Form 28

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|  | | POLICE/THIRD PARTY APPLICATION  (INTERVENTION ORDER)  **Magistrates Court of South Australia**  [www.courts.sa.gov.au](http://www.courts.sa.gov.au)  *Intervention Orders (Prevention of Abuse) Act 2009*  Section 20 | | | | | | | | | | Court Use  Date Filed: | | |
|  | | | | | | | | | | | | | | |
| **Applicant** (Police applicant state rank and number) | | | | | | | | | | | | | | |
| Name |  | | | |  | | | | |  | | | | |
|  | *Surname* | | | | *Given name/s* | | | | | *AP Number* | | | | |
| Address |  | | | | | |  | | | |  | | | |
|  | *Street* | | | | | | *Telephone* | | | | *Facsimile* | | | |
|  |  | | |  | |  | |  | | | | | | |
|  | *City/Town/Suburb* | | | *State* | | *Postcode* | | *Email Address* | | | | | | |
| **Defendant** (Police may provide details separately) | | | | | | | | | | | | | | |
| Name |  | |  | | | | | |  | | | | DOB |  |
|  | *Surname* | | *Given name/s* | | | | | | *Gender* | | | |  | *dd/mm/yyyy* |
| Address |  | | | | | | | | | | | | | |
|  | *Street* | | | | | | | | | | | | | |
|  |  | | | | | | |  | | |  | | | |
|  | *City/Town/Suburb* | | | | | | | *State* | | | *Postcode* | | | |
| **Other address at which defendant may be found** | | | | | | | | | | | | | | |
| Address |  | | | | | | | | | | | | | |
|  | *Street* | | | | | | | | | | | | | |
|  |  | | | | | | |  | | |  | | | |
|  | *City/Town/Suburb* | | | | | | | *State* | | | *Postcode* | | | |
| **Proposed Protected Person(s)** (provide contact details on Annexure attached) | | | | | | | | | | | | | | |
| Names |  | |  | | | | | |  | | | | DOB |  |
|  | *Surname* | | *Given name/s* | | | | | | *Gender* | | | |  | *dd/mm/yyyy* |
|  |  | |  | | | | | |  | | | | DOB |  |
|  | *Surname* | | *Given name/s* | | | | | | *Gender* | | | |  | *dd/mm/yyyy* |
|  |  | |  | | | | | |  | | | | DOB |  |
|  | *Surname* | | *Given name/s* | | | | | | *Gender* | | | |  | *dd/mm/yyyy* |
|  |  | |  | | | | | |  | | | | DOB |  |
|  | *Surname* | | *Given name/s* | | | | | | *Gender* | | | |  | *dd/mm/yyyy* |
| **The applicant says that the defendant may commit the following act of abuse:** | | | | | | | | | | | | | | |
| domestic abuse | | | | | | | | | | | | | | |
| non-domestic abuse | | | | | | | | | | | | | | |
| **The applicant seeks the intervention order terms on the attached sheet.** | | | | | | | | | | | | | | |
| **Is there currently a Domestic Violence Order in place anywhere in Australia between any of the proposed protected person(s) and the defendant?** Yes  No:  (If yes, please attach a copy of the order) | | | | | | | | | | | | | | |
| **COURT USE ONLY:** Registry checks confirm this is a current and enforceable Domestic Violence Order. Yes  No:  (not required if police are the applicant)  (only to be completed if the applicant attaches a current Domestic Violence Order) | | | | | | | | | | | | | | |
| **The applicant will seek a tenancy order:**  Yes  No:  (If yes, please give this information)  Address of premises:  Term of lease:  The present tenant(s):       The proposed tenant:  Present rent:       How much is the bond:  Name of landlord or agent:  Phone number:       Email: | | | | | | | | | | | | | | |
| **The applicant will seek a problem gambling order:**  Yes  No | | | | | | | | | | | | | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **You must provide details of the following:**  Any children who will not be protected persons but who may be affected by the order:  Name       Age       Name       Age  Name       Age       Name       Age  Are you aware of any relevant orders or pending applications under the *Family Law Act 1975* (Cth), between a person or persons proposed to be protected by the order and the defendant?  Yes  No  Are you aware of any relevant orders, agreements, pending applications or contact determinations under the *Children and Young People (Safety) Act 2017*?  Yes  No  Are you aware of any relevant orders or agreements for the division of property under the *Family Law Act 1975* (Cth) or the *Domestic Partners Property Act 1996*, or a corresponding law of another jurisdiction, between a person or persons proposed to be protected by the order and the defendant, or any pending application for such an order?  Yes  No  Are you aware of any other legal proceedings between a person or persons proposed to be protected by the order and the defendant?  Yes  No  If you answered ‘yes’ to any of the questions above, you must provide a copy or details of the order, agreement, pending application, contact determination or proceedings. | | | | |
| Date APPLICANT | | | | |
| **Hearing details** | Registry | | | Date |
| Address | | | Time       am/pm |
| Telephone | Facsimile | Email Address | |
| Date Justice of the Peace / Registrar | | | | |

**INTERIM INTERVENTION ORDER TERMS REQUESTED**

This order is declared to address a domestic violence concern.

The defendant must **not**:

1  assault, threaten, harass or intimidate the protected person(s);

2  follow or keep the protected person(s) under surveillance including tracking GPS or otherwise;

3  approach within       metres of the protected person(s) unless permitted by other conditions of this order;

4  contact or communicate with the protected person(s) either directly or indirectly in any way (including telephone, SMS messages, in writing, e-mail or any other social media etc).

