

Sample Application for Apprehended Domestic Violence Order

This is a sample. The form you receive will contain information about your case. If you need more help get legal advice.

APPLICATION FOR APPREHENDED DOMESTIC VIOLENCE ORDER – Gary Smith Crimes (Domestic and Personal Violence) Act 2007

Court seal
located here

Application Details

Case Number: 20XX/000000001

Police Application ID: 123456

Police Application Event
Number: 54321

Applicant Details

Name: Const C Arnot

Telephone:

Address: Waverley Police Station

Protected Persons Details

Elizabeth Smith, Female, 17 September 1975 and Dakota Smith, Female, 17 August 2009
Relationship to Defendant: The protected person(s) is or has been married to the defendant.

Defendant Details

Name: Gary SMITH

Date of Birth/Age: 7 February 1971

Address: 47 Wensleydale Avenue
GREENACRE NSW

Notice to Defendant

You are directed to attend the Waverley Local Court on:

Date: 1 December 20XX

Time: 9:30 AM

Place: Waverley Local Court
151 Bronte Road
WAVERLEY NSW

If you fail to attend, the court may make orders against you or issue a warrant for your arrest to bring you before the court.

You can get further information about this document from:

- The court registry
- A legal practitioner
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au

Grounds of Application:

The applicant relies on the following grounds:

The applicant and the defendant have been married for 4 years. There is one 18 month old child of the relationship. The parties formerly resided together at 12/100 Victoria Road, Double Bay. Following the incidents described in this application, the defendant moved out. The daughter lived with the applicant.

The defendant is currently unemployed after losing his job as a salesman 4 months ago. The applicant is employed as a nurse at the Wayside Mercy Medical Centre.

On Sunday 3 April 20XX the defendant and applicant were at home. Their daughter was asleep in her cot in the bedroom. The defendant and applicant were arguing in the lounge room about their financial situation. The defendant started yelling at the applicant, calling her 'lazy' and 'useless'. The applicant tried to leave the room but the defendant blocked her path. The defendant then pushed the applicant, causing her to fall over onto her right arm. The applicant felt a sharp pain in her arm and later attended Prince of Wales Hospital where she was advised that she had a fractured ulna (forearm).

The defendant left the house immediately after the argument. He returned at approximately 10.00AM the following day to collect some belongings. He then moved out of the house.

The applicant fears for her safety, as the defendant has pushed her in the past and often loses his temper.

EXISTING FAMILY LAW ORDERS:

Nil

Orders Sought:

The applicant requests that the court make the following orders against the defendant for a period of: 12 months

Orders about behaviour

1. You must not do any of the following to Elizabeth Smith and Dakota Smith, or anyone they have a domestic relationship with:
 - A) assault or threaten them,
 - B) stalk, harass or intimidate them, and
 - C) intentionally or recklessly destroy or damage any property that belongs to or is in the possession of Elizabeth Smith and Dakota Smith.

Orders about family law and parenting

6. You must not approach Elizabeth Smith and Dakota Smith or contact them in any way, unless the contact is:
 - A) through a lawyer, or
 - B) to attend accredited or court-approved counselling, mediation and/or conciliation, or
 - C) as ordered by this or another court about contact with child/ren, or
 - D) as agreed in writing between you and the parent(s) about contact with child/ren,

Orders about where you cannot go

9. You must not go within 100 metres of:
 - A) any place where Elizabeth Smith and Dakota Smith live, or
 - B) any place where they work, or

C) any place listed here 12/100 Victoria Road, Double Bay.

Date of Filing Application: 15 November 20XX 3:30 PM

SAMPLE