

Sample 1 – Form DV1 Application for a Protection Order

FORM DV1

Domestic and Family Violence Protection Act 2012 (s.32)

Application for a Protection Order

Please note: A copy of this application will be provided to the aggrieved, applicant, respondent and police

1. Aggrieved's details

If the aggrieved does not want the respondent to know their home address please either:

- Give an address where court documents can be sent e.g. post office box or
- Complete an "Aggrieved Details Form" which will not be provided to the respondent

Given Name/s: Alex
Family Name: Lee
Date of birth: 09 / 08 / 89

Address *Leave blank if you do not want this information to be given to the other party

Not to be disclosed

Gender: Female
Home Number: []
Mobile Number: 0400 000 000

Work Phone: []
Email: Alex@email.com.au
SPI # (QPS Only): []

Does the aggrieved require an interpreter? No Yes Language/Dialect: []

Does the aggrieved identify as: Aboriginal Torres Strait Islander Aboriginal and Torres Strait Islander Neither

Does the aggrieved have a disability, illness or impairment where support and/or special arrangements are required? No Yes

Is the aggrieved under 18 years of age? No Yes

Please supply the details of a parent as all documents must be given to a parent of the aggrieved unless the court orders otherwise.

Parent's Name: []

Parent's Address: []

Proceed to Question 2

2. Respondent's Details

Given Name/s: Morgan
Family Name: Jones
Date of birth: 02 / 08 / 87

Address: Unit 12, 117 Never Esplanade, Breakwater Bay, Qld, 4000

Gender: Male
Home Number: []
Mobile Number: 0400 000 001

Work Phone: 3000 0000
Email: morganj@email.com.au
SPI # (QPS Only): []

Does the respondent require an interpreter? No Yes Language/Dialect: []

Does the respondent identify as: Aboriginal Torres Strait Islander Aboriginal and Torres Strait Islander Neither

Does the respondent have a disability, illness or impairment where support and/or special arrangements are required? No Yes

Current place of employment

Derryn and Jones Accounting

Vehicle Model:

Toyota Camry 2018

Vehicle Registration

XYZ 665

Is the respondent under 18 years of age? No Yes

Please supply the details of a parent as all documents must be given to a parent of the respondent unless the court orders otherwise.

Parent's Name

Parent's Address

If you are the aggrieved, proceed to Question 4

If you are NOT the aggrieved proceed to Question 3

3. Applicant's Details

This section only applies if a person other than the aggrieved is making the application. Please complete either Part A, B, C or D.

PART A – A person being authorised by the Aggrieved

Given Name/s

Family Name

Gender

Address

Is the authorisation of the aggrieved in writing? No Yes

If the authorisation is not in writing, how is authorisation communicated from the aggrieved?

PART B – A person acting under another Act for the Aggrieved

Name

Gender

Address

Who is the application being made by? A guardian Adult Guardian Enduring power of attorney

Other, please specify:

PART C – A Police Officer

Full Name including Rank:

Registration #

Station

Police Occurrence #

Has the aggrieved been advised of this application? No Yes

Has the application resulted from the detention of the respondent? No Yes

Is this an application for an urgent temporary protection order under section 130? No Yes

If yes, has an application for a domestic violence order already been made? No Yes Court File Number:

PART D – A party to a child protection proceeding

Given Name/s

Family Name

Gender

Address

What type of party to a child protection proceeding are you?

A child for whom an order is sought in a child protection proceeding

A separate legal representative for a child for whom an order is sought in a child protection proceeding

An applicant or respondent in a child protection proceeding

Proceed to Question 4

4. Temporary Protection Order

Do you wish the court to make a temporary protection order? No Yes

If you request a temporary protection order before the respondent has been given a copy of the application, you will have to show the court that there are reasons why it is necessary or desirable for you or a named person to be protected by a temporary protection order before the respondent is given a copy of the application.

Please state reasons below:

- 1) Last week on 21 January 2020, I told Morgan that I wanted to separate. He yelled at me 'you stupid cow', 'you're a bad mother', and 'I'll make you regret this'.
- 2) We were in the living room and I tried to call my Mum while Morgan was yelling at me, but he grabbed my phone from my hand and smashed it on the ground.
- 3) Morgan then grabbed me by my hair and pushed me in to the wall. He punched the wall next to my head and put his face close to me and said 'you bitch, you try and cross me, and I will make sure you wish you were dead'.
- 4) Quinn was in the same room and I could see he was crying and I heard him call out 'Don't hurt Mummy'.
- 5) I was able to get away and ran to the neighbours' with Quinn and asked them to call 000.
- 6) When Morgan grabbed my phone out of my hand he bent my fingers back causing significant pain. The next day my hand was swollen and red and pink in colour.
- 7) Since separation I have observed Morgan parked outside my workplace and Quinn's preschool. He has also texted me demanding to know where I am.
- 8) Last night (30 January 2020) Morgan sent me the same message to all of my social media accounts saying 'Tell me where you are, I have a right to know. You are still mine'.
- 9) I do not want Morgan to come anywhere near me at the moment. I am worried Morgan will lose his temper and hurt me if I don't return to the relationship.

