

RESPONDENT APPLICATION TO VARY OR REVOKE A FAMILY VIOLENCE INTERVENTION ORDER

Pt 4 Div. 8 FAMILY VIOLENCE PROTECTION ACT 2008

SECTION 108 AND SECTION 109 FAMILY VIOLENCE PROTECTION ACT 2008



This form should be used if you are a Respondent (the person the order is made against), and you want to apply to vary (change) or revoke (remove) the intervention order. You are required to seek leave (permission) of the court to lodge an application to vary or revoke. The leave application form should be completed and submitted to the court before this form is completed.

About the application:

I am applying to

☐ Revoke (remove) an intervention order ☐ Vary (change) an intervention order

Leave (permission) has been granted for me to make this application ☐ Yes ☐ No

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

Your name _____

(Legal name) _____ 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:

You are the ☐ Respondent ☐ Parent/Guardian

Has your address changed since the order was made? ☐ Yes ☐ No

If yes, please provide your current address _____

Do you wish to keep your current address private from the affected family member? ☐ Yes ☐ No
(the court will not disclose your address if it is not known)

About your case

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

Was the original application made by the Police? ☐ Yes ☐ No ☐ Unsure

Affected Family Member's name _____

Affected Family Member's date of birth _____
if known

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

If yes, are they children? ☐ Yes ☐ No

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Instructions for completing the remainder of the application form

For an application to Revoke:

Please complete Section A and then move to section C

For an application to Vary:

Please complete Section B and then move to section C

Section A – Application to Revoke (complete this section if you are wanting to revoke the order against you)

I want to:

☐

Revoke the intervention order

This is an application to remove the intervention order in place.

If Victoria Police applied for the original intervention order, we will notify them of your application.

Why do you want to remove the order in place? Include any relevant information about what has changed since the order was made:

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Section B – Application to Vary (complete this section if you are wanting to vary the conditions on the order against you)

I want to:

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

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

1. What conditions do you want changed? _____

2. Why do you want the order changed? _____

3. What has happened since the order was made, to justify the change? _____

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Section C – Declaration of Truth

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 revoke the order, the court must consider the reasons for seeking the revocation, 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.

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. 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.fls.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	www.womenslegal.org.au	1800 133 302