



How to apply for a domestic violence order

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Disclaimer

This guide is intended to provide you with information only. If you have a legal problem, you should get legal advice from a lawyer. Legal Aid Queensland believes the information provided is accurate as at June 2017 and does not accept responsibility for any errors or omissions.

We are committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you would like this publication explained in your language, please telephone the Translating and Interpreting Service on 13 14 50 to speak to an interpreter. Ask them to connect you to Legal Aid Queensland. This is a free service.



How can this guide help me?

This guide can help you if you've experienced domestic or family violence and want to get a domestic violence order or learn more about your rights.

Do I need to get legal advice?

Yes. You should get legal advice before starting the process to get a domestic violence order. A lawyer can help you understand the process and the steps you need to take to get a domestic violence order. They can also give you information and advice that is specific to your circumstances.

How can I get legal advice?

You can get legal advice from:

- Legal Aid Queensland – call 1300 65 11 88 for free legal advice
- a community legal centre – go to www.communitylegalqld.org.au or www.legalaid.qld.gov.au or call 1300 65 11 88 to check services in your area
- a private lawyer – call the Queensland Law Society or visit www.qls.com.au for names of lawyers who can help.

The person who wants protection is called the “aggrieved”. The person alleged to have committed domestic violence is called the “respondent”. We will use these terms throughout this guide.

What can I do if I need help urgently?

Call the police

If you are in danger and need urgent help, call the police on 000. If you would like information about accommodation in a women's refuge call 1800 811 811.

Make a safety plan

If you are worried about your safety or the safety of your children, you should consider making a safety plan to use in case you need to leave your home quickly. It is important not to let the person you are afraid of see the plan. You might find it useful to develop the safety plan with a counsellor or a domestic violence prevention worker.

Below are some things you might want to consider including in your safety plan:

1. Talk with someone you trust (confidentially) about your decision to stay in your home or whether to leave.
2. Decide who you will call if you feel threatened or in danger. Keep those telephone numbers in a safe and handy place.
3. Decide where you will go if you need a safe place. To a friend or family member's place? To a women's shelter?
4. Identify a person or people who can support you at the times you feel particularly vulnerable.
5. Decide what arrangements you will make to ensure your children are safe.
6. Depending on the ages of the children, think about how you might help them to prepare for safety in ways that do not frighten them.

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7. Save some money for taxi fares or bus fares for emergency transport to a safe place.
 8. Keep an extra key to your house and car.
 9. Keep a change of clothing for you and your children.
 10. Pack all the medications you need.
 11. Know where all your important papers (passports, birth certificates, bank details, Medicare card) and records are so you can find them in a hurry.
 12. Consider keeping some clothing, medications, important papers, keys and some money at a friend's house.
 13. If possible, practise travelling to the location you have chosen as a safe place.
 14. Remember telephone safety:
 - (a) 1800 numbers do not show on your telephone account but STD (long distance) numbers do. You can call Women's Infolink on 1800 177 577 and they will transfer you to other numbers if necessary.
 - (b) The redial number on your telephone can be pressed to see what your last call was.
 - (c) Some telephone handsets display the telephone number of the person who has called on the screen.
 - (d) Some telephone systems can tell you the number of the most recent unanswered caller. If you do not want the respondent to know certain people or agencies are contacting you, let these people or agencies know and suggest that they make their phone number "private" or come up as "blocked". They can do this by contacting their phone company.
 15. Get legal advice about separation and domestic violence orders (before you separate, if possible).
 16. Consider talking to police even if you do not wish to take out a domestic violence order, so they are aware of your circumstances.

What is domestic and family violence?

Domestic violence behaviour includes when another person you are in a relationship with:

- is physically or sexually abusive to you, or
- is emotionally or psychologically abusive to you, or
- is economically abusive to you, or
- is threatening, or
- is coercive, or
- in any other way controls or dominates you and causes you to fear for your safety or wellbeing or that of someone else.

Examples of this type of behaviour include:

- injuring you or threatening to injure you - punching, strangling you, grabbing your throat, pushing, slapping, pulling your hair or twisting your arms
- repeatedly calling, SMS texting, or emailing you or contacting you on your social networking site without your consent
- damaging (or threatening to damage) your property eg punching holes in the walls or breaking plates
- stalking or following you or remaining outside your house or place of work
- monitoring you (unauthorised surveillance) including reading your text messages, your email account, your internet browser history or your social networking site
- putting you down or making racial taunts
- holding you against your will
- forcing you to engage in sexual activities without your consent
- getting someone else to injure, intimidate, harass or threaten you, or damage your property
- threatening to commit suicide or self-harm to scare you

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- threatening you with the death or harm of another person
 - threatening to withdraw their care of you if you don't do something
 - coercing you to give them your social security payments
 - forcing you to sign a power of attorney to them against your will so that they manage your finances
 - threatening to disclose your sexual orientation to your friends or family without your consent
 - preventing you from making or keeping connections with your family, friends or culture, including cultural or spiritual ceremonies or practices.

If another person does any of these things you can apply to a magistrate at a Magistrates Court for a domestic violence order. You do not have to have been physically injured to have experienced domestic violence.

Who does the law protect?

Which relationships are protected?

The *Domestic and Family Violence Protection Act 2012* provides protection from violence for people who are, or have been in:

- an intimate personal relationship (married, de facto, registered relationship, engaged, dating)
- a family relationship (a parent, or former parent, of a child, or your relatives)
- an informal care relationship (where one person is dependent on the other person for help in an activity of daily living like dressing and cooking for them).

Can family and friends be protected?

Yes. The law can also protect your family, friends, a new partner and workmates. When domestic violence is committed against these people it is called “associated domestic violence”. You can ask that your family, friends, new partner or workmates be included on your domestic violence order as “named persons”.

What about children?

Children can also be included on a domestic violence order to protect them from violence. This can include your children, or children who usually live with you (this means a child who spends time at your home on a regular or on-going basis). This could include step-children or other children who spend time at your house on weekends or school holidays. It can also include an unborn child (the order would have a condition that takes effect when the child is born).

Children can be included on a domestic violence order if the court thinks it is necessary or desirable to protect the child from domestic violence. The law says a child has been exposed to domestic violence if they hear or see or “otherwise experience” domestic violence. This could include:

- helping a family member who has been hurt as a result of domestic violence, or
- seeing damaged property in the home.

If the court is aware that you have children living with you or regularly visiting your home, then it must consider including those children on the domestic violence order.

Who is not covered by domestic violence laws?

The *Domestic and Family Violence Protection Act 2012* does not protect:

- neighbours
- flatmates.

The laws do not provide protection for parents from their children (if the child is aged under 18 years of age). If you have children under the age of 18 who are being violent to you, this is considered to be within the scope of the child protection system and is not covered by the domestic violence laws. Likewise, children under 18 years of age can't apply for an order against their parents or family members unless they are named in someone else's application.

Does my interstate or New Zealand domestic violence order protect me in Queensland?

Yes, but you must register the order. You must complete an *Application for Registration in Queensland of an Interstate Domestic Violence Order* at a Magistrates Court. If you do not have a copy of the interstate domestic violence order, the clerk of the court can get one at no cost to you. The court will give you and the Police Commissioner a certificate of registration with a copy of the registered interstate order attached. The respondent will not be given a copy of the registration unless you agree in writing. This is to protect the identification of your location.

Will my immigration status be affected?

If you are an Australian permanent resident or citizen, your partner cannot have you deported if you separate.

If you are an applicant for a permanent visa, sponsored by your Australian partner, then your partner may contact the Department of Immigration and Border Protection (DIBP) if you separate. The DIBP may then review your situation. Any decisions about your immigration status will be made by the DIBP and not your partner.

A threat by a visa sponsor to have their partner deported often occurs with other forms of abuse and intimidation or control. It may mean you are experiencing domestic violence. If you leave your partner and have experienced domestic violence it may mean you can apply to the DIBP to remain permanently in Australia in your own right.

If you are considering leaving your partner, you should get legal advice before making that decision. If you do separate from your sponsoring partner, then you should get legal advice urgently because a visa applicant must notify the DIBP of any changes to their circumstances.

