

APPLICANT/AFFECTED FAMILY MEMBER APPLICATION TO EXTEND AND/OR VARY A FAMILY VIOLENCE INTERVENTION ORDER

Pt 4 Div. 8 FAMILY VIOLENCE PROTECTION ACT 2008
SECTION 108 FAMILY VIOLENCE PROTECTION ACT 2008



This form should be used if you are a protected person or the applicant for the original intervention order or a new applicant with leave of the court and want to apply to extend or vary (change) the intervention order.

About the application:

I am applying to

☐ extend the order ☐ vary (change) the order ☐ extend and vary (change) the order

About the family violence intervention order application

In the Magistrates' Court at _____ Case no _____
Which court made the intervention order? Top right-hand corner of the order

Date the family violence intervention order was made: _____

Date the family violence intervention order expires: _____

Your details

I am the ☐ Protected person ☐ Applicant for the original order ☐ New Applicant with leave of the court

If you are the Respondent in the family violence intervention order, please complete the Respondent -Application for Leave to Apply to vary or revoke a Family Violence Intervention Order form or Respondent application to vary or revoke a Family Violence Intervention Order form

If you are not a person named in the intervention order, in what capacity do you make this application?

(please select who you are)

☐ Parent/Guardian of a child named Affected Family Member ☐ Person with written consent of a parent of a child Affected Family Member

The registrar will discuss further with you if you need to complete the Application for Leave to Apply s.109 FVPA form

Your name _____

(Legal name) _____

(if applicable)

Provide if different to the name you use above

Pronoun(s) _____

Your date of birth _____ Your email _____

Your phone number _____

Do you need an interpreter to discuss this application with the court? ☐ No ☐ Yes, language required: _____

What is your address?

The Court needs an address so we can send documents to you.

Please select one of the below options and provide details of your chosen address:

☐ Your home address

☐ Your postal address (if different), or

☐ If you are concerned for your safety or staying in emergency or temporary accommodation you can provide the address of a person chosen by you.

Address _____ Suburb _____ Postcode _____

Do you want to keep the address you have provided private from the respondent?

(The court will not disclose your address if it is not known)

☐ Yes ☐ No

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You can choose how you want to attend the court hearing. How would you prefer to attend?

☐ In person ☐ Online ☐ Not sure – I wish to discuss the options

How can we contact you safely?

Please select the best and safest way/s for the court to contact you ☐ Phone ☐ Email ☐ Other:

Is it safe to leave you a voicemail message? ☐ Yes ☐ No

When is it safest for us to call you? ☐ 8:45am – 1:30pm ☐ 1:30pm - 4:30pm ☐ Anytime

Is there anything else you would like us to know when contacting you?

About your case

We need some information about the parties involved so we can locate the original intervention order and provide the respondent/other person with the application. We will speak to you about this application before the application is served upon the applicant, affected family member and/or respondent. You can contact us if you are concerned about your safety.

Applicant's name _____

To the original intervention order

Affected Family Member's name _____

Are there additional Protected Persons from the original order? ☐ Yes ☐ No

If yes, are they children? ☐ Yes ☐ No

Respondent's full name _____

Respondent's email _____

If known

Respondent's phone number _____

If known

Has the Respondent's home address changed since the order was made? ☐ Yes ☐ No ☐ I don't know

If yes, please provide the current address _____

If known

Does the Respondent have access to firearms or any weapons? ☐ Yes ☐ No ☐ I don't know

Are you seeking to add another person to the order? ☐ Yes ☐ No

If yes, please provide their name and date of birth Name _____ Date of birth _____

What is the persons relationship to you? _____

What is the persons relationship to the respondent? _____

Are there any of the following applications or orders relating to children?

☐ Family Law Act Applications or Orders ☐ Child Protection Applications or Orders

If so, please provide details: _____

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Respondent's behaviour since the family violence intervention order was made

The following questions will help us to better understand any serious safety risks, your current circumstances and reasons for this application.

We will include the information you provide here in your application.

We understand that you may find it difficult to answer these questions and retell your experience of violence.

We encourage you to seek support from trusted person or a specialist family violence service.

Since the intervention order was made, has the respondent: (tick all that apply)

- ☐ Physically harmed you or your children.
This can include hitting, slapping, punching, pulling, pushing and kicking.
- ☐ Used weapons or other items to harm you or threaten you or your children.
Weapons can include firearms, knives, household items or other equipment.
- ☐ Strangled, choked or suffocated you.
Put their hands or items around your neck to restrict your breathing.
- ☐ Pressured you to do sexual things that you didn't want to do.
This can include any sexual activity with you when you have not given consent; pressuring you into sexual acts; pressuring you to watch pornography or threatening to post intimate images of you.
- ☐ Attempted or threatened to harm themselves or suicide.
This can include saying they will kill or hurt themselves, or trying to hurt or kill themselves.
- ☐ Threatened to kill you, your loved ones or your pets.
- ☐ Threatened you or your loved ones, including pets, in other ways that made you fear for your or their safety.
This can include telling you they will: take children away or have them taken by others (such as immigration authorities or Child Protection Services); get you deported, threatened your employment or other important relationships.
- ☐ Been violent or abusive when children have been present.
This can include instances where children have seen or overheard arguing, conversations, verbal or physical violence, or needed to stay elsewhere due to an incident.
- ☐ Been physically violent while you were pregnant or following the birth of a child.
- ☐ Recently become more violent or used violence more often.
- ☐ Stalked you, in person or online.
When a person repeatedly contacts you, follows you, monitoring what you do online, using technology to track your movements without you knowing, or behaves in a way that makes you feel scared, distressed or fear for your safety.
- ☐ Misused drugs or alcohol.
This can include using drugs or alcohol in excessive amounts; the overuse of prescription medication, chomping, injecting or smoking illegal drugs.
- ☐ Stopped working or attending education.
For example, have they stopped working or going to school, or been recently fired or expelled.
- ☐ Controlled, or tried to control, your access to money, employment or financial independence.
Controlling your money or access to bank accounts against your will; forcing you to pay or give money to others; taking your money; stopping you from working; forcing you to claim Centrelink payments; forcing or tricking you to take on debts; forcing you to sign legal documents to set up or run a business; removing, keeping or selling your property without your permission; using dowry or family finance issues to control you.

