

A guide for people applying for **Family Violence Orders (FVOs)**

What do I need to complete?

To make an application please complete the forms and lodge at the ACT Magistrates Court, Knowles Place, Canberra

- ☐ An application for a family violence order (Form 1);
- ☐ A private and confidential form to provide to the police. This will assist the police to locate the respondent and serve your application and any orders made. This will not be provided to the respondent.
- ☐ A notice of address for service (this will be kept confidential unless you consent to its release);
- ☐ You may need to appoint someone to represent you, as a **litigation guardian**, if you are under 14 years of age or have impaired decision making ability. If so, you will need to have that person complete a Statement for appointment as a litigation guardian.

FOR MORE INFORMATION AND TO ACCESS FORMS: courts.act.gov.au/magistrates/protection

What is family violence?

It is behaviour by a person in relation to a **family member** that may include:

- a) Physical violence or abuse
- b) Sexual violence or abuse
- c) Emotional or psychological abuse;
- d) Economic abuse;
- e) Threatening behaviour
- f) Coercion or any other behaviour that:
 - Controls or dominates the family member; and
 - Causes the family member to feel fear for the safety or wellbeing of the family member or another person;
- g) Behaviour that causes a child to hear, witness or otherwise be exposed to behaviour mentioned above, or the effects of the behaviour;

Without limiting any of the above, that behaviour may include:

- Sexually coercive behaviour;
- Damaging property;
- Harming an animal;
- Stalking;
- Deprivation of liberty

A **FAMILY MEMBER** is a person is who is:

- A domestic partner or former domestic partner of the person;
- An intimate partner or former intimate partner of the person;
- A relative of the person; or
- A child of a domestic partner or former domestic partner;
- A parent of a child of the person.

A person applying for a FVO is called '**the applicant**'. An applicant may also be an **affected person**, but the police, a parent or litigation guardian may apply for a protection order for an **affected person**.

COMMON TERMS EXPLAINED

Who is an **AFFECTED PERSON**?

- a person against whom family violence has been or is likely to be committed.

Who is a **RESPONDENT**?

- the person against whom you seek a family violence order or against whom a family violence order has been made.

Who is a **PROTECTED PERSON**?

- a person who is protected under a family violence order.

Who is a **LITIGATION GUARDIAN**?

- a person appointed to represent a person who has impaired decision making ability.

OBTAINING A FVO AGAINST A CHILD OR YOUNG PERSON

It is not possible to obtain a FVO against a child aged under 10. If the respondent is aged 10–14, the Court will usually require them to be represented by a parent, lawyer, or litigation guardian who can run the case for them.

CONFIDENTIALITY OF YOUR ADDRESS

It is not necessary for the Court to tell the respondent your address in order to make a FVO. If you do not want the respondent to know your address, do not put it on the application form. The Court will ask you to complete a notice of address for service. This will be kept confidential unless you give the Court consent to disclose it.

If you would like legal advice about your situation or have trouble with these forms, please call **(02) 6207 1874** or drop in to the Legal Aid Protection Unit located in the ACT Magistrates Court.

FORM 1: Application for a Family Violence Order (FVO)

Family Violence Act 2016

In the Magistrates Court of the Australian Capital Territory

(Court staff to complete)

FVO /

Giving false or misleading information is a serious offence, punishable by a fine, imprisonment or both.

IMPORTANT: Do not provide your personal address or other contact details in this form if you wish to keep it confidential from the other party. *(See instruction form for further details.)*

WHICH PEOPLE? *Please include full names, dates of birth and any aliases*

AFFECTED PERSON(S) *person(s) for whom protection is sought (include any children)*
All adults must complete a separate application unless a litigation guardian is appointed

Family name(s)	Other name(s)	Date of birth

APPLICANT *(if you are not the affected person)*

Family name(s)

Other name(s)

Are you a police officer?

☐

Yes

☐

No

If yes, does the affected person consent to the application?

