

SCHEDULE

1. The forms to be used under the Decree are prescribed in the Schedule to these Rules.

SCHEDULE

Form No. 1

APPLICATION FOR DOMESTIC VIOLENCE RESTRAINING ORDER
(Section 19)

IN THE MAGISTRATES' COURT/FAMILY DIVISION
OF THE MAGISTRATES' COURT/FAMILY
DIVISION OF THE HIGH COURT/JUVENILE
COURT/HIGH COURT*
AT

Application No.

BETWEEN:
(Applicant's full name, address and occupation)

AND:
(Respondent's full name, address and occupation)

I,
(Applicant's full name, address and occupation)

apply on notice/without notice*

for a Domestic Violence Restraining Order ("DVRO") against:

.....
(Respondent's full name, address and occupation)

and against:

.....
(Full name, address and occupation of any associates of the Respondent)

for the benefit of:

.....
(Full name, address and occupation of persons for whose protection the DVRO is being sought, that is "the protected person or persons")

SECTION A - DETAILS OF THE APPLICANT

This section need only be filled out if a person other than the victim or aggrieved person, is making the application.

A. Police Officer:

Full Name:

Rank:

Station:

Registered Number:

B. Any Other Authorised Person Under The Decree

Full Name:

Address:

Occupation:

(If you do not wish for the address to be disclosed to the Respondent, then please write that information on a separate piece of paper and give it to the Court when the application for DVRO is lodged)

SECTION B - DETAILS OF THE PROTECTED PERSON OR PERSONS

Full Name:

Gender:

Date of Birth:

Current Address:

Current Employment and address of employer:

Phone Numbers:

Home:

Work:

Mobile:

Other:

(If the Protected person does not wish for the address and other information in italics above to be disclosed to the Respondent, then this information should be written on a separate piece of paper and given to the Court when the application for DVRO is lodged)

Full Name, Gender and Date of Birth of other persons for whose protection the DVRO is being sought:

SECTION C - DETAILS OF THE RESPONDENT

Full Name:

Gender:

Date of Birth:

Current Address:

Current Employment and address of employer:

Phone Numbers:

Home:

Work:

Mobile:

Other:

Vehicle Registration and details:

Name and location of any place where the respondent may go regularly:

SECTION D - DETAILS OF ANY ASSOCIATES OF THE RESPONDENT

Name:

Gender:

Date of Birth:

Current Address:

Current Employment and address of employer:

Phone Numbers:

Home:

Work:

Mobile:

Other:

Vehicle Registration and details:

Name and location of any place where he or she may go regularly:

SECTION E – RELATIONSHIP OF THE PROTECTED PERSON(S) TO THE RESPONDENT

What is the relationship of the person or persons sought to be protected by a DVRO to the Respondent?

- (i) Spouse:
 - married:
 - married but separated:
 - divorced:
 - de facto relationship:
- (ii) Other family member:
Please specify relationship:
- (iii) Boyfriend or girlfriend:
- (iv) Person residing in same household or residence:
- (v) Person who is wholly or partly dependent on paid or unpaid care or a person who provides such

SECTION E - BASIS OF APPLICATION

Details of most recent incident of domestic violence (include dates if possible):

.....

.....

.....

.....

.....

Details of history of domestic violence (include dates if possible):

.....

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.....

.....

.....

Why do you believe that domestic violence is likely to occur again or a threat is likely to be carried out?

.....

.....

.....

.....

.....

SECTION F – CONDITIONS OF THE DVRO**Standard Non-molestation Conditions**

Under section 27 of the Decree, the following standard non-molestation conditions apply to every DVRO:

The Respondent must not:

- (a) physically assault or sexually abuse the protected person;*
- (b) threaten to physically assault or sexually abuse the protection person;*
- (c) damage or threaten to damage any property of the protected person;*
- (d) threaten, intimidate, or harass the protected person;*
- (e) behave in an abusive, provocative or offensive manner towards the protected person;*
- (f) encourage any person to engage in behaviour against a protected person, where the behaviour if engaged in by the respondent would be prohibited by the order.*

Under section 28 of the Decree, if a DVRO is made for the safety and wellbeing of a person and that person has a child or children in their care, then, unless otherwise ordered by the Court, the standard non-molestation conditions apply for the protection of that child or those children.