For more information contact:

- Legal Aid Queensland on 1300 65 11 88
- Refugee and Immigration Legal Service on (07) 3846 9300
- Immigrant Women’s Support Service on (07) 3846 3490

What is a domestic violence order?

A domestic violence order helps to protect you, your children and other people named on the order from someone who is violent to you. A domestic violence order will include conditions to stop the respondent from behaving in a way that makes you feel unsafe.

The court will make an order if it accepts:

- there has been an act of domestic violence, and
- you and the respondent are in one of the relationships covered by the law (see pages six and seven for more information), and
- the court thinks a domestic violence order is necessary or desirable in your situation.



How do I get a domestic violence order? What happens in court?

If the police have decided to issue you with a police protection notice or to make an application for a domestic violence order they will complete the necessary forms.

If not, you should fill out the protection order application form (DV1 form).
Lodge it at your local Magistrates Court.

URGENT TEMPORARY PROTECTION ORDER – If you think you need an urgent temporary protection order, ask to speak to either the court registry staff or a police officer.

The police will give a copy of the form to the respondent (person you need protection from) which includes notification of the time and place the application will be heard.

MENTION
First court date 3-4 weeks after form is lodged at court.
This is not a hearing. Magistrate needs to know what is happening with protection order application.

IS RESPONDENT AT COURT FOR MENTION?

YES

NO

DOES RESPONDENT AGREE TO ORDER BEING MADE?

HAS RESPONDENT BEEN GIVEN COPY OF DV1 FORM?

YES

NO

YES

NO

The magistrate may grant a final protection order.

The matter will/may be set down for a hearing.

The magistrate may grant a final order or adjourn the matter to give the respondent time to get legal advice.

The matter is adjourned for another mention until the respondent is served with the form.

HEARING
If your matter is set down for a hearing, get legal advice quickly.

At the hearing, the magistrate will listen to the evidence from the person wanting protection, the respondent and relevant witnesses, and make a decision about whether a domestic violence order should be made.

At the hearing you may be represented by a police prosecutor, Legal Aid Queensland lawyer, private lawyer or yourself.

How do I apply for a domestic violence order?

You can apply for a domestic violence order yourself or get a police officer, lawyer or authorised person (friend, relative, community/welfare worker) to apply for you.

You should get legal advice before applying for a domestic violence order.

Legal Aid Queensland provides free legal advice and may be able to help you get a domestic violence order.

How can the police help?

If the police suspect domestic violence has been committed they must investigate your complaint. If after they've investigated they reasonably believe that domestic violence has been committed they can:

1. Charge the respondent with a criminal offence

The police can charge the respondent with a criminal offence (eg stalking, assault, grievous bodily harm etc) if they believe it would be more appropriate to deal with the behaviour through the criminal law system. If they do charge the respondent with a criminal offence, their bail conditions may stop them from having contact with you.

2. Issue a police protection notice

This is issued on the spot and protects you immediately from further acts of domestic violence. It has the same effect as a court order until the matter is heard in court. The notice may include a court date where the respondent must appear and will become the application to the court. Before they can issue a police protection notice, the police must reasonably believe that:

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- domestic violence has occurred
 - you haven't already got a domestic violence order in place
 - an order is necessary or desirable to protect you.

You should talk to police about whether this applies to your situation.

The police protection notice may include conditions that provide effective and immediate protection for you and your children. It could also include a “cool down” condition to stop the respondent from coming to or staying in your house, trying to approach you or trying to contact you, which remains in force for no more than 24 hours.

3. Apply to a court for a domestic violence order on your behalf

If the police officer applies to the court for a domestic violence order on your behalf, they will complete the necessary paperwork and will appear on your behalf in court. You may still have to attend some court appearances.

4. Apply to a court to vary an existing domestic violence order

This only applies if you already have a domestic violence order in place. The police can apply to the court to have the conditions in your existing domestic violence order changed to better protect you.

5. Take the respondent into custody

The police can only take the respondent into custody if they believe the respondent is likely to injure someone or damage property. The respondent can be kept in custody for up to four hours and, in some circumstances, this can be extended to eight hours. If it is not possible to bring the respondent before a court to have the domestic violence order heard and decided while they are in custody, the police officer must apply for a temporary protection order or complete an application for a domestic violence order. Even if the police officer does not take the respondent into custody you can ask them to apply for a domestic violence order for you.

6. Apply directly to a magistrate for an urgent temporary order

If the police believe you are in immediate danger, and that the normal application process won't protect you quickly enough, they can apply for an urgent temporary protection order. This might happen if the court is in a remote location, does not sit regularly, or the respondent cannot be easily located. The application is made to a magistrate and can be done by fax, telephone, radio or email.

Applying through your lawyer

If you want a lawyer to represent you, contact your local Legal Aid Queensland office, community legal centre or a private lawyer to organise for them to represent you. If you want a lawyer from Legal Aid Queensland to represent you, you will need to apply for legal aid and meet our criteria. Some private lawyers can also apply for legal aid to represent you.

Applying through an authorised person

If you do not want to apply for the domestic violence order yourself, you can get a friend, relative or community/welfare worker to apply for you. You will need to give that person authorisation to apply for an order on your behalf.

Applying through a guardian

A guardian or administrator, who is appointed under the *Guardianship and Administration Act 2000*, can apply for a domestic violence order on your behalf.

Applying through the Office of the Public Guardian

The Office of the Public Guardian can apply for a domestic violence order on behalf of someone else if the person has impaired capacity. Impaired capacity refers to a person's ability to make a sound decision in a particular area of their life. Impaired capacity may be due to an intellectual disability, acquired brain injury, mental illness, dementia or some other cause.

Applying through an attorney

A person acting under an enduring power of attorney under the *Power of Attorney Act 1998* can also apply for a domestic violence order on another person's behalf.

If you decide to get someone else to apply for you

If you decide to get someone to apply for you, you must give them written authority, unless you are unable to do so, for example, if you have a physical impairment and cannot write your name (see page 14 for an example of a written authority, known as an 'Authority to Act'). The person acting for you is called the authorised person. You need to work closely with this person.

If an authorised person is applying for you, they must fill out all the sections on the domestic violence order application form, especially Part 3 and sign the declaration. The authorisation has to be filed at court with the application.

Sample 'Authority to Act'

AUTHORITY

I, Betty Smith, of c/- Legal Aid Queensland authorise Mary Jones of Legal Aid Queensland to act on my behalf in my application for a domestic violence order under the provisions of the *Domestic and Family Violence Protection Act 2012*.

Taken at Brisbane

This 17th day of October, 2016.

Signed: *Betty Smith*

Witnessed: *Jane Dempsey*

SAMPLE

Preparing your own application

Step 1 – Get legal advice and other help

You should get legal advice before you start the process to apply for a domestic violence order.

In some areas there are programs to help people apply for a domestic violence order – these include domestic violence prevention programs, application assistance programs or domestic violence services. You can ask at the Magistrates Court about these programs before starting your application.

Step 2 – Complete the application form

To apply for a domestic violence order, you must fill out a *DV1 Application for a Protection Order* form. This form is available online at www.courts.qld.gov.au. If you don't have safe access to the internet, ask for a copy of the form at your local Magistrates Court. Some domestic violence prevention and domestic violence services also have these forms. A sample domestic violence order application is included in this booklet at page 37. It is recommended that you get help from a lawyer, domestic violence prevention worker, domestic violence worker, refuge worker or someone else who works in this field when you are filling out the form. You can get free legal advice from Legal Aid Queensland about what you need to include in the application form.

You need to provide as much detail on the application form as you can. You should describe every domestic violence incident that has happened, including:

- when it happened
- where it happened
- what happened
- how it happened

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- who was there
 - any injuries you suffered and
 - how you felt – eg did you feel threatened, fearful or scared?

You should avoid generalising or exaggerating the incidents – stick to the facts.

If you do not want the respondent to know your address and contact details, you can leave the contact details blank on the *DV1 Application for a Protection Order* form and include them on the *Domestic Violence Aggrieved Confidential Address* form. A sample of this form is provided on page 45.