Proceed to Question 5

5. Relationships between the aggrieved and the respondent

What is the relationship of the aggrieved to the respondent?

- Intimate Personal Relationship** – Please tick one
- a) Spousal Relationship: Married Former Spouse De Facto Civil Partnership
- Parent/Formal Parent of a Child
- b) Engaged Were Engaged
- c) Couple State the nature of the relationship including the level of dependency on each other whether financial or otherwise; length of time of the relationship; frequency of contact and degree of intimacy, if any.

Relationship history

- Include all details needed to satisfy the definition of a 'relevant relationship' including when the relationship commenced, dates of co-habitation and/or marriage, and date of separation
- If you are relying on a 'couple relationship' give examples of how you were couple
- Set out the names and dates of birth of children of the relationship or children that reside or spend time in the household
- 10) Morgan and I were in a relationship from February 2012, and lived together since July 2012. We separated last week when I moved out. We have one child together, Quinn Jones (d.o.b. 12/05/16) who is currently living with me.

Family Relationship

Relation to respondent (for example parent, sibling, aunt, cousin, stepchild, a person is regarded as a relative)

6. Grounds for a protection order

State grounds as to why a protection order is necessary or desirable to protect the aggrieved. It must be shown that domestic violence has occurred. Include specific example of behaviour by the respondent. *Attach extra pages if necessary*

Recent incidents

- Set out the most recent incidents, including for each incident:
 - **What – use active words to describe what happened**
He yelled at me 'you stupid cow', 'you're a bad mother', and 'I'll make you regret this'.
If you received text messages or verbal threats, include the exact words used
At 1pm 15 December 2020 he texted me 'You stupid cow, you're a hopeless case. I'm going to make you sorry you're alive
 - **Where – be specific**
We were in the living room at our home when...
 - **How – include detail if there was a weapon involved or if property was damaged**
He grabbed my phone from my hand and smashed it on the ground
 - **When – the time and date (or reference to an external event). This could be over a period of time.**
Last week on 21 January 2020, I told Morgan I wanted to separate.
On or around New Years Day, Morgan yelled at me and called me names including...
 - **Injuries – include detail of any injuries you suffered and whether you received any medical treatment**
When Morgan grabbed my phone out of my hand he bent my fingers back causing significant pain. The next day my hand was swollen and red and pink in colour.
- 1) Since separation I have seen Morgan parked outside my workplace and Quinn's preschool.
- 12) Last night, 30 January 2020, Morgan sent me the same message to all of my social media accounts saying 'Tell me where you are, I have a right to know. You are still mine'.
- 13) On or around Australia Day 2020 I was at my brother's house in the evening and I heard his dogs barking loudly outside. I received a text message from Morgan at 9:14pm saying 'I'm getting closer'. I felt shocked and scared that he might be following me.
- 14) On 23 January 2020 I observed Morgan in his car in the carpark of Quinn's preschool when I dropped Quinn off. I waited until he drove off before going inside. I then got a text message from Morgan at 8:03am saying 'Nice dress, shame about the ugly body wearing it'.

Past incidents

- Include a summary of past violent or abusive events
- 15) Usually on pay day, Morgan would come home late at night after I had put Quinn to bed. Morgan would demand I cook dinner for him, yell at me and call me names such as 'lazy bitch' and 'you're a fucking gold digger' if I refused. To prevent him from waking up Quinn I would do what he wanted. When I had cooked dinner for Morgan he would throw the food at me or upend it over my head and yell at me to clean it up.
- 16) Last year on the night of the AFL Grand Final, I was asleep in our bedroom. Morgan came home late approximately around midnight and turned on the light shook me awake. He yelled he wouldn't be giving me any more money for groceries because I spent too much. Since then, Morgan has demanded I give him all the receipts for everything I buy, and wait with him while he cross-checks the receipts with the items and our bank account online. Morgan will yell at me for spending too much approximately once a week. In late November 2019 Morgan yelled at me for spending too much and then threw the groceries around the kitchen.
- 17) Over the past 18 months, Morgan has become violent approximately every weekend. He would slap me across my face, and sometimes knock me to the ground. On one occasion in around June 2019 Morgan pushed me to the ground and threw a book at my head. The next day I had a bruise on my cheek.
- 18) I can recall one occasion when I was pregnant with Quinn and we were preparing the nursery at home. Morgan was putting the cot together and found the receipt. He yelled at me for spending too much, and threw the screwdriver at my stomach and yelled he didn't want to have a baby with me anymore.

