

Form DV 4

Affidavit in support of application for protection order/property orders
Domestic Violence Act 1995

In the Family Court

FAM No:

at
[place]

.....
[full name]

.....
[address]

.....
[occupation]

Applicant

.....
[full name]

.....
[address]

.....
[occupation]

Respondent

.....
[full name]

.....
[address]

.....
[occupation]

[if applicable] Associated Respondent

[Set out full description of document (including whether it is made with or without notice), its date, and, in the case of an affidavit or affirmation, name the deponent and in whose support it is filed.]

This document is filed by

[name and address for service, and if filed by lawyers, the name and telephone number of the acting lawyer.]

Note: Rules 310 and 311 of the Family Courts Rules 2002 permit the applicant's address to be omitted from the front page.

I,
[full name]

of
[address (omit if you do not want to disclose)]

.....
[occupation]

swear (or affirm)

1. I am the applicant in these proceedings.
2. I am (or have been) in a domestic relationship with

.....
[respondents full name]

the respondent.

3. The nature of my domestic relationship with the respondent is as follows:

[state sufficient facts to indicate the nature of the domestic relationship with the respondent (ie, whether a present or former spouse or partner, family or household member, or a close personal relationship) and its duration (if applicable).]

[select if applies]

Facts in support of application for protection order

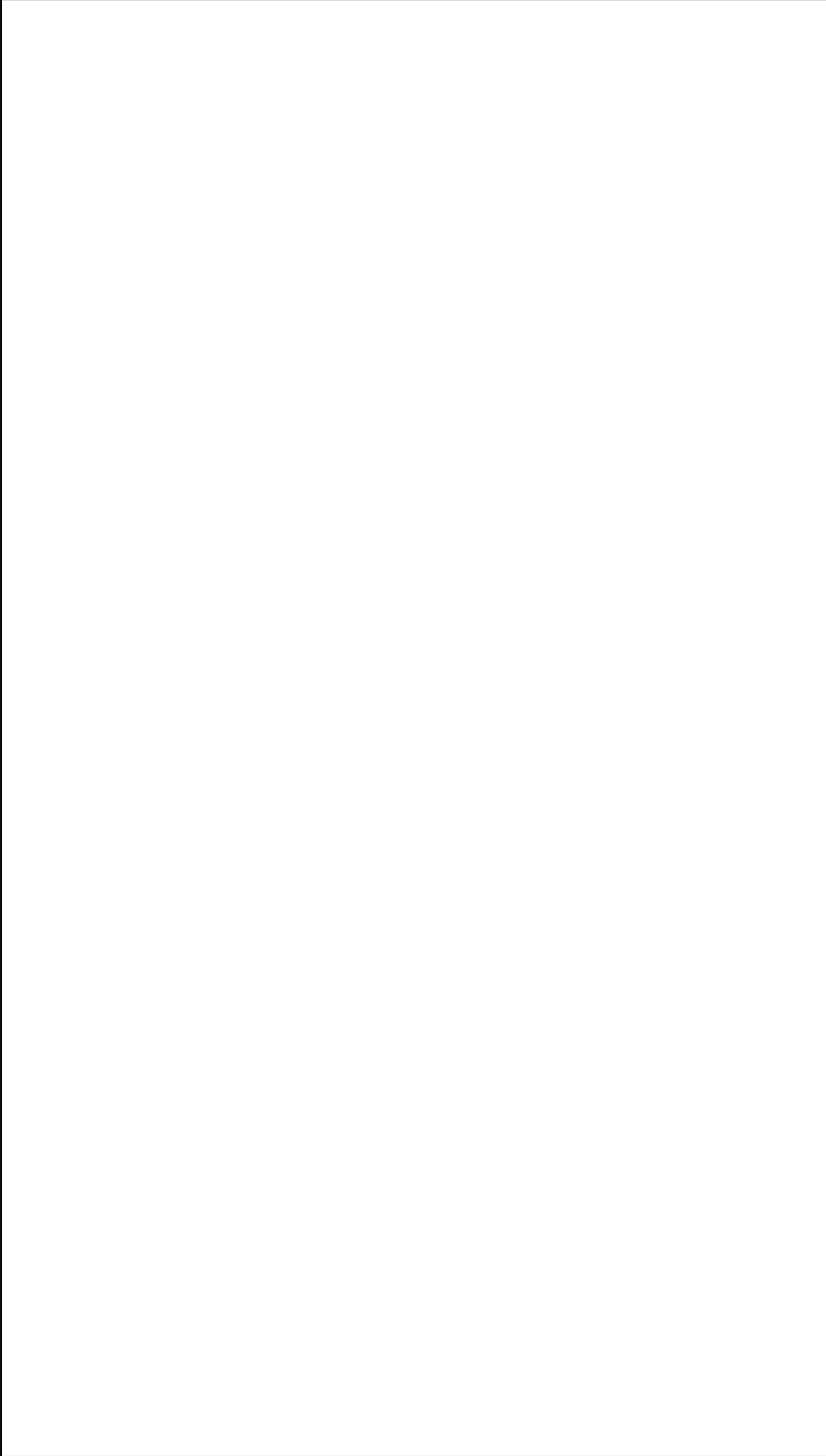
[Note: Complete paragraphs 4 to 16 (where applicable) if applying for protection order.]