Step 3 – Gather evidence and attach to the form

You should also start gathering the information (evidence) you will need to support your application. Information that may be helpful includes:

- photos of any injuries taken at the time the domestic violence happened
- photos of any injuries taken later when they are more visible (like bruising that shows up a day or two later)
- statements from people who saw or heard the domestic violence or who you have told about the domestic violence over a period of time
- diary entries you have made about the domestic violence
- doctors' reports
- other court orders eg other domestic violence orders or family law orders
- reports from counsellors that you have seen
- all text and voicemail messages, emails, letters and social media entries (printed out with dates).

Attach this evidence to your application form.

If possible, try to use photographs that have a date stamp on them; they can help you remember when the incidents happened. Photographs (or colour photocopies of them) can be attached to your application form.

Step 4 – Attach any court orders

If you have any court orders, like family law orders about your children, Childrens Court orders or any old or current domestic violence orders, you must attach a copy to your domestic violence order application.

Step 5 – Sign the declaration

You must sign the declaration on the form in front of a Justice of the Peace or a lawyer. When you sign the form you are indicating that the details are true and accurate. All Magistrates Courts have a Justice of the Peace.

Step 6 – Lodge the application

You must lodge your completed and signed *DV1 Application for a Protection Order* form at the counter of your Magistrates Court. There is no charge for lodging your form.

Step 7 – Let the court know if you need an interpreter

If you do not speak English well, or you do not feel confident with legal terms and jargon in English, you should ask the court to provide you with an interpreter. You should let the court know you will need an interpreter when you are lodging your application form or at your first appearance. The magistrate will decide whether an interpreter will be used.

What happens after I've lodged the application?

After you've lodged the application you will either be given:

- a court date (as soon as possible), depending on the court's availability, to ask for a temporary protection order, or
- a date to appear at court (usually in about four weeks time).

When you lodge your application you can ask to go to court to make an urgent temporary protection order application that day (or as soon as possible). If your circumstances are urgent, your application can be quickly listed to go before a court. This can happen even if the application has not yet been served on the respondent and if you can show it is necessary or desirable for you to have protection.

The clerk of the court will arrange for a copy of your application and any temporary order to be delivered to the respondent by their local police. You can ring the police to see if the application has been served on the respondent before you go to court. If the application has not been served on the respondent, you will still have to go to court.



What happens at the first court appearance?

Your first court appearance is called a “mention”. A mention is a short court appearance where the magistrate will assess the situation and find out if the respondent agrees or disagrees with your application for a domestic violence order. You will not need to give evidence or bring any of your witnesses to the first court appearance.

If the respondent does not agree with your application for a domestic violence order, a date will be given for a contested hearing – which is where both you and the respondent and any relevant witnesses will have to tell your story and possibly be cross-examined (asked questions about your story).

If the respondent has not been served with the documents before the first court appearance, the magistrate will adjourn the matter to a later date, so the respondent can be served with the documents.

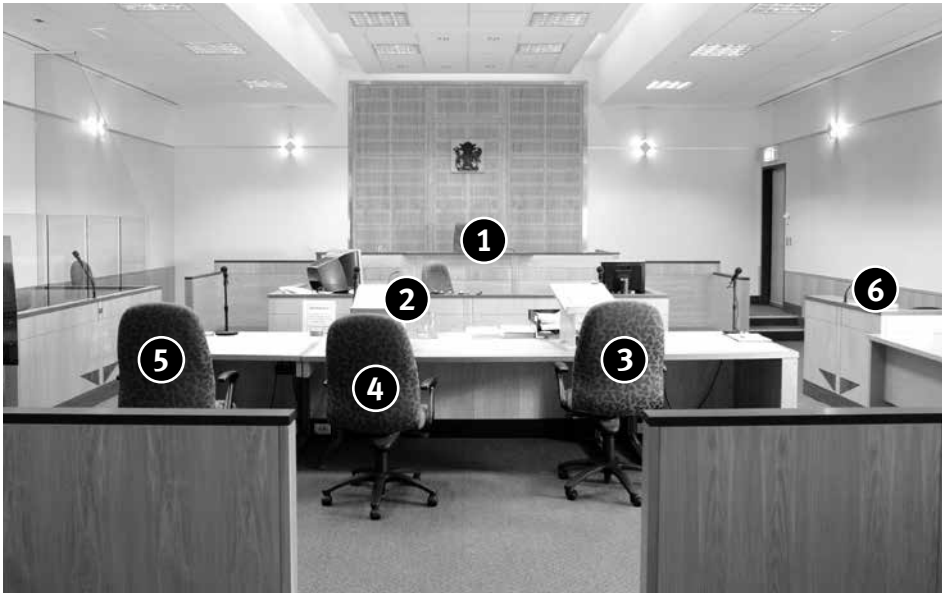
If you think you will be in danger during that time, ask the magistrate to give you a temporary protection order.

What happens if I don't arrive on time or don't turn up for court?

If you do not arrive at court at the required time your application could be dismissed.

Who's who in the courtroom?

1. **Magistrate** — hears the application and decides whether to make the domestic violence order.
2. **Depositions clerk** — assists the magistrate and records proceedings.
3. **Police prosecutor** — represents you if it is a police application.
4. **Lawyer** — represents parties to a domestic violence order application — from the application through to a hearing.
5. **Respondent** — the person responding to the application for a domestic violence order.
6. **Witnesses** — people who tell the court about something they heard or saw that is relevant to your application.



When you go to court

- Arrive at court 15 to 30 minutes early.
- If you don't have a lawyer, the police prosecutor may represent you at a mention. Talk to them about your case.
- If you'd like extra support you can speak to a domestic violence prevention worker who will be present at some courts. This person can go into court with you to support you.
- In some courts you can ask to see a domestic and family violence duty lawyer. This is a free services that provides you with legal advice about your court appearance.
- You can bring your own support person to court. Your support person is not permitted to speak for you unless they have made the application on your behalf as an authorised person.

Can I take my children to court with me?

There is no-one at the court who can look after your children. If you have to bring your children to court you should bring someone with you to supervise your children or try to leave them with a family member, friend or babysitter. It is not appropriate to bring children into the courtroom with you. You could also consider applying to Victim Assist Queensland on 1300 LINKUP (1300 546 587) as they may be able to offer financial support for childcare costs. Contact Victim Assist Queensland to see if you are eligible for assistance.

Will I have to see the respondent in the waiting room?

If you are worried about seeing the respondent in the waiting room, contact the court and speak to a domestic violence prevention worker, security officer or another staff member about the situation before you arrive. Some courts have a safe room available for women where they can wait safely before and after court. Some safe rooms have direct access in and out of the court room. Preferably, you should not bring children into the safe room. At some courts you can enter and exit the building through the safe room.

If you have concerns about your safety while at court you can bring it to the attention of the court staff by completing the *Domestic and Family Violence Safety* form (sample on page 23). Court staff will give a copy of the form to the security officer, domestic violence prevention worker, registrar and any other relevant staff to arrange your safety at court.

What are the respondent's options?

The respondent has a number of options when they receive their copy of the application for a domestic violence order.

The respondent can:

- consent to an order being made. A consent order will only be made if the respondent says they agree with the order in person, through a lawyer or in writing. The respondent might agree to an order being made without admitting to the facts. This is called “consenting without admission”.
- ask for the proceedings to be adjourned so they can get legal advice.
- oppose the orders you are asking for. If this happens, the court may give you a hearing date.
- do nothing (and not attend court).

Sample 'Domestic and family violence safety form'

Domestic and Family Violence Safety Form

Queensland Courts Service is committed to providing a safe environment in the courthouse. Courthouses have safety measures in place such as safe rooms (or other rooms or areas where a person seeking protection can wait separately). Most courthouses also have security officers and security cameras.

Court staff follow domestic violence protocols which place safety as top priority for all people seeking protection from domestic violence.

If you have safety concerns about attending court that should be brought to the attention of court staff and the registrar, please complete the following and give this form to court staff. The court staff will copy the form and give it to the security officer, domestic violence protection worker, registrar and any other relevant court staff to arrange for your safety. It will also be placed on your court file, but will not be part of the application and will not be served on the respondent.

