

APPLICATION TO VARY OR REVOKE A DOMESTIC VIOLENCE ORDER

Pursuant to Practice Direction 30
Domestic and Family Violence Act 2007, Sections 49, 55 & 103V

Case Number: _____

1. APPLICATION TYPE

Application to Vary or Revoke a DVO (s.49)

Application to Vary or Revoke a Recognised Non-local DVO (s.103V)

2. PARTIES TO THE APPLICATION

Party Seeking to Vary or Revoke the DVO	Name: Date of Birth:	
Applicant On Current DVO	Name: Date of Birth:	IJIS/PROMIS ID:
Defendant On Current DVO	Name: Date of Birth: Address:	
Protected Persons On Current DVO	Name: Date of Birth: Relationship:	Name: Date of Birth: Relationship:
	Name: Date of Birth: Relationship:	Name: Date of Birth: Relationship:
	Name: Date of Birth: Relationship:	Name: Date of Birth: Relationship:

3. YOUR COURT DATE

An application has been made asking the Local Court to vary or revoke a Domestic Violence Order against the defendant.

THIS APPLICATION WILL BE DEALT WITH

by the Local Court at in the Northern Territory on
at am / pm.

IMPORTANT INFORMATION – PLEASE READ

The defendant must attend the hearing at the Court on the date and time set out above if he/she wishes to defend the application. IF THE DEFENDANT DOES NOT ATTEND AT COURT, the Court may make the orders set out in the application or other similar orders in his/her absence.

A domestic violence order made in the Northern Territory is a nationally recognised DVO and is enforceable in all States and Territories in Australia and also may be registered and enforced, without notice to the defendant, in New Zealand.

If the Applicant or a legal representative for the Applicant does not attend the hearing of this application, the Court may dismiss the Application without notice.

Accepted by Registrar: _____ on _____ at _____

OFFICE USE ONLY

Sent for service to: Police Sheriff Private Bailiff on: _____

4. CURRENT ORDERS

Date current order made

Case Number (if known)

Attach a copy of the current order (If you do not have a copy of the order, you may obtain one from the Local Court.)

5. VARY / REVOKE / EXTEND

What are you asking for?

Revoke the existing order Vary the existing order (see Sections 6 and 7)

Extend the existing order for ____ years, ____ months, from: _____

Remove a protected person. Details:

Name: _____ DOB: _____

Name: _____ DOB: _____

Name: _____ DOB: _____

Add a protected person. Details:

Name: _____ DOB: _____

Name: _____ DOB: _____

Name: _____ DOB: _____

6. URGENT TEMPORARY VARIATION

Do you want the court to make an urgent variation to the Domestic Violence Order?

Yes

No

The Court can vary a DVO before the Defendant is served with an application. This will only occur if the Court is satisfied that the matter is sufficiently urgent.

Please state the reasons why your application to vary should be dealt with urgently:

7. ORDERS TO BE REMOVED

If you want to have orders removed, you need to indicate to the Court which orders you want to have removed. Please provide the number of the orders to be removed below:

8. ORDERS SOUGHT FOR ADULT PROTECTED PERSON

Tick the box next to all orders you want for the adult protected person.

NON-CONTACT ORDERS

1. Approaching, contacting or remaining in the company of the protected person/s directly or indirectly (contact includes by mail, phone, text messages, facsimile, email or other forms of communication)

EXCEPT: 1(a) via or in the presence of a solicitor, family dispute resolution practitioner, third party nominated by the protected person or Children's Contact Centre worker for the purposes of these proceedings, making arrangements for the children or property of the parties, or in accordance with a Parenting Plan, or Family Law Order

2. Approaching, entering or remaining at any place where the protected person/s is living, working, staying, visiting or located;

EXCEPT: 2(a) via or in the presence of a solicitor, family dispute resolution practitioner, third party nominated by the protected person or Children's Contact Centre worker for the purposes of these proceedings, making arrangements for the children or property of the parties, or in accordance with a Parenting Plan, or Family Law Order.

2(b) to attend (insert address)_____ only when in the company of a police officer to collect personal property belonging to the defendant

NON-CONTACT WHILE INTOXICATED ORDERS

3. Approaching, contacting or remaining in the company of the protected person/s directly or indirectly when consuming alcohol or another intoxicating drug or substance or when under the influence of alcohol or another intoxicating drug or substance;

4. Approaching, entering or remaining at any place where the protected person/s is living, working, staying, visiting located if consuming alcohol or another intoxicating drug or substance or when under the influence of alcohol or another intoxicating drug or substance; and

5. Must submit to a breath test and/or breath analysis and/or drug test when requested by a police officer in relation to this order.

