

## APPLICATION AND SUMMONS FOR AN INTERVENTION ORDER

Case No. [REDACTED]

Date of Hearing [REDACTED]  
At 09:30 AM

Who makes the application?  
(Applicant)

C/- HEIDELBERG MAGISTRATES COURT  
JICA ST  
HEIDELBERG VIC 3084

The applicant AFFECTED FAMILY MEMBER

If the applicant is either:-

- (a) a child aged 14 or older (but less than 18); or  
(b) a person who is not a parent of an affected family member who is a child and who does not have the written consent of a parent of the child; or  
(c) a person other than the guardian appointed under the Guardianship and Administration Board Act 1986 if an appointment has been made:-  
the leave of the court to make the application is required.

Do you require the leave of the court? NO

Who is the application against?  
(Respondent)

Address

Sex MALE

D.O.B. [REDACTED]  
or approximate age: [REDACTED] years

Phone: Mobile [REDACTED]

The Application

State briefly why an Intervention Order is needed. Give a brief outline of each incident including the date and place where it happened.

THE RESP IS MY HUSBAND I HAVE KNOWN HIM FOR 2 YEARS & HAVE BEEN SEPARATED FROM HIM FOR 1 YEAR. THE MOST RECENT INCIDENT OCCURRED LAST MONDAY WHEN MY HUSBAND CAME TO MY HOUSE. THE RESP [REDACTED] ATTACKED ME [REDACTED] AND MY FRIEND ON THE OTHER END OF THE PHONE COULD HEAR EVERYTHING THAT WAS GOING ON. [REDACTED] IN THE RESP TOOK ALL OF MY CLOTHES AND OTHER DOCUMENTS AND I SOUGHT LEGAL ADVICE AND TOLD THE RESP TO REPORT THE THIEF TO THE POLICE.

Who needs the Order?  
(Affected Family Member)

Sex FEMALE  
D.O.B. [REDACTED]  
or approximate age: [REDACTED] years

Relationship to the respondent FORMER SPOUSE

Do you need an interpreter? YES

What language? [REDACTED]

Have you applied for, or received a Court Order under the:

Family Law Act NO  
Family Violence Protection Act 2008 NO

Please give the date the Order or Application was made, the type of Order or Application and the name of the Court.

Case No. [REDACTED]

What sort of Intervention Order do you want?  
State precisely the terms of the Order sought. What things does the defendant do that you want stopped and how do you want the Court to help you prevent them from happening? Number each one.  
That the respondent be prohibited from:

- Committing family violence against the protected person(s) including:
  - physical abuse; or
  - sexual abuse; or
  - emotional or psychological abuse; or
  - economic abuse; or
  - threats; or
  - coercion; or
  - controlling or dominating behaviour that makes a protected person feel fear for his/her safety or well-being or the safety or well-being of another person; or
  - unlawful deprivation of liberty; or
  - causing a child/children to be exposed to these behaviours
- Intentionally damage the protected person(s) property or threatening to do so.
- Following the protected person(s) or keeping him/her/them under surveillance.
- Publish on the Internet or by email or other electronic communication any material relating to or purporting to relate to or originate from the protected person(s).
- Contacting or communicating with the protected person(s), including by telephone, text message or email.
 

Exceptions:

  - contacting [REDACTED] to make child/ren's arrangements but only in accordance with the written arrangements referred to in this order or a family law or child protection order; or
  - through a lawyer; or
  - to arrange and participate in counselling or mediation by agreement with [REDACTED]
- Knowingly being at or within 10 metres of the

See continuation

To the Respondent

WARNING: If you do not come to Court at the date and time specified in this application, the Court may hear the application without you being present at Court and may make a Family Violence Intervention Order, or if satisfied that it is appropriate to do so, may adjourn the application. The Court may make an order to protect a child even if the child is not named in this application. The Court may include different conditions on the order to those applied for in the application. If you are on bail, the Court may issue a warrant for your arrest.

Where you must go HEIDELBERG MAGISTRATES' COURT

Address JICA ST  
HEIDELBERG VIC 3084

Time: 09:30 AM

Date: [REDACTED]

Phone 03 84582000

Issued By:

Date: [REDACTED]

(Registrar)

Case No. [REDACTED]

What sort of Intervention Order do you want?

State precisely the terms of the Order sought. What things does the defendant do that you want stopped and how do you want the Court to help you prevent them from happening? Number each one.

That the respondent be prohibited from:

protected person(s).

Exceptions:

- (a) for the purpose of child/ren's arrangements but only in accordance with the written arrangements referred to in this order or a family law or child protection order; or
- (b) to participate in counselling or mediation by agreement with [REDACTED]

7 Going to or remaining within 200 metres of the home at place where the protected person lives, works or attends school.

or any other place where the protected person lives, works or attends school.

Exceptions:

- (a) attending the home for the purpose of child/ren's arrangements but only in accordance with the written arrangements referred to in this order or a family law or child protection order; or
- (b) attending the home in the company of a police officer to collect personal property that is not required to remain in the home or to return property.

