non-violence programme, provided by a service provider, for the specified person to attend; and
- (c) determine, if the direction in the notification is that the specified person undertake an assessment for prescribed services, whether (and, if so, which of) the types of services specified in regulations made under section 249(a) of the Act (if any), provided by a service provider, may be appropriate for and may benefit the specified person.

If there is an appropriate non-violence programme for the specified person to attend, the service provider of that programme will settle in writing with the specified person the terms of attendance, which must include—

- (a) the number of programme sessions that the specified person must attend; and
- (b) details and arrangements about the programme venue, sessions, and times.

The Court directs:

David Jeremiah Solt

to attend the following programme:

Kapiti Living Without Violence Inc.

THIS PROGRAMME IS PROVIDED BY:

Programme Provider:

Kapiti Living Without Violence Charitable Trust.

THE RESPONDENT

David Jeremiah Solt

(or Associated Respondent)

You must contact them within 28 days of receiving this Order to arrange an assessment.

Contact Info: 04 298 1404 or info@klwv.org.nz

Signature: _____

Deputy Registrar



Date Order Made: 11 April 2023

Date Order Sealed: 11 April 2023

IMPORTANT INFORMATION FOR RESPONDENT/ ASSOCIATED RESPONDENT

Effect of temporary protection order

This order is a temporary order.

If you do nothing after being served, this order will automatically become a final order 3 months after the date on which it was made. The final order will come into effect immediately. If you wish to dispute this temporary protection order, you must notify the court as soon as possible.

The court has directed that a hearing be held in relation to the whole of this order (or specified parts of this order).

This hearing will take place whether or not you wish to appear. If you wish to dispute any part of the order, you must notify the court as soon as possible.

If you do nothing, the court may make a final order in your absence (or the parts of the order in relation to which a hearing is not required will become final 3 months after the date on which this order was made, and the court may confirm the other parts of the order at the hearing).

Modification or discharge of this order

You or the protected person may apply to the Family Court at any time—

- (a) for the modification or discharge of the standard condition about weapons.
(The Family Court may make a change to this standard condition only if it is satisfied that the condition, or a term of the condition, is not needed to protect the persons for whose benefit this order applies from further family violence.);
- (b) for a variation or discharge of any special conditions of this order, or for the imposition of a new special condition;
- (c) for this order to be discharged.

You or the protected person may apply to the Family Court for a variation or discharge of a direction to undertake an assessment and attend a non-violence programme or engage with a prescribed service, or for such a direction to be made.

Consequences of breach of this order

You commit an offence if you breach the order by—

- (a) doing an act in contravention of this order; or
- (b) failing to comply with any condition of this order; or
- (c) contravening, or failing to comply with any term and condition of, a related occupation order (for example, by failing to leave the dwellinghouse to which the order relates); or
- (d) contravening a related tenancy order (for example, by failing to leave the dwellinghouse to which the order relates); or
- (e) contravening, or failing to comply with any term and condition of, a related ancillary furniture order (for example, by preventing possession and use of all or any items to which the order relates); or
- (f) contravening or failing to comply with any term and condition of, a related furniture order (for example, by preventing possession and use of all or any items to which the order relates).

You have a defence to proceedings for this offence if you can prove that you had a reasonable excuse for breaching the order.

The maximum penalty for this offence is 3 years' imprisonment.

If a constable has good cause to suspect that you have breached this order, you may be arrested without warrant. Police bail is not available during the 24 hours immediately following an arrest. During that period, any bail application must be made to a Judge.



Consequences of failing to comply with direction

You commit an offence if, without reasonable excuse, you fail on any occasion to comply with a direction made under section 188 or 198 of the Family Violence Act 2018—

- (a) to undertake an assessment for, and attend, a programme; or
- (b) to undertake an assessment for, or engage with, a prescribed service.

The maximum penalty for this offence is 6 months' imprisonment or a fine not exceeding \$5,000.

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: <http://www.justice.govt.nz>

Ministry of Justice call centre: 0800 268 787

See *also* the information sheet accompanying this order.