Additional Conditions

I also apply for the following additional conditions *(please tick as appropriate):*

1. NON-CONTACT

Under section 29, the Court when making a DVRO for safety and wellbeing of a person (protected person), may include non-contact provisions, as a result of which the Respondent must not:

- (a) watch, loiter near, or prevent or hinder access to or from, the protected person's place of residence, business, employment, educational institution or any other place that the protected person visits often; or*
- (b) follow the protected person about or stop or accost the protected person in any place; or*
- (c) enter or remain on any land or building occupied by the protected person; or*
- (d) enter any land or building or remain there when the protected person is also on the land or in the building;*
- (e) make any other contact with the protected person (whether by telephone, correspondence or otherwise) except such contact that is permitted by the Court and such contact that is reasonably necessary in an emergency.*

2. PROTECTION OF SPOUSE

Under section 30, the Court when making a DVRO for safety and wellbeing of a person (protected person), may direct that DVRO also apply for the benefit, of a person, not being the Respondent, who is the spouse of the protected person.

3. CONDITIONS FOR CHILDREN

Under section 31, the Court when making a DVRO for safety and wellbeing of a person (protected person), may include provisions for the safety and wellbeing of a child or children, including matters in relation to:

- (a) where the child should live;*
- (b) who should care for the child;*
- (c) a child being delivered to the person who should care for the child;*
- (d) arrangements for contact in relation to the child or*
- (e) other issues relating to the safety and wellbeing of the child.*

4. USE OF POSSESSIONS

Under section 32, the Court when making a DVRO for safety and wellbeing of a person (protected person), may make provision for the use of personal property, including provisions that the Respondent:

- (a) must deliver specified personal property to the protected person or to another person or location specified in the order;*
- (b) must allow the protected person, or another person on their behalf, to collect specified personal property from the respondent or from a specified location;*
- (c) must allow the protected person, or another person of their behalf, access to premises for the purpose of collecting specified personal property;*
- (d) must leave specified personal property in the home, or at another specified location, for use by the protected person;*
- (e) must not remove or attempt to remove specified personal property from the protected person;*
- (f) must comply with directions by the court regarding arrangements for transfer of specified personal property.*

The protected person must make specified personal property available for use the respondent and comply with directions by the court regarding arrangements for transfer of specified personal property

5. WEAPONS

Under section 33, the Court when making a DVRO for safety and wellbeing of a person (protected person), may make the following provision in relation to weapons:

- (a) that the respondent must not have any weapons or particular weapons specified by the court in their possession, custody or control;*
- (b) that the respondent must not seek to acquire any weapons or particular specified by the court;*
- (c) that the respondent must surrender all weapons and weapons licences or those specified by the court to the police within a specified time;*
- (d) that the respondent must surrender all or any weapons and weapons licences at any time on demand by a police officer;*
- (e) that all weapons licences or those specified by the court held by the respondent is suspended or cancelled and*
- (f) that the respondent is disqualified from holding or seeking to hold any weapons licence or a particular weapons licence specified by the court.*

6. URGENT MONETARY RELIEF

Under section 34, the Court when making a DVRO for safety and wellbeing of a person (protected person), may order that the respondent pay such monetary relief to or in respect of, a person protected by the DVRO.

7. OCCUPATION/TENANCY ORDER

Under section 35 and 36, the Court when making a DVRO for safety and wellbeing of a person (protected person), may make an order that the protected person has the right to occupy a home and that access by the Respondent to the home be restricted, or the court may make an order that vests in the protected person the tenancy of which the Respondent is the sole tenant or is a joint tenant with the protected person.

SECTION G – COURT PROCEDURE

Does the protected person(s) request that a police officer represent him or her at their court appearance?

YES/NO*

SECTION H - DECLARATION

(The Applicant, except if a police officer, must sign this application in the presence of a Justice of the Peace, Commissioner for Oaths, Barrister or Solicitor or a Police Officer above the rank of the inspector.)

I, the applicant in this application, do solemnly and sincerely declare that the information set out in this application is true and correct to the best of my knowledge and belief.

AND I wish to apply for a DVRO against the Respondent named in this application.

AND I make this solemn declaration believing the same to be true and by virtue of the Statutory Declarations Act.

Declared at this]
..... day of2... before]
me and I certify that the declaration]
was read over in the]
language to the declarant who]
appeared fully to understand the]
meaning thereof: (signature of the Applicant)

.....
(Witness's signature, name and nature of office held)

* delete as appropriate