8 Causing another person to engage in conduct prohibited by this order.

9 The respondent must arrange to return:

Personal property belonging to the protected person(s) within 2 days of this order.

To the Respondent

Applicant's signature

Date 01/01/2008

**WARNING:** If you do not come to Court at the date and time specified in this application, the Court may hear the application without you being present at Court and may make a Family Violence Intervention Order, or if satisfied that it is appropriate to do so, may adjourn the application. The Court may make an order to protect a child even if the child is not named in this application. The Court may include different conditions on the order to those applied for in the application. If you are on bail, the Court may issue a warrant for your arrest.

Where you must go HEIDELBERG MAGISTRATES' COURT

Address 11 KASST  
HEIDELBERG VIC 3084

Time: 09:30 AM

Date: 01/01/2008

Phone 03 84582000

Issued By:

Date: 01/01/2008

(Registrar)

## INTERVENTION ORDER

Section 4

Case No. Y02316395

place where the protected person lives or works.

8. Causing another person to engage in conduct prohibited by this order.

This intervention order expires at midnight on 01/01/2008, unless extended or varied prior to that time.

## Notations:

The respondent was served with a copy of the Application and Summons By consent without admission of allegations in complaint

The respondent was present at the hearing

The respondent agreed to this Order being made

Respondent directed by Magistrate to attend eligibility assessment regarding participation in court directed counselling (pursuant to section 129 of the Family Violence Protection Act 2008)

By the Court

**8Meaning of *family member***

s. 8

- (1) For the purposes of this Act, a ***family member***, in relation to a person (a ***relevant person***), means—
  - (a) a person who is, or has been, the relevant person's spouse or domestic partner; or
  - (b) a person who has, or has had, an intimate personal relationship with the relevant person; or
  - (c) a person who is, or has been, a relative of the relevant person; or
  - (d) a child who normally or regularly resides with the relevant person or has previously resided with the relevant person on a normal or regular basis; or
  - (e) a child of a person who has, or has had, an intimate personal relationship with the relevant person.
- (2) For the purposes of subsections (1)(b) and (1)(e), a relationship may be an intimate personal relationship whether or not it is sexual in nature.
- (3) For the purposes of this Act, a ***family member*** of a person (the ***relevant person***) also includes any other person whom the relevant person regards or regarded as being like a family member if it is or was reasonable to regard the other person as being like a family member having regard to the circumstances of the relationship, including the following—
  - (a) the nature of the social and emotional ties between the relevant person and the other person;
  - (b) whether the relevant person and the other person live together or relate together in a home environment;
  - (c) the reputation of the relationship as being like family in the relevant person's and the other person's community;
  - (d) the cultural recognition of the relationship as being like family in the relevant person's or other person's community;
  - (e) the duration of the relationship between the relevant person and the other person and the frequency of contact;
  - (f) any financial dependence or interdependence between the relevant person or other person;
  - (g) any other form of dependence or interdependence between the relevant person and the other person;
  - (h) the provision of any responsibility or care, whether paid or unpaid, between the relevant person and the other person;
  - (i) the provision of sustenance or support between the relevant person and the other person.

**Example**

A relationship between a person with a disability and the person's carer may over time have come to approximate the type of relationship that would exist between family members.

s. 90

(4) For the purposes of subsection (3), in deciding whether a person is a family member of a relevant person the relationship between the persons must be considered in its entirety.

## 9 Meaning of *domestic partner*

(1) For the purposes of this Act, *domestic partner* of a person means—

- (a) a person who is in a registered relationship within the meaning of the **Relationships Act 2008** with the person; or
- (b) an adult to whom the person is not married but with whom the person is in a relationship as a couple where one or each of the persons provides personal or financial commitment and support of a domestic nature for the support of the other person.

(2) For the purposes of subsection (1)(b), the following is irrelevant—

- (a) the genders of the persons;
- (b) whether or not the persons are living under the same roof.

(3) Also, for the purposes of subsection (1)(b), a person is not the domestic partner of another person—

- (a) if the person provides domestic support and personal care to the person—
  - (i) for fee or reward; or
  - (ii) on behalf of another person or an organisation, including a government or non-government agency, a body corporate or a charitable or benevolent organisation; or

(b) merely because they are co-tenants.

(4) In deciding whether persons who are not in a registered relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case.

## 10 Meaning of *relative*

(1) For the purposes of this Act, a *relative* of a person—

- (a) means any of the following, whether of the whole blood or half-blood or by marriage, and whether or not the relationship depends on adoption of the person—
  - (i) the person's father, mother, grandfather or grandmother;
  - (ii) the person's son, daughter, grandson or granddaughter;



Family Violence Protection Act 2008

“Meaning of Family Member, relative, etc”

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- (iii) the person's brother or sister;
  - (iv) the person's uncle or aunt;
  - (v) the person's nephew or niece;
  - (vi) the person's cousin; and
- (b) for an Aboriginal or Torres Strait Islander person—includes a person who, under Aboriginal or Torres Strait Islander tradition or contemporary social practice, is the person's relative.
- (2) For domestic partners, a *relative* includes a person who would be a relative if the domestic partners were married to each other.

