**ORIGINATING APPLICATION – INTERVENTION ORDER**

MAGISTRATES / YOUTH **Circle one** COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

**……………………………………………………………………………………………………………Full name**

**Applicant**

**……………………………………………………………………………………………………………Full name**

**Respondent**

**Only complete next box if filed by the solicitor for the Applicant**

|  |  |
| --- | --- |
| Applicant |  |
| **Full Name**  |
| Name of Law Firm and Solicitor **if any** |  |  |
| **Law Firm** | **Responsible Solicitor** |
| Address for Service |  |
| **Street Address (including unit or level number and name of property if required)** |
|  |  |  |  |
| **City/town/suburb** | **State** | **Postcode** | **Country** |
|  |
| **Email address** |
| Phone Details |  |  |
| **Type (eg. home; work; mobile) – Number**  | **Another number (optional)** |

**Only complete next box if filed by the Police as Applicant**

|  |  |
| --- | --- |
| Applicant | Commissioner of Police |
| Name of responsible officer  |  |
| **Full Name**  |
| Name of Law Firm and Solicitor **if any** |  |  |
| **Law firm/office** | **Responsible solicitor** |
| Address for service |  |
| **Street Address (including unit or level number and name of property if required)** |
|  |  |  |  |
| **City/town/suburb** | **State** | **Postcode** | **Country** |
|  |
| **Email address** |
| Phone Details |  |  |
| **Type (eg. home; work; mobile) – Number**  | **Another number (optional)** |

**Only complete next box if the Applicant is a proposed protected person and is not willing to disclose their address and telephone details to the Respondent**

|  |  |
| --- | --- |
| Applicant/Proposed Protected Person |  |
| **Full Name**  |
| Address for service | [*260 Victoria Square/75 Wright Street*] |
| Adelaide | South Australia  | 5000 |
|  |
| **Email address** |
|  |  |  |
|  |  |

**Only complete next box if the Applicant is a proposed third party applicant and willing to disclose their address and telephone details to the Respondent**

|  |  |
| --- | --- |
| Applicant/Third Party |  |
| **Full Name**  |
| Address  |  |
| **Street Address (including unit or level number and name of property if required)** |
|  |  |  |  |
| **City/town/suburb** | **State** | **Postcode** | **Country** |
|  |
| **Email address** |
| Phone Details |  |  |
| **Type (eg. home; work; mobile) – Number**  | **Another number (optional)** |

**Only complete next box if the Applicant is a proposed third party applicant and is not willing to disclose their address and telephone details to the Respondent**

|  |  |
| --- | --- |
| Applicant/Third party |  |
| **Full Name** |
| Address for service | [*260 Victoria Square/75 Wright Street*] |
| Adelaide | South Australia  | 5000 |
|  |
| **Email address** |

|  |  |
| --- | --- |
| Respondent (person against whom order sought) |  |
| **Full Name**  |
| Address |  |
| **Street Address (including unit or level number and name of property if required)** |
|  |  |  |  |
| **City/town/suburb** | **State** | **Postcode** | **Country** |
|  |
| **Email address** |
| Other Address at which Respondent may be found **optional**  |  |
| **Street Address (including unit or level number and name of property if required)** |
|  |  |  |  |
| **City/town/suburb** | **State** | **Postcode** | **Country** |
|  |
| **Email address** |
| Phone Details |  |
| **Type (eg. home; work; mobile) – Number**  |
| Date of birth and driver’s licence number  |  |  |
| **Date of birth**  | **Driver’s Licence number** |
| Gender |  |
| **gender** |

|  |  |
| --- | --- |
| Interested Party |  |
| **Full Name** |
| Address |  |
| **Street Address (including unit or level number and name of property if required)** |
|  |  |  |  |
| **City/town/suburb** | **State** | **Postcode** | **Country** |
|  |
| **Email address** |
| Phone Details |  |
| **Type (eg. home; work; mobile) – Number**  |

**Only complete if applicable otherwise mark as N/A**

|  |  |
| --- | --- |
| Interested Party |  |
| **Full Name**  |
| Address |  |
| **Street Address (including unit or level number and name of property if required)** |
|  |  |  |  |
| **City/town/suburb** | **State** | **Postcode** | **Country** |
|  |
| **Email address** |
| Phone Details |  |
| **Type (eg. home; work; mobile) – Number**  |

|  |
| --- |
| **Proposed Protected Person [*1*] Details**  |
| Proposed Protected Person |  |
| **Full Name (including Also Known as (if applicable))** |
| Gender |  |
| **Gender** |
| Relationship to the Respondent  | [ ]  Partner/spouse[ ]  Child[ ]  Step-child[ ]  Parent[ ]  Step-parent[ ]  Sibling[ ]  Relative[ ]  Neighbour[ ]  Other – Please specify: ……………………………………………………………….. |