**But contact is permitted;** (Tick as applicable)

a)  at any court or tribunal hearing where the defendant is a party to proceedings or a witness;

b)  through a solicitor or police;

c)  in accordance with an order of a court exercising jurisdiction under the *Family Law Act 1975*;

d)  at a family dispute resolution conference or family counselling under the *Family Law Act 1975*, a family conference under the *Young Offenders Act 1993*, a family group conference under the *Children and Young People (Safety) Act 2017****,*** or at a mediation;

e)  in accordance with a Parenting Plan under s 63C of the *Family Law Act 1975* consented to by the protected person after this order;

33.  Notwithstanding the other terms of this order, contact is permitted by SMS and/or email or       to facilitate access to child(ren) and to exchange information as to the welfare of the child(ren);

(OTH)  Other orders (regarding communication:

5  enter or remain within       metres of any boundary where the protected person(s) stays, resides or works;

6  damage or interfere with the premises where the protected person(s) stays, resides or works;

7  damage or take possession of personal property belonging to the protected person(s) and the following specified property:

8  enter or be within       metres of the boundary of the following locations:

9  enter or be within       metres of the boundary of any education or care facility attended by the protected person(s) and/or including specifically the following:

10  be in possession of the following weapon(s) or article(s):

11  publish on the internet or by any other electronic means any material about the protected person(s);

12  cause, allow or encourage another person to do anything forbidden by this order.

**The defendant must/must not:**

(OTH)  Other orders:

**The defendant is:**

13  permitted to attend at the protected person(s) residence once in the presence of and at a time organised by a police officer to collect personal property not affected by this order;

**The defendant must:**

14  vacate the premises at

forthwith upon service of this order and not return to those premises unless this term is varied or dismissed by the Court;

15  contact the Intervention Program Manager at ph. 8204 8815 within 2 business days and make and attend an appointment for assessment, and if assessed as suitable undertake any intervention program as ordered by the court;

(OTH)  **Section 68R *Family Law Act 1975* Orders/s:** (Tick as applicable)

The  Family Court /  Federal Circuit Court order,

Parenting Order

Recovery Order

Injunction

Undertaking

Registered Parenting Plan

Recognisance

made on the       is  Revived /  Varied /  Discharged /  Suspended as follows:

and is  ongoing OR  valid until      .

**Firearms orders (see s 14):**

16  any firearm, ammunition or part of a firearm in the possession of the defendant and any licence or permit held by the defendant authorising possession of a firearm, ammunition or part of a firearm must be surrendered to the Registrar of Firearms forthwith.

17  for so long as this intervention order remains in force, any licence or permit held by the defendant authorising possession of a firearm, ammunition or part of a firearm is suspended and the defendant is disqualified from holding or obtaining a licence or permit authorising possession of a firearm, ammunition or part of a firearm. The defendant is prohibited from possessing a firearm, ammunition or part of a firearm in the course of his or her employment.

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|  | FORM 28 ANNEXURE  PROTECTED PERSON(S) DETAILS  (INTERVENTION ORDER)  **Magistrates Court of South Australia**  [www.courts.sa.gov.au](http://www.courts.sa.gov.au)  *Intervention Orders (Prevention of Abuse) Act 2009*  Section 20 | Court Use  Date Filed: |

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| This annexure should be kept separately from Form 28. It must not be served on the defendant with Form 28. Pursuant to r 18.04C it must be stored electronically, separately from the hard file and any hardcopy of the document must be subsequently destroyed. | | | | | | | |
| **Protected Person(s) Details** | | | | | | | |
| 1. | Name |  | |  | | |  |
| *Surname* | | *Given name/s* | | | *Gender* |
| Address |  | | |  |  | |
| *Street* | | | *Telephone* | *Facsimile* | |
|  |  | |  |  | |
| *City/Town/Suburb* | *State* | | *Postcode* | *Email Address* | |
| Preferred method of contact:  Post  Telephone  Fax  Email | | | | | | |
| 2. | Name |  | |  | | |  |
| *Surname* | | *Given name/s* | | | *Gender* |
| Address |  | | |  |  | |
| *Street* | | | *Telephone* | *Facsimile* | |
|  |  | |  |  | |
| *City/Town/Suburb* | *State* | | *Postcode* | *Email Address* | |
| Preferred method of contact:  Post  Telephone  Fax  Email | | | | | | |
| 3. | Name |  | |  | | |  |
| *Surname* | | *Given name/s* | | | *Gender* |
| Address |  | | |  |  | |
| *Street* | | | *Telephone* | *Facsimile* | |
|  |  | |  |  | |
| *City/Town/Suburb* | *State* | | *Postcode* | *Email Address* | |
| Preferred method of contact:  Post  Telephone  Fax  Email | | | | | | |
| 4. | Name |  | |  | | |  |
| *Surname* | | *Given name/s* | | | *Gender* |
| Address |  | | |  |  | |
| *Street* | | | *Telephone* | *Facsimile* | |
|  |  | |  |  | |
| *City/Town/Suburb* | *State* | | *Postcode* | *Email Address* | |
| Preferred method of contact:  Post  Telephone  Fax  Email | | | | | | |
| 5. | Name |  | |  | | |  |
| *Surname* | | *Given name/s* | | | *Gender* |
| Address |  | | |  |  | |
| *Street* | | | *Telephone* | *Facsimile* | |
|  |  | |  |  | |
| *City/Town/Suburb* | *State* | | *Postcode* | *Email Address* | |
| Preferred method of contact:  Post  Telephone  Fax  Email | | | | | | |
| 6. | Name |  | |  | | |  |
| *Surname* | | *Given name/s* | | | *Gender* |
| Address |  | | |  |  | |
| *Street* | | | *Telephone* | *Facsimile* | |
|  |  | |  |  | |
| *City/Town/Suburb* | *State* | | *Postcode* | *Email Address* | |
| Preferred method of contact:  Post  Telephone  Fax  Email | | | | | | |