If your safety concerns change for future court dates, you should complete another safety form for court staff.

1. Are you concerned that you may be in danger while attending court?

Yes. I am concerned that my ex-partner may try to confront me and harm me in the court building. He has threatened to "get me" when we go to court and I'm worried about his history of violence and stalking and his increasing threats about harming me. I haven't seen him in a number of weeks and I'm concerned that this event may be a trigger for a violent outburst.

2. Are you concerned about your safety when leaving the court building?

Yes. As stated above, I believe it is possible that my ex-partner could use this court event to harm me. He has a history of violence and has made threats about my safety when going to court. I think that if he doesn't have a chance to get close to me inside the court he may wait for me outside the court building. I am very worried about him following me home.

If the respondent agrees to the orders you want, an order can be made by consent when your application goes before the magistrate. The order will usually remain in force for five years, or longer if there are special reasons.

If the respondent asks to adjourn your application, the magistrate will normally adjourn it for four weeks to allow the respondent time to get legal advice before the next court appearance. Ask the magistrate to issue a temporary protection order to protect you until a further order is made or until the next hearing.

What happens if the respondent applies for a domestic violence order against me?

This situation is called a “cross application” — where both parties apply for domestic violence orders against each other.

If the magistrate believes the application to be vexatious, or without merit, they might dismiss it. It is important to get legal advice if you are faced with a cross application. The police prosecutor will usually only represent you for the initial application for a domestic violence order.

If the respondent opposes your application, there will be a contested hearing at a later date. The magistrate may transfer the applications so they are heard together and the court will consider who is most in need of protection. If this happens, you should get representation either by the police prosecutor (if the police are making the application), a private lawyer or a Legal Aid Queensland lawyer. You should organise this well before the hearing.

What happens if the respondent doesn't come to court?

If the respondent does not come to court at the required time the magistrate could:

- adjourn the hearing
- make the orders you asked for in your application
- issue a warrant.

If the respondent does not appear in court, and the police can prove your application was served on them, the magistrate can make the orders you asked for in your application. If the magistrate thinks the orders you want are not appropriate, they must consider what other orders may be made to protect you and your children.

What happens at the hearing?

The hearing is a day in court when a magistrate listens to why you need a domestic violence order and also listens to the respondent's side of the story. In some courts, you and the respondent may be required to document all of your evidence in an affidavit (a sworn statement) and exchange these before the hearing. This would include the evidence from any of your witnesses and supporting evidence such as photographs and emails. You and any witnesses will have to attend court in person and answer any questions from the magistrate and respondent. It is important you make sure you file and serve these documents with the court by the dates ordered otherwise your application could be dismissed or you may not be allowed to have the court consider your evidence.

If the respondent does not have a lawyer you can ask the court that the respondent not be permitted to cross examine you on the grounds it would cause you emotional harm or distress. In some courts you can also ask for your evidence to be provided by video link or from behind a screen.

Who will represent me?

If you cannot afford a lawyer you should apply for legal aid. If the police are making the application, the police prosecutor will represent you as soon as a hearing date is set. In some courts there is a domestic violence prevention program that may be able to help you prepare your application and support you in court. Alternatively, a domestic violence service in your area may be available to support you. You can also represent yourself.

Will the public be allowed in the courtroom for the hearing?

No. The hearing will be held in a closed court, which means the public are not allowed to watch or listen.

Should I bring my witnesses to the hearing?

Yes. You should bring any witnesses who saw or heard incidents of domestic violence to the hearing. They will need to answer questions about their evidence in person. Ask your witnesses to write down what they saw or heard as soon as possible after the events and to bring these notes with them to court. Children can not give evidence in a domestic violence proceeding, unless they are given permission to do so by the court.

You should also bring any other supporting evidence to the hearing. Photographs of your injuries and medical reports from the doctor who treated you will help the magistrate decide whether to make the domestic violence order.

Will I have to give evidence at the hearing?

Yes. You and your witnesses will give evidence before the court. You will tell the magistrate what happened to make you apply for a domestic violence order. Most of the details should have been included in your application, so only explain any matters the magistrate does not understand. If you don't have a lawyer, the magistrate will guide you through the evidence process. After you have given evidence, you will be told to call your witnesses into court. Ask them to tell the magistrate what they saw or heard.

When you give evidence, the respondent or their lawyer will ask you questions about your evidence. When the respondent gives evidence you or your lawyer will be able to do the same. This is called cross-examination. Witnesses will also be cross-examined. The respondent will present their case in the same way.

After listening to the evidence provided by you and the respondent, the magistrate will decide whether to give you the orders you have requested. The magistrate must be sure the respondent did commit domestic violence and it is necessary or desirable for you to have a domestic violence order.

Will the respondent get a criminal record if the magistrate makes a domestic violence order?

No. The domestic violence order does not result in a criminal record for the respondent. If the respondent breaches the domestic violence order it may result in criminal charges.

Are there any costs involved in getting a domestic violence order?

If you have hired your own lawyer you will usually have to pay for the cost of your own legal representation. There are usually no costs if a police prosecutor or a legal aid lawyer represents you.

Remember:

The court may make you pay the respondent's court costs if the court decides to dismiss your application on the grounds that it's deliberately false, frivolous, vexatious or malicious.

Can I appeal the court's decision?

Yes. If you disagree with the magistrate's decision you can appeal it. You have 28 days from the date the magistrate made the decision to lodge an appeal. Your appeal is made to the district court.

You should get legal advice if you want to appeal because the procedures are complex.

Will the court proceedings be published?

No. A person is not allowed to publish any information said in court or any information that identifies the parties, children or witnesses involved in a domestic violence court proceeding. If they do this an individual may be fined up to \$1100 or sentenced to two years jail and a corporation could be fined up to \$11,000.

Information can only be published if the court allows it, the parties consent to it being published or the publication is for law reporting or research purposes.

What orders can be made by the court?

Temporary protection orders

A temporary protection order aims to provide you with protection from domestic violence until your application is decided by the court. Temporary protection orders are granted if you are in a relationship covered by the law (see pages six and seven) and domestic violence has been committed.

If the respondent doesn't know you are applying for a domestic violence order, the court can still make a temporary protection order. To make a temporary protection order, the court must be satisfied the order is necessary or desirable to protect you, your children or the other people named in your application.

Final protection orders

Final protection orders usually continue for five years. They can be made:

- after there has been a hearing in a court (where all the parties give their side of the story), or
- if the parties agree to the order being made, or
- if the respondent doesn't turn up or participate in the court process.

Conditions on your domestic violence order

Domestic violence orders automatically say that the respondent must be of good behaviour and not commit domestic violence against you, your children and any other people named on your order.

You can also ask for other conditions on the domestic violence order. The court has to consider your safety and your children's safety when deciding whether to add other conditions to the order.

Other conditions that could be included in a domestic violence order include:

- Stopping the respondent from going to where you live or work, or within a certain distance of where you live or work.
- Stopping the respondent from living with you. Get legal advice before asking for this sort of order.
- Stopping the respondent from trying to locate you, for example, stopping them from contacting your family, friends or a place where you are staying (like a refuge or shelter).
- Making the respondent return personal property to you or giving you access to the house you used to live in so you can get your belongings.
- Stopping the respondent from behaving in a particular way towards your children (or children who usually live with you).
- Stopping the respondent from going to places where your children frequently visit, like their school or kindy.
- Protecting your unborn child and including them on the order when they are born.
- Stopping the respondent from having contact with you or other people named on the order. This means the respondent cannot telephone you, write to you or come within a certain distance of you. You can ask the magistrate to make an exception if you think you will want counselling or want to attend mediation with the respondent in the future.

In some circumstances it is possible for the court to stop the respondent coming back to where you live, or to remove them from where you live, even if you have both lived there together. This is known as an ‘ouster’ condition. If the court makes an ouster condition it has to also consider allowing the respondent to return to the residence to get their belongings. This process can be supervised by the police.