**Only complete if applicable otherwise as mark as N/A**

|  |
| --- |
| **Proposed Protected Person [*2*] Details**  |
| Proposed Protected Person |  |
| **Full Name (including Also Known as (if applicable))** |
| Gender |  |
| **Gender** |
| Relationship to the Respondent  | [ ]  Partner/spouse[ ]  Child[ ]  Step-child[ ]  Parent[ ]  Step-parent[ ]  Sibling[ ]  Relative[ ]  Neighbour[ ]  Other – Please specify: ……………………………………………………………….. |

**Only complete if applicable otherwise as mark as N/A**

|  |
| --- |
| **Proposed Protected Person [*3*] Details**  |
| Proposed Protected Person |  |
| **Full Name (including Also Known as (if applicable))** |
| Gender |  |
| **Gender** |
| Relationship to the Respondent  | [ ]  Partner/spouse[ ]  Child[ ]  Step-child[ ]  Parent[ ]  Step-parent[ ]  Sibling[ ]  Relative[ ]  Neighbour[ ]  Other – Please specify: ……………………………………………………………….. |

|  |
| --- |
| **Application Details****Mark appropriate sections below with an ‘x’**This Application is for an Intervention Order to be issued against the Respondent for the protection of ……………..…………………………………………………………………….**protected person(s)**in the terms listed in the box entitled ‘Interim Intervention Order Terms Requested’ below**.**This Application is made under section 20 of the *Intervention Orders (Prevention of Abuse) Act 2009*.The Applicant seeks the following orders:**Orders sought in separately numbered paragraphs.**  1. An Intervention Order in the terms set out below.[ ] 2. A Problem Gambling Order.[ ] 3. A Problem Gambling Attachment Order.[ ] 4. A Tenancy Order.This Application is made on the grounds [ ] set out in the accompanying Affidavit sworn by …………………..………….……**name** on ……………………….**date**[ ] that that the Respondent may commit the following act of abuse[ ] domestic abuse[ ] non-domestic abuseThe definitions of Domestic Abuse, Domestic Partners, Registered Relationship and Close Personal Relationship, are included at the end of this form.**Only complete if applicable otherwise mark as N/A**The applicant requests that the preliminary hearing be conducted by audio visual /audio **Circle one** link because **Enter grounds in separately numbered paragraphs where more than one**1. ……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………….……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………

**Only complete if applicable otherwise mark as N/A**The Application is urgent because **Enter grounds in separately numbered paragraphs where more than one**1.……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………….………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………….. |

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| --- |
| 1. Is there currently a Domestic Violence Order in place anywhere in Australia between any of the protected person(s)and the Respondent?

[ ] Yes (if yes, a copy of the orders must accompany the application)[ ] No1. Are there any children that are not proposed to be protected persons that may be affected by the order?

[ ] Yes (if yes, complete the affected children box below)[ ] No1. Is the Applicant aware of any relevant orders under the *Family Law Act 1975* (Cth) between a[*ny*] person[*s*] proposed to be protected by the order and the Respondent?

[ ] Yes (if yes, a copy of the orders must accompany the application)[ ] No1. Is the Applicant aware of any relevant orders, agreements or contact determinations under the *Children and Young People (Safety) Act 2017* or the former the *Children’s Protection Act 1993*?

[ ] Yes (if yes, a copy of the orders, agreements or contact determinations must accompany the application)[ ] No1. Is the Applicant aware of any relevant orders or agreements for the division of property under the *Family Law Act 1975* (Cth) the *Domestic Partners Property Act 1996,* or a corresponding law of another jurisdiction between a person proposed to be protected by the order and the Respondent, or any pending application for such an order?

[ ] Yes (if yes, a copy of the orders or agreements must accompany the application)[ ] No1. Is the Applicant aware of any other legal proceedings between a person[*s*] proposed to be protected by the order and the Respondent of which the Applicant is aware?