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<input type="checkbox"/>	<p>Tried to control you in any other way.</p> <p><i>Limited your contact or relationships with friends and family, limited cultural and religious freedom, limited access to mobility aids or medical care, made you do something you did not want to do, forced you to marry without your consent.</i></p> <p>Briefly describe how they have sought to control you:</p>
<input type="checkbox"/>	<p>Damaged or destroyed your property.</p> <p><i>This can include breaking or damaging property or belongings that you own, jointly own or rent.</i></p>
<input type="checkbox"/>	<p>Emotionally or verbally abused you.</p> <p><i>This can include telling you they will: take children away or have them taken by others, such as immigration authorities or Child Protection Services; post or share images held on a phone or device; get you deported; taunted you about your sexuality or gender identity or threaten to disclose your sexuality or gender identity to others against your wishes. This can also include name calling, making you feel guilty or questioning your judgement.</i></p>
<input type="checkbox"/>	<p>Breached the order in any way.</p>
<input type="checkbox"/>	<p>The respondent has made me feel afraid or unsafe in another way.</p> <p>Briefly describe how they have sought to control you:</p>
<input type="checkbox"/>	<p>None of the above.</p>
<p>How afraid are you of the Respondent? <input type="checkbox"/> Not at all <input type="checkbox"/> Very little <input type="checkbox"/> Somewhat <input type="checkbox"/> Very <input type="checkbox"/> Extremely</p>	
<p>Since the intervention order was made, have you or a protected person separated from the respondent? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>If yes, when or approximately when did the separation start?</p> <p><i>Separated can mean intimate partner separation, family breakdown, moving out of family home or wanting to cease contact with a family member.</i></p>	
<p>Are you pregnant or have a child under 6 months old? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say</p>	
<p>Have you had a child, or has a child entered your care, since the original intervention order was made? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say</p>	
<p><i>If yes, consider if the intervention order should be varied to include this child. If so, please select to vary the order and add child details below.</i></p>	

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About this application

I want to: ☐ **Extend the length of the intervention order for _____ months/years or indefinitely**

This is an application to extend the length of the order.

Consider whether the conditions of your current order are providing the protection you need or whether you need more conditions, to add a new child, or change some wording in your order.

Please provide the court with your reasons for seeking an extension: _____

☐ **Vary the conditions and/or the people named on the intervention order by:**

This is an application to change, add or remove the conditions or people on your intervention order.

Tell us why you want to vary the order in place, including any relevant information about what has happened since the order was made and if anything has changed for you: _____

Please tell us which of the conditions on the order you want varied and how you want them to be changed: _____

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DECLARATION OF TRUTH

s.43(4) of the *Family Violence Protection Act 2008*

Declaration of truth by applicant

I, _____ born on ____/____/____ make this declaration of truth
and say that the contents of my application are true and correct to the best of my knowledge and belief.

I understand that it is an offence to knowingly make a false statement in a declaration of truth punishable by 600 penalty
units or 5 years imprisonment or both under section 153A of the Family Violence Protection Act 2008.

Signed

Dated

(Name of applicant)

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When the court considers the application

For the application to be granted, the court must take the following into consideration:

When applying to extend an order the court must be satisfied that if the order is not extended it is likely the respondent will commit family violence against the protected person.

When applying to vary the order, the court must consider the safety of the protected person, the protected person's views about the variation, whether the protected person is legally represented, and if the protected person has a guardian, the guardian's views.

Any interim or final intervention orders will continue while the Court considers this application.

You can contact the court during business hours if you have questions about this application or the hearing. If you need non-legal support, you can ask to speak with a family violence practitioner.

For more information on family violence intervention order applications, visit mcv.vic.gov.au/intervention-orders

Getting legal advice

You are encouraged to get legal advice before the hearing. You can arrange a private lawyer or you may be eligible for free legal advice from the following services.

Victoria Legal Aid	www.legalaid.vic.gov.au	1300 792 387
Federation of Community Legal Centres	www.fclc.org.au	03 9652 1500
Victorian Aboriginal Legal Service	www.vals.org.au	1800 064 865
Djirra Legal Services	www.djirra.org.au	1800 105 303
Q+Law	www.flis.org.au	03 9968 1002
InTouch Legal Centre	www.intouch.org.au	1800 755 988
Refugee Legal	www.refugeelegal.org.au	03 9413 0100
Seniors Rights Victoria	www.seniorsrights.org.au	1300 368 821
Villamanta Disability Rights Legal Centre	www.villamanta.org.au	1800 014 111
Youthlaw	www.youthlaw.asn.au	03 9113 9500
Women's Legal Service Victoria	www.womenslegal.org.au	1800 133 302