Proceed to Question 7

7. Children of the aggrieved or children who usually live with the aggrieved

Full Name of Child 1

Quinn John Jones

Gender

Male

Date of birth

12 / 05 / 2017

Address

Not to be disclosed

Do you wish this child to be named on the order? No

Yes

SPI # (QPS Only)

Full Name of Child 2

Gender

Date of birth

/ /

Address

Do you wish this child to be named on the order? No

Yes

SPI # (QPS Only)

Full Name of Child 3

Gender

Date of birth

/ /

Address

Do you wish this child to be named on the order? No

Yes

SPI # (QPS Only)

State grounds as to why the child/children are to be named on the order

- 1) Quinn has seen Morgan get angry and become violent (refer to information in questions 4 and 6).
- 2) On 21 January 2020 Quinn was present with Morgan pulled my hair and threatened to hit me. I heard Quinn say "Don't hurt Mummy".
- 3) In June 2020 Quinn cried when he saw me with a bruise on my cheek (refer to information in question 6).
- 4) In late November 2019 Quinn helped me to clean up the groceries after Morgan had yelled at me for spending too much and thrown the groceries around the kitchen.

Proceed to Question 8

8. Relatives or associates you would like to be named on the order

Full Name of Relative

Gender

Date of birth

/ /

Address

SPI # (QPS only)

Full Name of Relative

Gender

Date of birth

/ /

Address

SPI # (QPS only)

Full Name of Associate

Gender

Date of birth

Address

SPI # (QPS only)

Full Name of Associate

Gender

Date of birth

Address

SPI # (QPS only)

State grounds as to why it is necessary or desirable to protect the relative/associate.

Proceed to Question 9

9. Weapons

Does the respondent have access to any weapons? No Yes

State the number, type of weapon/s and all possible locations of the weapon

Shotgun - he keeps it in the storage cupboard in his garage.

Did the respondent use, or threaten to use, a weapon or another thing used as a weapon, during any incident of domestic violence? No Yes Provide details

Has the respondent been issued with a weapons or firearms licence? No Yes

If the respondent has access to any weapons at their place of residence, please provide details

Proceed to Question 10

10. Details of any other orders

Has a court made any other order or are there other court proceedings that involve the aggrieved and the respondent? *Please attach copies*

Childrens Court orders

Yes

No

Queensland Domestic Violence Order

Yes

No

Police Protection Notice

Yes

No

Voluntary Intervention Order

Yes

No

Interstate Domestic Violence Order (including New Zealand)

Yes

No

Family Court Orders

Yes

No

Other relevant court order

Yes

No

Is there a current Protection Order application that has not been decided by the court? No Yes Attach a copy of the application

11. Conditions sought in the order

A court making a domestic violence order must impose a condition that the respondent –
Be of good behaviour towards the aggrieved and not commit domestic violence against the aggrieved.

If the order includes a named person who is an adult –

Be of good behaviour towards the named person and not commit associated domestic violence against the named person.

If the order includes a named person who is a child –

Be of good behaviour towards the child and not commit associated domestic violence against the child and not expose the child to domestic violence.

A court may also impose any other condition that the court considers necessary in the circumstances and desirable in the interests of the aggrieved, any named person or the respondent.

Do you want the court to consider any other conditions for inclusion in the protection order?

No Go to Q12 Yes Please indicate below

A) Do you want the respondent to leave specified premises? No Yes

If yes, state address of premises and provide reasons:

- 1) Morgan and I both rent Unit 12/117 Never Esplanade, Breakwater Bay. Both of our names are on the lease.
- 2) I wish to remain in the unit as Quinn's daycare and playgroup are located nearby and I don't have a car.
- 3) My parents also live nearby that address and are a good support to Quinn and I.
- 4) I don't have the financial means to find new accommodation as I work part time and earn \$15,000 a year.
- 5) Morgan is on \$110,000 a year and his parents live in a suburb about 15 minutes away and he could stay with them.