[ ] Yes (if yes, a copy of any judgments or substantive orders must accompany the application)[ ] No |

**Only complete if party is seeking a tenancy order otherwise mark as N/A**

|  |
| --- |
| Tenancy details  |
| Address  |  |
| **Street Address (including unit or level number and name of property if required)** |
|  |  |  |  |
| **City/town/suburb** | **State** | **Postcode** | **Country** |
|  |
|  |
| Term of Lease |  |
| **Term** |
| The present tenant[*s*] |  |
| **Full Name (including Also Known as (if applicable))** |
| The proposed tenant  |  |
| **Full Name (including Also Known as (if applicable))** |
| Present rent  | $ |
| **Amount per fortnight**  |
| Bond | $ |
| **Amount**  |
| [*Landlord/Agent*] details  |  |
| **Full Name (including Also Known as (if applicable))** |
| Phone Details |  |
| **Type - Number** |
| Email |  |
| **Email address** |

**Next box only complete if applicable; otherwise mark as N/A**

|  |
| --- |
| Details of any child[*ren*] who will not be protected persons but who may be affected by the order  |
| Affected child  |  |  |
| **Full name** | **Age in years** |

**Leave blank if not required**

|  |
| --- |
| Details of any child[*ren*] who will not be protected persons but who may be affected by the order  |
| Affected child  |  |  |
| **Full name** | **Age in years** |

**Leave blank if not required**

|  |
| --- |
| Details of any child[*ren*] who will not be protected persons but who may be affected by the order  |
| Affected child  |  |  |
| **Full name** | **Age in years** |

**Leave blank if not required**

|  |
| --- |
| Details of any child[*ren*] who will not be protected persons but who may be affected by the order  |
| Affected child  |  |  |
| **Full name** | **Age in years** |

**Leave blank if not required**

|  |
| --- |
| Details of any child[*ren*] who will not be protected persons but who may be affected by the order  |
| Affected child  |  |  |
| **Full name** | **Age in years** |

|  |
| --- |
| **Interim Intervention Order Terms Requested** **Mark appropriate sections below with an ‘x’** |
| **General** |
| [ ]  |  | The Respondent must notassault, threaten, harass or intimidate the protected person[*s*]. |
| [ ]  |  | The Respondent must notdamage or interfere with the premises where the protected person[*s*] stay[*s*], reside[*s*] or work[*s*]. |
| [ ]  |  | The Respondent must notdamage or take possession of personal property belonging to the protected person[*s*] and the following specified property:  **personal property** |
| [ ]  |  | The Respondent must notbe in possession of the following weapon[*s*] or article[*s*]:  **weapon/article** |
| **Firearms** |
| [ ]  |  | **default selected** Any firearm (e.g. guns), ammunition or part of a firearm in the possession of the Respondent and any licence or permit held by the Respondent authorising possession of a firearm, ammunition or part of a firearm must be surrendered (handed in) immediately to the Registrar of Firearms. |
| [ ]  |  | **default selected** For so long as this Order remains in force, any licence or permit held by the Respondent authorising possession of a firearm (e.g. guns), ammunition or part of a firearm is suspended and the Respondent is disqualified from holding or obtaining a licence or permit authorising possession of a firearm, ammunition or part of a firearm. The Respondent is prohibited from possessing a firearm, ammunition or part of a firearm in the course of his or her employment. |
| **Contact** |
| [ ]  |  | The Respondent must notcontact or communicate with the protected person[*s*] either directly or in any way (including telephone, SMS messages, in writing, email or any other social media etc)**BUT contact is permitted:**1. at any court or tribunal hearing where the Respondent is a party to the proceeding or a witness;
2. through a solicitor or a police officer;
3. in accordance with an order of a court exercising jurisdiction under the *Family Law Act 1975*
4. 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 convened under section 22 of the *Children and Young People (Safety) Act 2017* or at a mediation;
5. in accordance with a Parenting Plan under section 63C of the *Family Law Act 1975* consented to by the protected person after this Order;
6. by SMS [*and email*] [*and other means of communication*] to facilitate access to child[ren] and to exchange information as to their welfare;
7.