Intervention orders

If a court makes or varies a domestic violence order it can also make an intervention order requiring the respondent to attend an intervention program, perpetrators’ program or counselling to address their behaviour. This order can only be made if the respondent is present in the court, agrees to the intervention order being made or varied, and agrees to comply. You should get legal advice about this type of order.

Consent orders

Consent orders can be made if the respondent agrees to your application for a domestic violence order (or agrees to vary an existing domestic violence order). The respondent does not have to admit to the facts you’ve included in the application, or agree with your side of the story, for the court to make consent orders - this is known as “consent without admission”. The court will take into account your safety, your children’s safety and the safety of anyone else named in your application when considering whether to make consent orders.

This may not apply if the respondent is under 18 years of age. You should get legal advice if this applies to your situation.

If a police officer is acting on your behalf, the court can only make a consent order if it is sure that you consent to the order being made.

Will my domestic violence order affect my existing family law orders?

The magistrate must consider any family law orders you have before deciding to make or vary a domestic violence order. If you have a family law order about your children, or if you have proceedings in the family law courts about your children, you must:

- tell the magistrate
- attach a copy of the order to your application for a domestic violence order, or
- give a copy to the magistrate.

A magistrate must consider changing your family law order if:

- the conditions in the order are in conflict with conditions in your domestic violence order, and
- the conditions in the order could make you, your children or anyone else named in your domestic violence application unsafe.

For example, if your family law order allows the respondent to come to your home to collect your children and these visits lead to verbal abuse, threats or any other act of domestic violence, the magistrate can vary the family law order to make the collection point away from where you live. The magistrate can also discharge or suspend your existing parenting order if they are satisfied it would be unsafe for you or for the children to continue spending time with the respondent.

If you have a domestic violence order and you later apply to a family law court for a parenting order or an order about your children, you must tell the court about the domestic violence order.

If there are any differences between a parenting order and a domestic violence order, the parenting order overrides the domestic violence order.

Can a court make a domestic violence order even if it hasn't received an application for one?

Yes. Sometimes a court can make a domestic violence order against someone even though the aggrieved has not applied for one. This can happen if a court convicts a person of an offence involving domestic violence. To make an order, the court would have to be satisfied that the people involved were in a relationship covered by the law (see pages six and seven), that domestic violence had occurred and that an order is necessary or desirable to protect the aggrieved.

If there was already a domestic violence order in place when the offence was committed, the court could vary that order including by changing its length to protect the aggrieved.

In both situations, the court still has to allow the people involved to say what they think about the order being made.

The Childrens Court

The Childrens Court can make a domestic violence order if it is hearing an application for a child protection order. The court can make a domestic violence order against a parent or it could vary a domestic violence order already in place.

The Childrens Court can make a domestic violence order on its own motion, or because one of the parties to the child protection application has made a domestic violence order application. Again, the court has to allow the people affected by the order to say what they think about the order being made.

Making the order work

After the domestic violence order has been made, the magistrate will explain what the order means to the respondent and what will happen if it is breached.

The respondent can only be charged with breaching the order if:

- they were in court when the order was made, or
- they have been served with a copy of the order, or
- a police officer has told them the order exists.

What happens if the respondent breaches the order?

Only the police can deal with the respondent for breaching the order. If you think the order has been breached, you should write down the details immediately as this can help the police and possibly be used in court. Information you could collect includes:

- SMS text messages
- posts on social media sites
- letters
- photographs
- telephone messages
- diary entries you make.

If you tell the police the respondent has breached the domestic violence order they must investigate and may charge the respondent with breaching the order.

If the respondent is found guilty of breaching the order, the court can order them to:

- do community service
- be put on a good behaviour bond
- be fined up to \$6600, or
- be sent to prison for up to two years.

If the respondent has breached the order more than once, or had another conviction within five years of the current offence, the court can fine them up to \$13,200 or sentence them to three years jail.

If you think the police have not taken your report about the respondent breaching the domestic violence order seriously or have not acted on your complaints, then you should speak to the officer-in-charge or the police domestic violence liaison officer for that station or region.

Do I have to follow the conditions in the domestic violence order?

Yes. You should try to follow the conditions set out in the domestic violence order or it may be difficult for the police to prove the respondent has breached the order. For example, if the domestic violence order says the respondent cannot telephone you, you should try not to telephone them either. If the domestic violence order stops the respondent from coming within 50 metres of you, you should not come within 50 metres of them.



It does not matter how old you are, where you were born or where you live; if you do not feel safe you can get protection.

How long will the order last?

When a magistrate makes a final domestic violence order they decide how long the order will last. The order will usually last five years but may last for a different period if there are special reasons. You may decide to apply to vary the order within that time to end it sooner. Get legal advice if you decide to apply to vary the order.

How long does a police protection notice last?

A police protection notice will last until a court makes a domestic violence order, or until the court adjourns the proceedings without making a domestic violence order or until the application is dismissed by a court.

Can I change the order?

You can apply to. If you want to change the terms or conditions of the order, you must fill out a *DV 4 Application to vary a domestic violence order* form.

Remember:

If you and the respondent decide to live together again, you should get legal advice about having the domestic violence order changed. The respondent may be breaching the order just by being near you. You can have a domestic violence order and still live with the respondent.

After you leave

You should continue to make your personal safety the highest priority after you have left the relationship and the environment in which you were experiencing violence. Make sure you have the support of family, friends, colleagues or a domestic violence worker during this difficult time.

Sample 1: Form DV1 – Application for a Protection Order

FORM DV1

Domestic and Family Violence Protection Act 2012 (s.32)

Application for a Protection Order

Please note: A copy of this application will be given to the respondent

1. Aggrieved's details

If the aggrieved does not want the respondent to know their home address please either:

- Give an address where court documents can be sent e.g. post office box or
- Complete an "Aggrieved Details Form" which will not be provided to the respondent

Given Name/s Family Name Date of birth

Address

Gender Home Number Mobile Number

Work Phone Email SPI # (QPS Only)

Does the aggrieved require an interpreter? No Yes Language/Dialect:

Does the aggrieved identify as: Aboriginal Torres Strait Islander Aboriginal and Torres Strait Islander

Does the aggrieved have a disability, illness or impairment where support and/or special arrangements are required? No Yes

Is the aggrieved under 18 years of age? No Yes
Please supply the details of a parent as all documents must be given to a parent of the aggrieved unless the court orders otherwise.
Parent's Name

Parent's Address

Proceed to Question 2

2. Respondent's Details

Given Name/s Family Name Date of birth

Address

Gender Home Number Mobile Number

Work Phone Email SPI # (QPS Only)

Does the respondent require an interpreter? No Yes Language/Dialect:

Does the respondent identify as: Aboriginal Torres Strait Islander Aboriginal and Torres Strait Islander

Form DV1 – Application for a Protection Order cont'd

Does the respondent have a disability, illness or impairment where support and/or special arrangements are required? No Yes

Current place of employment

Bill's Contractors

Vehicle Model:

Holden Utility blue 1990

Vehicle Registration

666-XYZ

Is the respondent under 18 years of age? No Yes

Please supply the details of a parent as all documents must be given to a parent of the respondent unless the court orders otherwise.

Parent's Name

Parent's Address

**If you are the aggrieved, proceed to Question 4
If you are not the aggrieved proceed to Question 3**

3. Applicant's Details

This section only applies if a person other than the aggrieved is making the application. Please complete either Part A, B, C or D.

PART A – A person being authorised by the Aggrieved

Given Name/s

Family Name

Gender

Address

Is the authorisation of the aggrieved in writing? No Yes

If the authorisation is not in writing, how is authorisation communicated from the aggrieved?

PART B – A person acting under another Act for the Aggrieved

Name

Gender

Address

Who is the application being made by? A guardian Adult Guardian Enduring power of attorney

Other, please specify:

PART C – A Police Officer

Full Name including Rank:

Registration #

Station

Police Occurrence #

Has the aggrieved been advised of this application? No Yes

Has the application resulted from the detention of the respondent? No Yes

Is this an application for an urgent temporary protection order under section 130? No Yes

If yes, has an application for a domestic violence order already been made? No Yes Court File Number:

Form DV1 – Application for a Protection Order cont'd

PART D – A party to a child protection proceeding

Given Name/s

Family Name

Gender

Address

What type of party to a child protection proceeding are you?

