

APPLICANT OR PROTECTED PERSON APPLICATION TO EXTEND AND/OR VARY A PERSONAL SAFETY INTERVENTION ORDER

Pt 3 Div. 10 PERSONAL SAFETY INTERVENTION ORDER ACT 2010
SECTION 85 PERSONAL SAFETY INTERVENTION ORDER ACT 2010



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 personal safety 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 personal safety intervention order was made: _____

Date the personal safety 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 personal safety intervention order, please complete the Respondent -Application for Leave to Apply to vary or revoke a personal safety Intervention Order form or Respondent application to vary or revoke a personal safety 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 Protected Person ☐ Person with written consent of the parent of a child protected person

The registrar will discuss further with you if you need to complete the Application for Leave to make an application 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 wish 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, protected person and/or respondent. You can contact us if you are concerned about your safety.

Applicant's name _____

To the original intervention order

Protected Person's name/s _____

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? _____

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About this application

The following questions will help us to better understand your current circumstances and reasons for this application. We will include the information you provide here in your application to assist the court in deciding if the respondent is likely to commit prohibited behaviour or stalking.

We understand that you may find it difficult to answer these questions and retell your experience. We encourage you to seek support from a trusted person or a specialist.

How afraid are you of the Respondent? ☐ Not at all ☐ Very little ☐ Somewhat ☐ Very ☐ Extremely

Are you pregnant or have a child under 6 months old? ☐ Yes ☐ No ☐ Prefer not to say

Have you had a child, or has a child entered your care, since the original intervention order was made? ☐ Yes ☐ No ☐ Prefer not to say

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.

Type of 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, including any prohibited behaviour or stalking, that may have occurred since the original order was made and why you believe that the prohibited behaviour and or stalking from the respondent will continue:

[illegible]

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- ☐ **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. Include any relevant information, anything that may have changed for you or any prohibited or stalking behaviour that may have occurred since the order was made:

*Please tell us which of the conditions on the order you want varied, added and/or removed.
Include how you want the conditions changed: including any change to protection of people on your
intervention order:*

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DECLARATION OF TRUTH

s.13(4) of the Personal Safety Intervention Orders Act 2010

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 s.13(4) of the Personal Safety Intervention Orders Act
2010*

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 continue with the unwanted behaviour 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 if you have questions about this application or the hearing.

For more information on personal safety 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. To see if you are eligible for free legal advice, please refer to the Victoria Legal Aid website information about personal safety intervention orders.

Victoria Legal Aid

www.legalaid.vic.gov.au

1300 792 387