 **other**  |
| [ ]  |  | The Respondent must vacate the premises at  **address**forthwith upon service of this Order and not return to those premises unless this term is varied or removed by the Court. |
| [ ]  |  | The Respondent is 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 Respondent must notpublish on the internet or by any electronic means any material about the protected person[*s*]. |
| **Vicinity** |
| [ ]  |  | The Respondent must notfollow or keep the protected person[*s*] under surveillance including tracking by GPS or otherwise. |
| [ ]  |  | The Respondent must notgo or stay within  **number** metres of the protected person[*s*] unless permitted by other conditions of this Order. |
| [ ]  |  | The Respondent must notgo or stay within  **number** metres of any boundary of where the protected person[*s*] stay[*s*], reside[*s*] or work[*s*]. |
| [ ]  |  | The Respondent must notgo or stay within  **number** metres of the boundary of the following location[*s*]: **address**  |
| [ ]  |  | The Respondent must notgo or stay within  **number** metres of the boundary of any education or care facility attended by the protected person[*s*] and / or **circle one**including specifically the following: **address**  |
| **Other conditions** |
| [ ]  |  | The Subject must notcause, allow or encourage another person to do anything forbidden by this Order. |
| [ ]  |  | **only available if jurisdiction ‘Magistrates Court’** The Subject must contact the Intervention Program Manager at 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. |
| [ ]  |  | The Subject must surrender  **description of weapons or articles** to  **person or authority** by  **date**.. |
| [ ]  |  | The Subject must return  **description of personal property** to  **name of protected person** by date. |
| [ ]  |  | The Subject must allow  **name of protected person** to recover / have access to / make use of **circle one**  **description of personal property**and allow the person to be accompanied by  **a police officer/other specified person** while doing so. |
| [ ]  |  |  **other**  |

|  |
| --- |
| **Accompanying Documents****Mark appropriate sections below with an ‘x’**Accompanying this Application is a: ………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………….**Next four options to appear if the answer to questions 4, 5, 6 or 7 above is ‘yes’.****Attach any orders, agreements, contact determinations or other documents that may be relevant between a person or persons proposed to be protected by the order and the Respondent.** [ ] **provision for multiple** Order under the *Family Law Act 1975* (Cth) [*description of attached document*] **if available**[ ] **provision for multiple** [O*rder/Agreement/Contact Determination*] under the *Children Young People (Safety) Act 2017 ……………………………………………………………………………………………***description of attached document****if available**[ ] **provision for multiple** [*Order/Agreement*]under the *Domestic Partners Property Act 1996*[ ] **provision for multiple** *…………………………...……………………………………………..………………………………….**………………………………………………………………………………………….……….***description of any other attached documents** |

|  |
| --- |
| **Definitions**Section 8(8) of the *Intervention Orders Prevention of Abuse Act 2009* defines ‘**domestic abuse’** to be:(8) If the act of abuse is committed by a Respondent against a person with whom the Respondent is or was formerly in a relationship, it is referred to in this Act as an act of domestic abuse; and for that purpose, two persons are in a relationship if—(a) they are married to each other; or(b) they are domestic partners; or(c) they are in some other form of intimate personal relationship in which their lives are interrelated and the actions of one affects the other; or(d) one is the child, stepchild or grandchild, or is under the guardianship, of the other (regardless of age); or(e) one is a child, stepchild or grandchild, or is under the guardianship, of a person who is or was formerly in a relationship with the other under paragraph (a), (b) or (c) (regardless of age); or(f) one is a child and the other is a person who acts in *loco parentis* in relation to the child; or(g) one is a child who normally or regularly resides or stays with the other; or(h) they are brothers or sisters or brother and sister; or(i) they are otherwise related to each other by or through blood, marriage, a domestic partnership or adoption; or(j) they are related according to Aboriginal or Torres Strait Islander kinship rules or are both members of some other culturally recognised family group; or(k) one is the carer (within the meaning of the Carers Recognition Act 2005) of the other.‘**Domestic partners’** is defined in sections 11 and 11A of the *Family Relationships Act 1975,* which read as follows:Part 3—Domestic partners11—InterpretationIn this Part—*‘****Close personal relationship****’* means the relationship between two adult persons (whether or not related by family and irrespective of their sex or gender identity) who live together as a couple on a genuine domestic basis, but does not include—(a) the relationship between a legally married couple; or(b) a relationship where one of the persons provides the other with domestic support or personal care (or both) for fee or reward, or on behalf of some other person or an organisation of whatever kind.Note—Two persons may live together as a couple on a genuine domestic basis whether or not a sexual relationship exists, or has ever existed, between them.*‘****Registered relationship****’* means a relationship that is registered under the *Relationships Register Act 2016*, and includes a corresponding law registered relationship under that Act.11A—**Domestic partners**A person is, on a certain date, the *domestic partner* of another if—(a) the person is, on that date, in a registered relationship with the other; or(b) the person is, on that date, living with the other in a close personal relationship and—(i) the person—(A) has so lived with the other continuously for the period of 3 years immediately preceding that date; or(B) has during the period of 4 years immediately preceding that date so lived with the other for periods aggregating not less than 3 years; or(ii) a child, of whom the two persons are the parents, has been born (whether or not the child is still living at that date). |