B) Do you want to prohibit the respondent from remaining at, entering or attempting to enter or approaching premises? No Yes

If yes, the premises to which the respondent is not to come or approach are:

The aggrieved's place of residence The aggrieved's place of employment The place the aggrieved is currently staying

Places where the aggrieved frequents, namely

Associates/relatives place of residence (if there is a named person at Question 8)

Give reasons

At work

- 1) Morgan rings my workplace at least 6 times a day checking up on where I am and what I am doing
- 2) I am afraid he will keep driving past the house and my work as he has been doing when I am at work.

At home

- 1) Morgan's behaviour since we have separated has frightened me. I am scared of what Morgan will do if he came to my home.
- 2) Since separation, I have observed Morgan parked outside my workplace. I am fearful that Morgan may try to cause trouble for me at work, or follow me from work to find out where I am staying.

C) Do you want to prohibit the respondent approaching the aggrieved? No Yes

Does this include any associates or relatives (if there is a named person at Question 8)?

Give reasons

- 1) Because of Morgan's past behaviour and threats towards me, I am frightened for my personal safety. At separation, Morgan said "I'll make you regret this" and "I will make sure you wish you were dead". I took this to mean that he will hurt me. I am frightened to leave where I am staying by myself at the moment.
- 2) If I am permitted to return to the apartment, Morgan and I will live in the same area. I do not want him to approach me if he sees me in public. When I do go out I usually have Quinn with me. I do not want to expose Quinn to any more of Morgan's aggression. I do not want Morgan to come within 50m of me.
- 3) This exception does not apply to the extent that it is necessary for Morgan and I to attend an agreed conference, counselling or mediation session, or for the purpose of having contact with our child as agreed in writing or in compliance with any Family Law Order.

- D) Do you want to prohibit the respondent from contacting the aggrieved or asking someone else to contact the aggrieved? No Yes
Does this include any associates or relatives (if there is a named person at Question 8)? No Yes
Give reasons

1) I do not want Morgan to contact me because of the threats he has made towards me, and the messages he has sent me stating he has been following me. I find these scary and intimidating.

- E) Do you want to prohibit the respondent's presence at or in a place associated with any child (e.g. school, day care etc.) No Yes
Give reasons

- 1) I do not want Morgan to go to Quinn's pre-school, Bayview Kindy at Breakwater Bay. Quinn has been very unsettled since Morgan and I separated and I do not want him to be disrupted.
- 2) Morgan has previously phoned the pre-school supervisor and yelled at her over the phone and told them they were 'greedy thieves' for charging too much.
- 3) On 23 January 2020 I observed Morgan sitting in his car in the preschool carpark. I am fearful Morgan is going to wait there and follow me to find out where I am staying.
- 4) This condition does not apply if attendance is permitted as agreed in writing between the parties or in compliance with any conditions in any Family Law Order.

- F) If the respondent does not know the aggrieved's whereabouts, do you want to prohibit the respondent from trying to locate them or asking someone else to locate them? No Yes
Give reasons

1) Since separation, I have received contact from Morgan which suggests he is trying to find me (see detail in question 6). I am fearful of what lengths Morgan will go to, and what he would do if he did find out where I am staying.

- G) Does the aggrieved wish to recover essential property? No Yes
Describe the property and state address where this property can be located.

- H) Do you want the court to consider prohibiting any other conduct or behaviour on the part of the respondent? No Yes
Specify that conduct or behaviour complain of and give reasons

12. Statutory Declaration

The applicant, except if a member of the Queensland Police Service, must sign this application in the presence of a Justice of the Peace, Commissioner for Declarations, or a Solicitor

I, the applicant in this application, do solemnly and sincerely declare:

The information set out in this application, and any other attached statement, is true and correct to the best of my knowledge and belief. I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

Declared by on at in the

presence of

(Signature of Applicant)

(Signature of person taking statement)

(Full name of Applicant)

(Full name and Qualification of Witness)

Queensland Police Service Applicant

The applicant, if a member of the Queensland Police Service, must sign this application and provide the details below:

Full Name and Rank:

Registration No:

Signature:

Date:

Notes to the respondent

If you do not appear in court a domestic violence order may be made in your absence.

The court may issue a warrant for you to be taken into custody by a police officer and brought before the court if the court believes that it is necessary for you to be heard.

Office Use Only

Court file number (if known) :

YOU ARE NOTIFIED that this application will be heard at the time and place as follows:

Court:

Place:

Date:

Time:

Signature

Clerk of the Court/Queensland Police Service