☐

Yes

☐

No

Are you a parent of the affected person?

☐

Yes

☐

No

Are you a litigation guardian?

☐

Yes

☐

No

*If yes, complete a **Statement for appointment as a litigation guardian** (available on the Court's website)*

RESPONDENT *(name of person who the application is against)*

Family name(s)

Other name(s)

Date of birth

RESPONDENT'S ADDRESS

Postcode

Relationship between affected person(s) and respondent

Does the respondent know where the affected person(s) live?

☐

Yes

☐

No

☐

Unsure

Is an immediate (interim) protection order sought?

☐

Yes

☐

No

If YES, why?

— To ensure the safety of an affected person(s) from family violence? *(short explanation)*

— To prevent substantial damage to an affected person(s) property? *(short explanation)*

Are there any parenting orders or plans or current proceedings under the Family Law Act involving the affected person(s) and the respondent? *(If YES, please ATTACH a copy)*

☐

Yes

☐

No

☐

Unsure

If there are current Family Law Act proceedings, when is the next court date?

If there are other, current court or tribunal orders about the affected person(s) or respondent that the court should know about, provide details below.

Examples include care and protection orders, mental health orders, family or personal violence orders, remand orders, detention orders or good behaviour orders.

HISTORY OF FAMILY VIOLENCE?

Has the respondent engaged in anything that is family violence towards any of the affected person(s)?

☐

Yes

☐

No

*(see the definition of **family violence** at the front of this form)*

What is the most recent incident of family violence by the respondent?

What happened? When did this occur? To which affected person?

(Attach extra pages if more space is needed)

Have you made any reports to the police about that behaviour?

☐

Yes

☐

No

If YES, police incident number:

Have the police charged the respondent with any criminal offences for that behaviour?

☐

Yes

☐

No

☐

Unsure

If the respondent has been charged, list the charges (if known):

Do you or other affected persons fear that the respondent may engage in family violence?

☐

Yes

☐

No

If YES, explain why:

Is the respondent on bail?

☐

Yes

☐

No

☐

Unsure

If the respondent has bail conditions relating to the affected person(s), include details:

SAFETY AND HOUSING

Does the respondent own a gun(s) or have a gun licence?

☐ Yes ☐ No ☐ Unsure

Has the affected person(s) previously been granted a FVO or similar protection order against the respondent anywhere in Australia or New Zealand?

☐ Yes ☐ No ☐ Unsure

Is the Order current?

☐ Yes ☐ No ☐ Unsure

Include details or provide the Court with a copy if you have one:

Has the respondent breached any FVO?

☐ Yes ☐ No ☐ Unsure

Include details:

Are you seeking an order that will exclude the respondent from where they normally live?

☐ Yes ☐ No

If YES:

- Do any of the affected person(s) have a disability?
- Does the respondent have somewhere else to live?
- Do you and any other affected person(s) have somewhere else to live?
- How long would you or the respondent need to find somewhere else to live?

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

You:

Respondent:

If the respondent is a child, are you seeking an order excluding the child from where they normally receive care and protection?

☐ Yes ☐ No

If YES:

- Do any of the affected person(s) have a disability?
- Does the respondent have somewhere else to live?
- Do you and any other affected person(s) have somewhere else to live?
- How long would you or the respondent need to find somewhere else to live?

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

You:

Respondent:

- What alternative arrangements have been made for a child respondent's care (including their education) or safety?

Do you want the Court to send a copy of any order made to any of the following?

☐ Yes ☐ No

If YES, include details:

- ☐ School
- ☐ Child care
- ☐ Housing ACT
- ☐ Child and Youth Protection Services
- ☐ Family Court/Federal Circuit Court Registry

LENGTH OF ORDER YOU ARE SEEKING

Period of final order

Length of order: months (for a period of up to 24 months)

If you require a longer order, for how long do you seek the order?

To obtain a longer order, you will need to show the Court that special or exceptional circumstances exist.