A child for whom an order is sought in a child protection proceeding

A separate legal representative for a child for whom an order is sought in a child protection proceeding

An applicant or respondent in a child protection proceeding

Proceed to Question 4

4. Temporary Protection Order

Do you wish the court to make a temporary protection order? No Yes

If you request a temporary protection order before the respondent has been served with a copy of the application, you will have to show the court that there are reasons why it is necessary or desirable for you or a named person to be protected by a temporary protection order before the respondent is served with a copy of the application.

Please state reasons below:

- a) I separated from the respondent, Bobby, three weeks ago on 1 September 2016. At about 8pm, after I had finished clearing up the dishes, I went into the lounge room and told Bobby I wanted to separate.
- b) He started yelling at me saying: "You stupid cow", "You're a bad mother", "You're useless".
- c) Bobby then pushed the TV off the stand on to the floor causing it to smash. He then took my mobile phone from my handbag and stomped on it with his foot.
- d) He then grabbed me by the hair and waved his fist in my face. He had his face up close to mine and said in a low angry tone: "You bitch, you try and cross me, and I will make sure you'll wish you were dead". I called 000. Mary Jane was awake and saw the police take Bobby away
- e) Bobby sent me a text last night (24/9/16) at 9.13pm saying "coming over at 4 tomorrow u better hand over my stuff if not I'll teach you a lesson you won't forget".
- f) I don't want Bobby to come anywhere near me at the moment. I am worried Bobby will lose his temper and hurt me if he comes over.

Proceed to Question 5

5. Relationships between the aggrieved and the respondent

What is the relationship of the aggrieved to the respondent?

- Intimate Personal Relationship** – Please tick one
- a) Spousal Relationship: Married Former Spouse De Facto Registered Relationship
Parent/Former Parent of a Child
- b) Engaged Were Engaged
- c) Couple State the nature of the relationship including the level of dependency on each other whether financial or otherwise; length of time of the relationship; frequency of contact and degree of intimacy, if any.

Family Relationship

Relation to respondent (for example parent, sibling, aunt, cousin, stepchild, a person is regarded as a relative)

Form DV1 – Application for a Protection Order cont'd

Informal Care Relationship

Nature of relationship

Proceed to Question 6

6. Grounds for a protection order

State grounds as to why a protection order is necessary or desirable to protect the aggrieved. It must be shown that domestic violence has occurred. Include specific example of behaviour by the respondent. Attach extra pages if necessary

Relationship/children

a) I met Bobby in 2011 and we have been in an on-and-off de facto relationship since that time. Mary Jane (date of birth 1/1/12), who is four years old, is our only child together. Mary Jane has lived with me since we separated.

Recent incidents

- b) Since we separated, I have seen Bobby parked outside my workplace, my house and Mary Jane's day care centre. Last Friday, 21 September 2016, at 6pm, he sent me a text message when I was leaving work. It said: "Pretty dress you've got, shame about the ugly body wearing it."
- c) On Monday 10 September 2016, Bobby rang my boss at work and told him that I was a slut and that I should get the sack. He then started calling me about 10 times on my work phone number and each time I answered the phone he called me a bitch and a slut and that I should watch my back. I was too frightened to answer my phone that day which affected my ability to do my job.
- d) On Tuesday 11 September 2016, in the evening, I heard my dogs barking loudly outside, I had my cousin Peter over that night to stay with me, as I was feeling frightened after what had happened at work that previous day. At 9.10pm I received a text message from Bobby saying: "You're dead now ... who's the man?"
- e) On Wednesday 12 September 2016 at 1.15am, I heard somebody banging on the windows and the front screen door. All the noise woke Mary Jane who then started crying. I heard Bobby yelling: "Open the door", "who have you got in there, I'm gonna smash this door down if you don't open it". I then called the police but Bobby left before they arrived. It took me two hours to get Mary Jane back to sleep that night.

Past incidents

- f) On 1 August 2016, Bobby overheard me talking to my sister, Sammy. She was thanking me for a birthday present I had sent her. Bobby came up close behind me and pulled the phone off me. He smashed it on the table and said: "You dog. I told you you were not to have anything to do with your family. They are all dogs."
- g) On 16 August 2016, I tried to leave and was holding Mary Jane by the hand. Bobby stood in the doorway and said: "You'll have to get past me first bitch". His face was really red like he gets when he is angry, I was too frightened to try and get away.
- h) On my birthday this year, we had come home from dinner about 10pm. I was very tired as Mary Jane had been ill and I had been up with her for most of the previous night. After I had gone to sleep, Bobby turned on the light and shook me awake. He kept saying he wouldn't be giving me any more money for groceries because I spend too much.
- i) On New Year's Eve 2015, we came home from a party. Bobby was trying to force me to have sex with him. When I refused he pushed me into the bathroom door and slapped me across the face twice splitting my lip. Mary Jane was upset when she saw me with a swollen lip the next day. A week later my father called me and said that Bobby had sent him some photographs of me. The photos were very explicit and embarrassing.

Proceed to Question 7

7. Children of the aggrieved or children who usually live with the aggrieved

Full Name of Child 1

Gender

Date of birth

Address

Do you wish this child to be named on the order? No Yes

SPI # (QPS Only)

Full Name of Child 2

Gender

Date of birth

Address

Form DV1 – Application for a Protection Order cont'd

Do you wish this child to be named on the order? No Yes SPI # (QPS Only)

Full Name of Child 3 Gender Date of birth

Address

Do you wish this child to be named on the order? No Yes SPI # (QPS Only)

State grounds as to why the child/children are to be named on the order

- a) Mary Jane has seen Bobby get angry and become violent (Refer to facts in questions 4 and 6).
- b) On 1 September 2016, she was present when the police took Bobby away.
- c) On 12 September 2016, she was disturbed by Bobby trying to break into the house.
- d) On 16 September 2016, she was present when Bobby threatened to hit me.
- e) On Easter Sunday this year at about 7am Bobby threw his shoe when Mary Jane woke him up looking for Easter eggs. It just missed hitting her and she ran and hid in her bedroom and wouldn't come out until lunchtime. A couple of weeks before that he kicked Mary Jane's pet dog Toby when he was barking.
- f) On New Year's Eve 2015, Mary Jane was upset when she saw me with a split lip.
- g) When she was a baby about six months old, he yelled at Mary Jane and told her to shut up and slammed the bedroom door on her when she was in her cot.
- h) On Mary Jane's second birthday, Bobby threw her birthday cake on the kitchen floor and told her she was a cry baby just like her mother.
- i) For about the last month Mary Jane has started wetting her bed again and I am arranging counselling for her.
- j) I still have to sort out parenting issues with Bobby and am waiting to get legal advice about family dispute resolution.

Proceed to Question 8

8. Relatives or associates you would like to be named on the order

Full Name of Relative Gender Date of birth

Address SPI # (QPS only)

Full Name of Relative Gender Date of birth

Address SPI # (QPS only)

Full Name of Associate Gender Date of birth

Andrew Friday Male 02 / 02 / 1969

Address SPI # (QPS only)

26 Riverview Street, Breakwater Bay, Qld, 4000

Full Name of Associate Gender Date of birth

Address SPI # (QPS only)

State grounds as to why it is necessary or desirable to protect the relative/associate.

a) Andrew Friday is my employer and has been very supportive of me. He came with me to collect my clothes and Mary Jane's clothes on 1 October 2016.

b) Bobby came up to Andrew and threatened to punch him in the face. He told Andrew: "You had better watch your back mate, you know what happens to guys like you." Andrew is Indigenous.

c) Bobby has also been ringing Andrew at work and leaving abusive messages.

Form DV1 – Application for a Protection Order cont'd

Proceed to Question 9

9. Weapons

Does the respondent have access to any weapons? No Yes
 State the number, type of weapon/s and all possible locations of the weapon

Shotgun - he keeps it in the back of his car underneath the spare tyre.