NON-VIOLENCE ORDERS

6. causing harm or attempting or threatening to cause harm to the protected person/s

7. causing damage to property, or attempting or threatening to cause damage to property of the protected person/s

8. intimidating or harassing or verbally abusing the protected person/s

9. stalking the protected person/s

10. exposing a protected person or children of the protected person to domestic violence

11. Other (details)

9. ORDERS SOUGHT FOR CHILD PROTECTED PERSON/S

Tick the box next to all orders you want for the child protected person.

NON-CONTACT ORDERS

1. Approaching, contacting or remaining in the company of the protected person/s directly or indirectly (contact includes by mail, phone, text messages, facsimile, email or other forms of communication)

EXCEPT 1(b) in the presence of a Children's Contact Centre worker or a third party nominated by the Adult protected person, for the purposes of spending time with the children of the parties, or in accordance with a Parenting Plan, or Family Law Order*

2. Approaching, entering or remaining at any place where the protected person/s is living, working, staying, visiting or located;

EXCEPT 2(b) in the presence of a Children's Contact Centre worker or a third party nominated by the Adult protected person, for the purposes of spending time with the children of the parties, or in accordance with a Parenting Plan, or Family Law Order*

2(c) to attend (insert address)_____ only when in the company of a police officer to collect personal property belonging to the defendant.

* The effect of these orders are that the defendant will only be able to spend supervised time with the children unless a Parenting Plan or a Family Law Order says otherwise.

NON-CONTACT WHILE INTOXICATED ORDERS

3. Approaching, contacting or remaining in the company of the protected person/s directly or indirectly when consuming alcohol or another intoxicating drug or substance or when under the influence of alcohol or another intoxicating drug or substance;

4. Approaching, entering or remaining at any place where the protected person/s is living, working, staying, visiting located if consuming alcohol or another intoxicating drug or substance or when under the influence of alcohol or another intoxicating drug or substance; and

5. Must submit to a breath test and/or breath analysis and/or drug test when requested by a police officer in relation to this order.

NON-VIOLENCE ORDERS

6. causing harm or attempting or threatening to cause harm to the protected person/s

7. causing damage to property, or attempting or threatening to cause damage to property of the protected person/s

8. intimidating or harassing or verbally abusing the protected person/s

9. stalking the protected person/s

11. Other:

10. EVIDENCE IN SUPPORT OF THE APPLICATION

YOU MUST FILE AN AFFIDAVIT IN SUPPORT OF THIS APPLICATION.

An affidavit is a written statement made under oath. If you want the Court to revoke orders, you must outline in the affidavit the reasons why you say the current orders should be revoked. If you want the orders to be varied or extended, you must outline in the affidavit the reasons why you say the variation or extension is necessary. The Affidavit is a separate form that you will need to collect from the Court or download from the Court's website.

11. OTHER COURT PROCEEDINGS OR ORDERS

You **must** inform the Court if there are any other relevant court proceedings, undertakings or orders. If there are current orders or undertakings that involve the defendant or protected persons, you should provide a copy of those orders or undertakings. If you do not have a copy of those documents, please provide a brief outline of what they say.

What other orders are in place now?

- | | | |
|--|--|---|
| <input type="checkbox"/> Family Law Orders | <input type="checkbox"/> Child Protection Orders | <input type="checkbox"/> Domestic Violence Orders |
| <input type="checkbox"/> Undertaking | <input type="checkbox"/> Bail Conditions | <input type="checkbox"/> Other Order |

Date and details of order:

Copy Attached

What other court proceedings are happening now?

- | | | |
|--|---|--|
| <input type="checkbox"/> Federal Circuit Court | <input type="checkbox"/> Family Court | <input type="checkbox"/> Criminal Court |
| <input type="checkbox"/> Domestic Violence | <input type="checkbox"/> Child Protection | <input type="checkbox"/> Other Proceedings |

Date of next court event and details of proceedings:

12. AUTHORISATION AND INFORMATION SHARING

If you wish to authorise an organisation or individual to be able to obtain information about your matter from the Court, please complete a Client Authority Form, which is available from the Court registry. Examples of organisations or individuals include: lawyer, social worker, victim service, adult guardian or family member.

13. SIGNATURE OF APPLICANT OR REPRESENTATIVE

- The information contained in this Application is true to the best of my knowledge information and belief.
- I acknowledge that it is recommended, but not compulsory, that I obtain legal advice prior to commencing any court proceedings.

Signature of Applicant/Solicitor

Name of Applicant/Solicitor

Date