Facts relating to respondent

4. The respondent has used domestic violence against me (or a child of my family) as follows:

[state sufficient facts to indicate the nature and history of the domestic violence, including—

- (a) an outline of the current situation or most recent incident:*
- (b) an outline of any behaviour that forms part of a pattern of behaviour from which protection is needed:*
- (c) details of any contact with police or visits to a doctor or hospital]*





[select and complete the option that applies]

- 5. The respondent—
 - (a) holds a firearms licence:
 - (b) possesses, or has under his (*or* her) control, weapons (as defined in the Domestic Violence Act 1995).

or

- 5. The respondent does not—
 - (a) hold a firearms licence:
 - (b) possess, or have under his (*or* her) control, weapons (as defined in the Domestic Violence Act 1995).

or

- 5. I do not know whether the respondent—
 - (a) holds a firearms licence:
 - (b) possesses, or has under his (*or* her) control, weapons (as defined in the Domestic Violence Act 1995).

*[Note: The Domestic Violence Act 1995 defines a **weapon** as any firearm, airgun, pistol, restricted weapon, ammunition, or explosive, as those terms are defined in the Arms Act 1983.]*

[select and complete if applies]

Facts relating to special conditions

[Note: Complete paragraph 6 if applying for special conditions.]

- 6. The special conditions that I have requested be part of the protection order are necessary to protect me (or to protect the following persons)

.....

.....

[state the names of the persons who would be protected by the protection order sought.]

from further domestic violence for the following reasons:

[state sufficient facts to show why the special conditions are necessary for the protection of the applicant or others who will be covered by the protection order.]

[select and complete if applies]

Facts relating to other person to be protected by protection order

[Note: Complete paragraphs 7 to 12 if seeking a direction that the order protect another person. The order will automatically protect children of the applicant's family.]

7. I have a domestic relationship with

.....
[full name of other person for whom protection from domestic violence is sought]

8. The nature of my domestic relationship with

.....
[full name]

is as follows:

[state sufficient facts to indicate the nature of the domestic relationship (ie, whether a spouse or partner], a family or household member, or a close personal relationship)]

9. The respondent is engaging (*or* has engaged) in behaviour against

.....
[full name]

that would amount to domestic violence against him (*or* her) if the respondent and he (*or* she) were in a domestic relationship as follows:

[state sufficient facts to indicate the nature and history of the respondent's behaviour towards the person.]

10. The respondent's behaviour is due, in whole or in part, to my relationship with

.....
[full name]

[state sufficient facts to indicate the reasons for this belief]

11. It is necessary for the protection of

.....
[full name]

that a direction be made that the protection order apply to him (*or* her):

[state sufficient facts to indicate the reasons for this belief]

[select and complete the option that applies]

12.
[full name]

consents to the direction being made:

[attach written consent if available, or indicate reasons for believing that the person consents]

or

12. It is not practicable for

.....
[full name]

to consent to the direction being made for the following reasons:

[state why consent has not been obtained]

[select and complete if applies]

Facts relating to associated respondent

[Note: Complete paragraphs 13 to 15 if seeking a direction that the order apply to the associated respondent.]

13. The respondent is encouraging (or has encouraged)

.....
[full name]

the associated respondent, to engage in behaviour against me (or a child of my family or the person referred to in paragraph 7) that would amount to domestic violence if it were engaged in by the respondent:

[state sufficient facts to indicate the way in which the respondent is encouraging or has encouraged the associated respondent's behaviour]

14. The associated respondent has engaged in the behaviour set out in paragraph 13 as follows:

[state sufficient facts to indicate the nature and history of the associated respondent's behaviour, including—

- (a) an outline of the current situation or most recent incident:*
- (b) an outline of any behaviour that forms part of a pattern of behaviour from which protection is needed:*
- (c) details of any contact with police or visits to a doctor or hospital]*

[select and complete the option that applies]

15. The associated respondent—

- (a) holds a firearms licence:
- (b) possesses, or has under his (*or* her) control, weapons (as defined in the Domestic Violence Act 1995).

or

15. The associated respondent does not—

- (a) hold a firearms licence:
- (b) possess, or have under his (*or* her) control, weapons (as defined in the Domestic Violence Act 1995).

or

15. I do not know whether the associated respondent—

- (a) holds a firearms licence:
- (b) possesses, or has under his (*or* her) control, weapons (as defined in the Domestic Violence Act 1995).

*[Note: The Domestic Violence Act 1995 defines a **weapon** as any firearm, airgun, pistol, restricted weapon, ammunition, or explosive, as those terms are defined in the Arms Act 1983.]*

[select if applies]

Facts in support of application for protection order without notice

[Note: Complete paragraph 16 if applying for a protection order without notice to the respondent.]