Did the respondent use, or threaten to use, a weapon or another thing used as a weapon, during any incident of domestic violence?
 No Yes Provide details

Has the respondent been issued with a weapons or firearms licence? No Yes
 If the respondent has access to any weapons at their place of residence, please provide details

Proceed to Question 10

10. Details of any other orders

Has a court made any other order or are there other court proceedings that involve the aggrieved and the respondent? *Please attach copies*

Childrens Court orders	Current <input type="checkbox"/>	Not Current <input type="checkbox"/>
Queensland Domestic Violence Order	Current <input type="checkbox"/>	Not Current <input type="checkbox"/>
Police Protection Notice	Current <input type="checkbox"/>	Not Current <input type="checkbox"/>
Voluntary Intervention Order	Current <input type="checkbox"/>	Not Current <input type="checkbox"/>
Interstate Domestic Violence Order (including New Zealand)	Current <input type="checkbox"/>	Not Current <input type="checkbox"/>
Family Court Orders	Current <input type="checkbox"/>	Not Current <input type="checkbox"/>
Other relevant court order <input type="text"/>	Current <input type="checkbox"/>	Not Current <input type="checkbox"/>

Is there a current Protection Order application that has not been decided by the court? No Yes Attach a copy of the application

Proceed to Question 11

11. Conditions sought in the order

A court making a domestic violence order must impose a condition that the respondent –
 Be of good behaviour towards the aggrieved and not commit domestic violence against the aggrieved.

If the order includes a named person who is an adult –
 Be of good behaviour towards the named person and not commit associated domestic violence against the named person.

If the order includes a named person who is a child –
 Be of good behaviour towards the child and not commit associated domestic violence against the child and not expose the child to domestic violence.

A court may also impose any other condition that the court considers necessary in the circumstances and desirable in the interests of the aggrieved, any named person or the respondent.

Do you want the court to consider any other conditions for inclusion in the protection order?

No Go to Q12 Yes Please indicate below

A) Do you want the respondent to leave specified premises? No Yes

If yes, state address of premises and provide reasons:

- a) Bobby and I both rent Unit 12, 117 Never Esplanade, Breakwater Bay. Both of our names are on the lease.
- b) I wish to remain in the unit, as Mary Jane's day care and playgroup are located just down the road and I don't have a car as Bobby took our family car.
- c) My parents also live near by and are a good support for me.
- d) I don't have the financial means to find new accommodation as I only work part time and earn \$15,000 a year.
- e) Bobby is on \$80,000 a year and his parents live in a suburb about 15 minutes away and he could stay there.

Form DV1 – Application for a Protection Order cont'd

B) Do you want to prohibit the respondent from remaining at, entering or attempting to enter or approaching premises? No Yes

If yes, the premises to which the respondent is not to come or approach:

The aggrieved's place of residence The aggrieved's place of employment The place the aggrieved is currently staying
 Places where the aggrieved frequents, namely

Associates/relatives place of residence (if there is a named person at Question 8)

Give reasons

- a) I do not want Bobby to come to my work place because of the threats he has made towards my employer, and because he always rings me at work. I am afraid that he will cause further trouble for me at work and I am frightened that I will lose my job. His behaviour has caused me a lot of stress.
 b) I do not want Bobby to come to my home. He has come around to the house at night causing a disturbance and has frightened Mary Jane. Bobby has also been seen sitting in his car across the road from the house early in the mornings. This behaviour frightens me.

C) Do you want to prohibit the respondent approaching the aggrieved? No Yes

Does this include any associates or relatives (if there is a named person at Question 8)?

Give reasons

- a) Because of Bobby's past behaviour and threats towards me, I am frightened for my personal safety. He thinks I am seeing other men and has said that: "I'm dead now". I took this to mean that he will kill me. I am frightened to leave the house at present.
 b) Bobby and I live in the same area and we shop in the same places. I do not want him to approach me if he sees me in public. When I do go out I always have Mary Jane with me. I do not want to expose Mary Jane to any further conflict between us. I do not want Bobby to come within 50 metres of me.

D) Do you want to prohibit the respondent from contacting the aggrieved or asking someone else to contact the aggrieved? No Yes

Does this include any associates or relatives (if there is a named person at Question 8)? Yes

Give reasons

I do not want Bobby to contact me because of the threats he has made towards me, and because he is constantly calling me at work. I am afraid that he will cause further trouble for me at work and that I will lose my job. I do not want Bobby to call my boss at work anymore.

E) Do you want to prohibit the respondent's presence at or in a place associated with any child (e.g. school, day care etc) No Yes

Give reasons

I do not want Bobby to go to Mary Jane's day care centre, Little Tot's at Bayview. She has been very unsettled since we separated and I do not want her to be disrupted. She is frightened of Bobby and I want to get the opinion of a counsellor for her. Bobby has previously phoned the supervisor and abused her and told her that they were "greedy thieves" and charged too much after we received an overdue notice.

F) If the respondent does not know the aggrieved's whereabouts, do you want to prohibit the respondent from trying to locate them or asking someone else to locate them? No Yes

Give reasons

G) Does the aggrieved wish to recover essential property? No Yes

Describe the property and state address where this property can be located.

Form DV1 – Application for a Protection Order cont'd

H) Do you want the court to consider prohibiting any other conduct or behaviour on the part of the respondent? No Yes
Specify that conduct or behaviour complain of and give reasons

In the future, Bobby is only allowed to see Mary Jane and I if we attend mediation, or he must follow the conditions in any family law order or parenting plan that is made.

12. Statutory Declaration

The applicant, except if a member of the Queensland Police Service, must sign this application in the presence of a Justice of the Peace, Commissioner for Declarations, or a Solicitor

I, Betty Smith the applicant in this application, do solemnly and sincerely declare:

The information set out in this application, and any other attached statement, is true and correct to the best of my knowledge and belief. I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

Declared by Betty Smith on 10 / 10 / 2016 at Caboolture Magistrates Court in the presence of

(Signature of Applicant)

Betty Smith

(Full name of Applicant)

Betty Smith

(Signature of person taking statement)

Gerard Lockyer

(Full name and Qualification of Witness)

Gerard Lockyer

Queensland Police Service Applicant

The applicant, if a member of the Queensland Police Service, must sign this application and provide the details below:

Full Name and Rank:
Registration No:
Signature:
Date:

Notes to the respondent

If you do not appear in court a domestic violence order may be made in your absence. The court may issue a warrant for you to be taken into custody by a police officer and brought before the court if the court believes that it is necessary for you to be heard.

Office Use Only

Court file number (if known):

YOU ARE NOTIFIED that this application will be heard at the time and place as follows:

Court:
Place:
Date:
Time:

Signature
Clerk of the Court/Queensland Police Service

Sample 2: Domestic violence aggrieved confidential address form

Aggrieved confidential address recording Court form

DOMESTIC VIOLENCE AGGRIEVED CONFIDENTIAL ADDRESS FORM

Use this form if you (the aggrieved) do NOT wish the person you are seeking a domestic violence order against to know your address and contact details.

Your confidential details:

Last Name:	<input type="text" value="Smith"/>
Given Name(s):	<input type="text" value="Betty"/>
Address:	<input type="text" value="26 Forever Street"/> <input type="text" value="Breakwater Bay, Qld, 4000"/>
Contact telephone number:	<input type="text" value="Home: (07) 3238 3444 Work: (07) 3238 3340 Mobile: 0400 000 000"/>
Court File Number:	<input type="text"/>
Police Occurrence Number:	<input type="text"/>

The above information is for court staff and police purposes only.

NOT TO BE GIVEN TO THE RESPONDENT

Legal words and phrases explained

Adjournment – When a magistrate postpones the court matter to a later date.

Affidavit – A signed written statement made by person to be used in a court. A person who makes an affidavit must swear on oath that the contents of the affidavit are true or make an affirmation that they are true. It is often used in court in place of verbal evidence.

Affirm – Promising what you say is true – usually because your religion does not recognise taking the oath or you do not have a religion.

Aggrieved – The person who needs a domestic violence order.

