



Application for a Domestic Violence Safety Monitoring Notice

(Domestic Violence Act 116 of 1998, as amended by DV Amendment Act 14 of 2021)



What is a domestic violence safety monitoring notice?

It is a court order that instructs the station commander at your nearest police station to appoint a SAPS member to monitor your safety as a victim of domestic violence, either telephonically or with an in person visit for a specific period.

Any complainant/victim of domestic violence, who shares a joint residence with the respondent/perpetrator, may apply to the clerk of the court at a Magistrate court for a domestic violence safety monitoring notice. Please note:

The Magistrate court where the application is made must be:

- a) In the area where the *complainant/victim* stays, studies, is employed or operates a business – whether temporarily or permanently
- b) In the area where the perpetrator/respondent stays, studies, is employed or operates a business – whether temporarily or permanently
- c) In the area where the act of domestic violence occurred

A complainant/victim, who shares a joint residence with the respondent/perpetrator,

- a) May apply: (aa) at the same time when the application for a protection order is lodged or (bb) where the court has not issued an interim protection order, (cc) at any stage before the court issues a final protection order or
- b) Where an interim protection order contemplated/considered or a final protection order contemplated/considered is in force the complainant/victim may apply to the court for the issuing of a **domestic violence safety monitoring notice**.

- ❖ The application form for a domestic violence safety monitoring notice is known as a **Form 09**

The application process:

- (1) The application for a domestic violence safety monitoring notice must be lodged:
 - a) with the clerk of the court; or
 - b) Electronically (when this functionality becomes available), by submitting the application to an electronic address, of the court having jurisdiction.
- (2) Supporting affidavits by persons who have knowledge of the domestic violence perpetrated against the complainant/victim, may accompany the application.
- (3) The clerk of the court must as soon as is reasonably possible submit an application for the issuing of a **domestic violence safety monitoring notice** to the court.
- (4) The court must as soon as is reasonably possible consider an application for the issuing of a **domestic violence safety monitoring notice** and may, for that purpose, consider such additional evidence as it deems fit, including oral evidence or evidence by affidavit, which must form part of the record of the proceedings.



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(5) If the court is satisfied from information on oath or affirmation as set out in the application and such additional evidence as it deems fit, including oral evidence or evidence by affidavit, which must form part of the record of the proceedings, that:

- a) there are reasonable grounds for believing that the complainant/victim and the respondent/perpetrator *share a joint residence*; and that
- b) There are reasonable grounds to suspect that *the respondent/perpetrator poses a threat to the complainant/victim's personal safety*, the court may issue a domestic violence safety monitoring notice in the prescribed form, known as **Form 10**.

After the domestic violence safety monitoring notice (Form 10) had been issued by the court:

- (1) The clerk of the court must immediately, but no later than two hours after the application was dealt with by the court, notify the complainant/victim in person, telephonically or electronically of the outcome of the application.
 - (2) The clerk of the court must immediately serve the Form 10 notice on the station commander of a police station servicing the area where the complainant/victim resides, by hand or electronically.
 - (3) The station commander must immediately after receiving the domestic violence safety monitoring notice, assign a member of the South African Police Service (SAPS) to serve the notice on the respondent/perpetrator.
- The safety monitoring notice can only be served by the SAPS.
- (4) The member who has been assigned must:
 - a) within 24 hours of being assigned, serve the respondent/perpetrator with a copy of the notice (Form 10) without the Annexure (containing the complainant/victim's contact information) by hand or electronically;
 - b) contact the complainant/victim immediately after service on the respondent/perpetrator;
 - c) if the application or domestic violence safety monitoring notice could not be served, contact the complainant/victim in person or telephonically for assistance on the whereabouts of the respondent/perpetrator, for the purpose of serving the respondent/perpetrator with the notice;
 - d) as soon as is reasonably possible, but no later than 12 hours *after service on the respondent/perpetrator*, submit a return of service Form 40 to the clerk of the court by hand or electronically; and
 - e) If, the respondent/perpetrator could still not be served, the member must, within 12 hours of the inability to serve, file a return of non-service, which must state the reason for non-service.
 - (5) Upon receipt of the return of service or non-service of the domestic violence safety monitoring notice on the respondent/perpetrator, the clerk of the court must



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- a) Immediately notify the complainant/victim, telephonically or electronically, of the service or non-service of the notice.
 - b) Capture the notice and the information relating to the return of service or non-service on the integrated electronic repository.
- (6) The member who has been assigned must complete a Form 11 report. The report must state:
- a) when and how the member contacted the complainant/victim upon receipt of the notice;
 - b) when the member communicated with the complainant/victim, and if:
 - i. the complainant/victim or a related person appeared to have been hurt or threatened with harm;
 - ii. If there was any damage or threat of damage to property; and if
 - iii. any household pet or other animal whose welfare affects the complainant's well-being was harmed or threatened with harm;
- (7) if the complainant/victim appeared to have been hurt or threatened, state what information was given to the complainant/victim, including:
- a) referral for medical assistance;
 - b) referral to a shelter; or
 - c) The opening of a criminal complaint.
- (8) The Form 11 report must be filed with the clerk of the court by hand or electronically within 48 hours after the expiry of the period stated in the notice.
- (9) The member must use a single Form 11 to report on:
- a) every contact made with the complainant/victim; and
 - b) The outcome of monitoring the complainant/victim's safety.
- (10) The clerk of the court must capture the report on the integrated case management system (ICMS).

Sources:

- Domestic Violence Act 116 of 1998
- Domestic Violence Amendment Act 14 of 2021
- Domestic Violence Regulations, 2022 (Gazette 3289: 2023)
- Domestic Violence Regulations, 2022: Amendment (Gazette 5966: 2025)