16. The application for a protection order is being made without notice to the respondent

[select if applies]

and associated respondent

because the delay that would be caused by proceeding on notice would or might entail—

[select if applies]

(a) a risk of harm:

(b) undue hardship—

to me (*or* a child of my family *or* both me and a child of my family) as follows:

[state sufficient facts to indicate the reasons for these statements]

[select and complete if applies]

Facts in support of application for occupation order

[Note: Complete paragraphs 17 to 19 (where applicable) if applying for occupation order.]

17. I own (or have a legal interest in) (or The respondent owns (or has a legal interest in)) the dwellinghouse at

.....
[full address]

[State nature of legal interest if the property is not owned by either party]

18. The making of an occupation order is necessary for my protection (or in the best interests of a child (or children) of my family) for the following reasons:

[state reasons for belief. If seeking particular terms and conditions, indicate reasons for doing so]

19. The following people have an interest in the dwellinghouse that would be affected by the making of an occupation order:

[list names of people and their addresses, and state the nature of their interests]

[select and complete if applies]

Facts in support of application for tenancy order

[Note: Complete paragraphs 20 to 22 (where applicable) if applying for tenancy order.]

20. The respondent is a sole tenant (or a tenant holding jointly, or in common, with me) of the dwellinghouse at

.....
[full address]

21. The making of a tenancy order is necessary for my protection (or in the best interests of a child (or children) of my family) for the following reasons:

[state reasons for belief]

22. The following people have an interest in the dwellinghouse that would be affected by the making of a tenancy order:

[list names of people and their addresses, and state the nature of their interests]

[select and complete if applies]

Facts in support of application for ancillary furniture order

[Note: Complete paragraphs 23 to 25 (where applicable) if applying for ancillary furniture order.]

23. I am applying for an occupation order (or a tenancy order) (or have a current occupation order (or tenancy order)) in respect of the dwellinghouse situated at

.....
[full address]

24. The respondent and I have lived in the same dwellinghouse at the same time for

[state period during which you and the respondent lived in same house at same time]

and I am (or I will be) living in the dwellinghouse specified in paragraph 23.

[If not currently living in the dwellinghouse, give sufficient information to indicate intention to return. If seeking particular terms or conditions, indicate the reasons for doing so]

25. The following people have an interest in the furniture, household appliances, and household effects that would be affected by the making of an ancillary furniture order:

[list names of people and their addresses, and state the nature of their interests]

[select and complete if applies]

Facts in support of application for furniture order

[Note: Complete paragraphs 26 to 31 (where applicable) if applying for furniture order.]

26. I am applying for (or have been granted) a protection order against the respondent.

27. The respondent and I live in the same dwellinghouse at

.....
[full address]

or have lived in the same dwellinghouse at

.....
[full address]

at the same time.

28. I am not applying for (or did not apply for) an occupation order or a tenancy order in respect of that dwellinghouse.

[select if applies]

29. A child (or Children) of my family is (or are) living (or has (or have) lived) in that dwellinghouse.

30. The furniture, household appliances, and household effects in respect of which I am seeking a furniture order are reasonably required to equip another dwellinghouse in which I am living (or will live) (or a child of my family lives (or will live) or both I and a child of my family are living (or will live)):

[state sufficient facts to indicate the reasons for these statements. If seeking particular terms or conditions, indicate the reasons for doing so]

31. The following people have an interest in the furniture, household a furniture order:

[list names of people and their addresses, and state the nature of their interests]

[select and complete if applies]

Facts in support of application for property order without notice

[Note: Complete paragraph 32 if applying for a property order without notice to the respondent.]

32. The application for an occupation order (or a tenancy order or an ancillary furniture order or a furniture order) is made without notice to the respondent because—

[select and complete the option/s that apply]

- (a) the respondent has physically abused (or sexually abused) me (or a child of my family).
- (b) the delay that would be caused by proceeding on notice would or might expose me (or a child of my family) to physical or sexual abuse.

[State sufficient facts to indicate the reasons for these statements.]

[select and complete if applies]

Other facts in support of application

[Set out sufficient information to inform the Court of any other facts relied on in support of each application]

.....
Signature of deponent

Sworn (or Affirmed)

at this before me:
[place] *[date]*

.....
Registrar
(or Solicitor of the High Court
or Justice of the Peace)

Notes

1. Rule 62(4) of the Family Courts Rules 2002 permits this form to be varied if the circumstances of a particular case require.
2. Material referred to in this affidavit may be attached as an exhibit, endorsed with the appropriate exhibit note.
3. It is not necessary to repeat the full name of a person referred to more than once in the affidavit if the identity of the person being referred to in a particular paragraph is clear.
4. If the facts that support particular applications have been referred to in earlier paragraphs, it is sufficient to refer back to those paragraphs by number rather than repeating the facts.
5. A separate affidavit by the person referred to in paragraph 7 and giving details of the respondent's behaviour may be necessary.
6. Rules 310 and 311 of the Family Courts Rules 2002 permit the applicant to omit his or her residential address from this affidavit if he or she wants the address to be kept confidential from the respondent or the associated respondent.