If you believe those circumstances do exist, please set them out here:

WHAT ARE YOU ASKING THE COURT TO PROHIBIT THE RESPONDENT FROM DOING?		Who to?	
<i>If you are asking for exceptions to these prohibitions, please tick any boxes below that you want to apply, or write other exceptions in the spaces provided.</i>		Please ✓ one or both	
The respondent be prohibited from:		Adult affected person	Child affected person
1. Being where the affected person(s) live(s) <i>Include details: (Do not include if you want to keep this confidential)</i> ☐ EXCEPT on one occasion in police company to collect or return belongings; ☐ EXCEPT in accordance with an order or a parenting plan made under the <i>Family Law Act 1975</i>; ☐ EXCEPT		☐	☐
2. Being on premises where the affected person(s) work(s) <i>Include details:</i> ☐ EXCEPT		☐	☐
3. Being on premises where an affected person(s) is/are likely to be (eg. your parents' house) <i>Include details:</i> ☐ EXCEPT		☐	☐
4. Being in another particular place (eg. a school) <i>Include details:</i> ☐ EXCEPT at parent-teacher interviews and other school events for the respondent's children; ☐ EXCEPT		☐	☐

WHAT ARE YOU ASKING THE COURT TO PROHIBIT THE RESPONDENT FROM DOING?		Who to?	
<i>If you are asking for exceptions to these prohibitions, please tick any boxes below that you want to apply, or write other exceptions in the spaces provided.</i>		Please ✓ one or both	
The respondent be prohibited from:		Adult affected person	Child affected person
5. Being closer than a set distance (eg. 100 metres) from the affected person(s) <i>If yes, please say below how far away</i> metres ☐ EXCEPT in accordance with orders or a parenting plan made under the <i>Family Law Act 1975</i>, when the distance shall be metres; ☐ EXCEPT in relation to the respondent's children, when spending time with them in accordance with orders or a parenting plan made under <i>Family Law Act 1975</i>; ☐ EXCEPT at a counselling/mediation session or restorative justice conference arranged with the consent of the affected person(s); ☐ EXCEPT		☐	☐
6. Locating or attempting to locate an affected person(s) ☐ EXCEPT		☐	☐
7. Contacting an affected person(s) ☐ EXCEPT through a solicitor; ☐ EXCEPT at a counselling/mediation session or restorative justice conference arranged with the consent of the affected person(s); ☐ EXCEPT in accordance with orders or a parenting plan made under the <i>Family Law Act 1975</i>; ☐ EXCEPT in writing (including by SMS or email) to discuss the safety or welfare of the children or to facilitate contact handover of the children; ☐ EXCEPT		☐	☐
8. Engaging in behaviour that constitutes family violence (<i>see the definition of family violence at the front of this form</i>)		☐	☐

WHAT ARE YOU ASKING THE COURT TO PROHIBIT THE RESPONDENT FROM DOING?	Who to?	
<i>If you are asking for exceptions to these prohibitions, please tick any boxes below that you want to apply, or write other exceptions in the spaces provided.</i>	Please  one or both	
The respondent be prohibited from:	Adult affected person	Child affected person
9. Causing someone else to locate or attempt to locate an affected person	☐	☐
10. Causing someone else to contact an affected person	☐	☐
11. Causing someone else to do anything that is family violence in relation to the affected person(s)	☐	☐
12. Taking possession of the following personal property that the affected person(s) or their child(ren) reasonably need(s): 	☐	☐

WHAT ARE YOU ASKING THE COURT TO TELL THE RESPONDENT TO DO?	To/about who?	
	Adult affected person	Child affected person
1. Return particular personal property that the affected person(s) or their child(ren) reasonably need(s). <i>Include details:</i> 	☐	☐
2. Participate in counselling, training, mediation, rehabilitation or assessment that is reasonably likely to reduce the risks of future family violence by the respondent.	☐	☐

Applicant's signature

Date