Authorised person – A person authorised to make an application for a domestic violence order on behalf of an aggrieved.

Breach – When the respondent breaks the conditions on the domestic violence order.

Childrens Court – A court that hears matters dealing with child protection issues and juvenile crime.

Contest – When the respondent opposes or disagrees with your application.

Cross-examination – When someone giving evidence in court is questioned about their evidence.

Consent orders – When the applicant and respondent agree to an order being made without the magistrate having to make any findings about what actually happened.

Couple relationships – When you have been in a relationship characterised by trust, commitment, dependence and intimacy (not just dating).

Domestic violence – Physical, economic, emotional, psychological, sexual abuse, coercion, domination and control inflicted on you by the respondent.

Domestic violence order – An order made by the court that imposes conditions on a person, designed to prevent domestic violence eg that a person not contact their ex-partner. The term domestic violence order includes short term (temporary) protection orders and long term (final) protection orders.

Evidence – The facts relied on in court to prove a case. This could include your oral or written statements, copies of text messages, email or Facebook posts or a doctor’s report.

Family – Relatives of the respondent and aggrieved by blood or marriage (including de facto relationships) such as grandparents, aunts, uncles, step-parents, half-brothers, mother-in-law, parents or children (if they are over 18 years).

Final order – A protection order made by the magistrate and remains in force for up to five years, or longer if there are special reasons.

Informal care relationship – This is where one person is dependent on another for help in their daily living activities because of an illness, disability or impairment. This could include dressing, preparing meals or shopping. This help cannot involve the payment of a fee.

Intervention order – A court order requiring the respondent to attend an intervention program, perpetrators program or counselling to address their behaviour.

Intimate personal relationship – This is where you are or have been engaged, betrothed, married, in a de facto or registered relationship (a spousal relationship) or in a couple relationship or have a child with the respondent.

Magistrates Courts – The main courts dealing with domestic and family violence matters.

Mention – This is a short court appearance. The magistrate will want to know if your application has been served on the respondent and, if the respondent is present in the court, whether they agree or disagree with a domestic violence order being made. There may be one or more other mentions. It is not a hearing.

Named person – A person who is a relative or associate (friend, workmate, refuge worker) of the aggrieved who needs to be covered by the domestic violence order.

Oath – A promise that statements made by a person are true or that the contents of an affidavit are correct made by swearing on a religious book. A person who has no religious beliefs or who objects to making an oath can make an affirmation.

Ouster order – A special condition made in a domestic violence order that removes the respondent from a home.

Police protection notice – A notice issued by police to give you immediate temporary protection from domestic violence. The police will normally issue a notice if they are called to a domestic violence incident (for example, if they come to your home). It has the same effect as an order and lasts until the police go to court for you.

Protection order (*also see domestic violence order*) – A long term court order to stop domestic and family violence.

Protected witnesses – An aggrieved or named child who can ask the court for special arrangements to give evidence such as by video or behind a screen.

Respondent – A person against whom an application for a domestic violence order is made.

Service – When an application or order is personally delivered to the respondent by the police.

Spousal relationship – Your spouse is either:

- someone you are or were married to
- someone you are or were in a de facto relationship with (including a same sex relationship)
- someone you are or were in a registered relationship with (including a same sex relationship)
- a parent or former parent of your child.

Temporary protection order (*also see domestic violence order*) – A short term order that is in force until a final decision is made by the magistrate.

Where to go for help

Legal and advocacy services

Legal Aid Queensland	1300 65 11 88
Community Legal Centres Queensland	(07) 3392 0092
Indigenous Infoline	1300 65 01 43
Violence Prevention and Women's Advocacy	(07) 3917 0597
Western Queensland Justice Network	1300 65 11 88
Aboriginal and Torres Strait Islander Women's Legal and Advocacy Service (ATSIWLAS)	1800 442 450
Women's Legal Service Rural, regional and remote line	1800 957 957 1800 457 117
North Queensland Women's Legal Service Cairns	(07) 4033 5825
North Queensland Women's Legal Service Townsville	(07) 4772 5400
Queensland Law Society Inc.	1300 367 757
Aged and Disability Advocacy Australia	1800 818 338

Government agencies

Women's Infolink	1800 177 577
Department of Communities, Child Safety and Disability	13 74 68
Centrelink	13 28 50

Domestic violence counselling and support services

National

1800 RESPECT telephone counselling 1800 737 732

Statewide

DVConnect 1800 811 811

DVConnect – Mensline 1800 600 636

Greater Brisbane

Immigrant Women’s Support Service (07) 3846 3490

Brisbane Domestic Violence Advocacy Service (07) 3217 2544

Caboolture Regional Domestic Violence Service (07) 5498 9533

Domestic Violence Prevention Centre Gold Coast (07) 5532 9000

Ipswich Domestic Violence Action Centre (07) 3816 3000

Working Against Violence Support Service (Logan City) (07) 3808 5566

Working Against Violence Support Service (Redlands) (07) 3286 7766

Suncoast Cooloola Outreach Prevention and Education (07) 5430 9300

Far North Queensland

Cairns Regional Domestic Violence Service 1300 909 250

Tablelands Domestic Violence Service 1300 909 250

Innisfail Domestic Violence Service (07) 4061 2778

North Queensland

North Queensland Domestic Violence
Resource Service (Townsville) (07) 4721 2888

North Queensland Domestic Violence
Resource Service (Mt Isa) (07) 4743 0946

Domestic Violence Resource Service (Mackay & region) (07) 4957 3888

Whitsunday Crisis and Counselling Service (07) 4946 2999

Central Queensland

Edon Place Domestic Violence Service (Bundaberg) (07) 4153 6820

Yoorana Domestic Violence Service (07) 4122 2218

Domestic Violence Service of Central Qld (Emerald) (07) 4982 4288

South West Queensland

CatholicCare Safer Families Support Service (Roma) (07) 4622 5230

Domestic and Family Violence
Prevention Service (Toowoomba) (07) 4639 3605

Other counselling and support services:

Lifeline	13 11 14
Centacare	1300 236 822
Anglicare Southern Queensland	1300 610 610
Anglicare Central Queensland	1300 769 814
Anglicare Northern Queensland	(07) 4041 5454
Ozcare	1800 692 273
Relationships Australia	1300 364 277
Diverse Voices (LGBTI)	1800 184 527

Interpreting services:

Deaf Services Queensland	(07) 3892 8500
National Relay Service	1300 65 11 88
Translating and Interpreting Service	13 14 50

Your local Legal Aid Queensland office

BRISBANE

44 Herschel Street
BRISBANE Q 4000

BUNDABERG

3rd Floor
WIN Tower
Cnr Quay & Barolin Streets
BUNDABERG Q 4670

CABOOLTURE

Ground Floor
Kingsgate
42 King Street
CABOOLTURE Q 4510

CAIRNS

Level 2
Cairns Square Complex
42-52 Abbott Street
CAIRNS Q 4870

INALA

Level 1
Inala Commonwealth Offices
20 Wirraway Parade
INALA Q 4077

IPSWICH

Level 7, 117 Brisbane Street
IPSWICH Q 4305

MACKAY

Ground Floor
17 Brisbane Street
MACKAY Q 4740

MAROOCHYDORE

Ground Floor
M1 Building
1 Duporth Avenue
MAROOCHYDORE Q 4558

MOUNT ISA

6 Miles Street
MOUNT ISA Q 4825

ROCKHAMPTON

Ground Floor
35 Fitzroy Street
ROCKHAMPTON Q 4700

SOUTHPORT

Level 2
7 Bay Street
SOUTHPORT Q 4215

TOOWOOMBA

1st Floor
154 Hume Street
TOOWOOMBA Q 4350

TOWNSVILLE

3rd Floor
Northtown
280 Flinders Street
TOWNSVILLE Q 4810

WOODRIDGE

1st Floor, Woodridge Place
Cnr Ewing Road and
Carmody Street
WOODRIDGE Q 4114



For more information about our services visit legalaid.qld.gov.au
or phone 1300 65 11 88 or 1300 650 143 (Indigenous Hotline)

