

remaining or entering in the specified area where your house or the matrimonial house is situated.

- You can take out an injunction order to stop your spouse from using and/or occupying matrimonial property.

What do I do if these orders are not followed?

If your spouse is not following the orders given by the court then you need to tell the police about this and your spouse will be arrested and taken to court within 48 hours. The Magistrate will hear the case and give a decision.

(Footnotes)

¹ See pamphlet on *Service*

Legal Aid Commission

Head Office: Suva

Legal Aid Fiji Building
41 Loftus Street
Private Mail Bag
Government Buildings
Ph: 331 1195 Fax: 330 3023

Nausori

Level 1 Y.M.Haniff Arcade
Lot 10, Main Street
P.O.Box 3495
Ph: 347 0003 Fax: 347 0005

Lautoka

Level 1
Magistrates' Court Complex
Tavewa Avenue
Private Mail Bag
Ph: 665 0011 Fax: 665 1788

Labasa

Ground Floor
New Court Complex
Katonivere House
P.O.Box 1241
Ph: 881 5118 Fax: 881 7322

Ba

Magistrates' Court Complex
P.O.Box 433
Ph: 667 8000 Fax: 667 8426

Email: info@legalaid.org.fj

NOT FOR SALE

Legal Aid Commission © 2012



LEGAL AID
COMMISSION

**URGENT APPLICATIONS
& INJUNCTION ORDERS**

What is an Urgent Application?

This is when you want to get an order from the Family Court as soon as possible without delay.

Who can apply?

Anybody who has a family problem that needs the help of the Court immediately. This is when you cannot wait for 28 days, which is normal for any family application.

How do I apply?

- Pick up and fill a *General Application Form* (FORM 12) and an *Affidavit* (FORM 23) from a Family Court Registry nearest you.
- Get a copy of the child(ren)'s birth certificate and your marriage certificate (if applicable).
- Make 1 photocopy of each form you have filled. Take your copies of the form back to the Family Court Registry.
- You also have to write a letter to the Court registry explaining why your case is urgent.
- The Family Court Registry staff will write a date and time on your form, which is when your case will be called in Court. This is usually on the same day.
- You MUST appear in Court on the date given by the Family Court Registry.

Do I have to give a copy of the Forms to the other party?

NO. Only you will have to appear in front of the Magistrate on the day given to you. The Court will ask you to give the order and the Forms to

the other party later. You might be asked to pay some money for the Court Order.

What does the Court need to know?

In the *Affidavit* (FORM 23) you will have to explain;-

- what problem you are facing and why it is urgent;
- that you are at risk if the Court does not hear your case quickly;
- you have to tell the court exactly what order you want;
- if there are other orders which Court can make in relation to your problem; and
- anything else you think is important.

What happens after I have received my Order?

You can use the order to get the police to carry out the order. This is when you will have to give a copy of the order to the other party, as the normal rules will now apply¹.

What should I do if I have been given an Urgent Application?

If you do not agree with any of the information given in the form, you must appear in Court and fill out *Response* (FORM 13). The Court will then hear your reasons why you think the urgent application should be cancelled.

INJUNCTION ORDERS (Stopping someone from doing something you think is wrong)

What is an Injunction Order?

It is an order to **STOP** the other party from doing something that interferes with your day to day life.

You will have to pay filing fees. If you cannot afford the filing fees you can visit Legal Aid office nearest you.

Who may seek an Injunction Order?

Any person who is a party to the proceedings.

In what circumstances can I seek an Injunction Order from the court?

- An injunction can be taken to protect you and/or your child(ren) at work, home or school from an abusive parent, relative or spouse.
- You can also stop your in laws or any other person(s) outside of the marriage from interfering with you and your spouse.
- It can also be given to stop your spouse from entering or remaining in your matrimonial house.
- You can also get an injunction for your spouse's property.
- If neither of you are living in the matrimonial house, you can still take out an injunction order to stop your spouse from entering or remaining in the matrimonial house.
- You can also stop the other party from