

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:**Hearing Location:****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 <small>if any</small>	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		
	Type (eg. home; work; mobile) – Number		Another number (optional)

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	<input type="checkbox"/> Partner/spouse <input type="checkbox"/> Child <input type="checkbox"/> Step-child <input type="checkbox"/> Parent <input type="checkbox"/> Step-parent <input type="checkbox"/> Sibling <input type="checkbox"/> Relative <input type="checkbox"/> Neighbour <input type="checkbox"/> Other – Please specify:
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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	<input type="checkbox"/> Partner/spouse <input type="checkbox"/> Child <input type="checkbox"/> Step-child <input type="checkbox"/> Parent <input type="checkbox"/> Step-parent <input type="checkbox"/> Sibling <input type="checkbox"/> Relative <input type="checkbox"/> Neighbour <input type="checkbox"/> 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	<input type="checkbox"/> Partner/spouse <input type="checkbox"/> Child <input type="checkbox"/> Step-child <input type="checkbox"/> Parent <input type="checkbox"/> Step-parent <input type="checkbox"/> Sibling <input type="checkbox"/> Relative <input type="checkbox"/> Neighbour <input type="checkbox"/> Other – Please specify:

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)
[] No
2. 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)
[] No
3. 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)
[] No
4. 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)
[] No
5. 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)
[] No
6. 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

Form 10h

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

- ☐ 1. The Respondent must not assault, threaten, harass or intimidate the protected person[s].
- ☐ 2. The Respondent must not damage or interfere with the premises where the protected person[s] stay[s], reside[s] or work[s].
- ☐ 3. The Respondent must not damage or take possession of personal property belonging to the protected person[s] and the following specified property:

 personal property
- ☐ 4. The Respondent must not be in possession of the following weapon[s] or article[s]:

 weapon/article

Firearms

- ☐ 5. 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.
- ☐ 6. 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

- ☐ 7. The Respondent must not contact 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:

- a. at any court or tribunal hearing where the Respondent is a party to the proceeding or a witness;
- b. through a solicitor or a police officer;
- 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 convened under section 22 of the *Children and Young People (Safety) Act 2017* or at a mediation;
- e. in accordance with a Parenting Plan under section 63C of the *Family Law Act 1975* consented to by the protected person after this Order;
- f. by SMS [*and email*] [*and other means of communication*] to facilitate access to child[ren] and to exchange information as to their welfare;
- g.
 other

- ☐ 8. 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.

☐ 9. 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.

☐ 10. The Respondent must not publish on the internet or by any electronic means any material about the protected person[s].

Vicinity

☐ 11. The Respondent must not follow or keep the protected person[s] under surveillance including tracking by GPS or otherwise.

☐ 12. The Respondent must not go or stay withinnumber metres of the protected person[s] unless permitted by other conditions of this Order.

☐ 13. The Respondent must not go or stay withinnumber metres of any boundary of where the protected person[s] stay[s], reside[s] or work[s].

☐ 14. The Respondent must not go or stay withinnumber metres of the boundary of the following location[s]:

..... address

☐ 15. The Respondent must not go or stay withinnumber 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

☐ 16. The Subject must not cause, allow or encourage another person to do anything forbidden by this Order.

☐ 17. 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.

☐ 18. The Subject must surrender
 description of weapons or articles
 to person or authority
 by date..

☐ 19. The Subject must return
 description of personal property
 to name of protected person
 by date..

☐ 20. 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.

☐ 21.

 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 [Order/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 partners

11—Interpretation

In 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).