



FAMILY COURT
OF AUSTRALIA

FEDERAL
CIRCUIT COURT
OF AUSTRALIA

Notice of child abuse, family violence or risk

www.familycourt.gov.au

www.federalcircuitcourt.gov.au

You must file this form if you:

- file an Initiating Application, Response or Application for Consent Orders seeking parenting orders, or
- make new allegations of child abuse or family violence in parenting proceedings AFTER filing an Initiating Application or Response.

This kit comprises:

- Information about completing the form including relevant parts of the *Family Law Act 1975*, Family Law Rules and Federal Circuit Court Rules (pages A–E)
- Notice of child abuse, family violence or risk (pages 1–13) including accompanying information on the left hand pages
- Where to file

Important!

This form must be served on all other parties and anyone named at **question 7** and **14**. Information about service is available at www.familycourt.gov.au/howdoi-service and www.federalcircuitcourt.gov.au/howdoi-service

Legal advice

Court staff cannot provide legal advice, although they can help with questions about legal procedure and the Court process.

It is important that you understand the meaning and effect of the orders you seek.

Even if you have decided to make your application without the help of a lawyer, you should obtain independent legal advice about the effect and consequences of the orders you propose and the rules of evidence that may apply.

You can get legal advice from a:

- legal aid office
- community legal centre, or
- private law firm.

If you are unsure of how to seek legal advice or how to choose a lawyer, the Law Society or Institute in your State or Territory may be able to help you.

If you think you may be eligible for legal aid, contact your nearest Legal Aid office. If you are an Aboriginal or Torres Strait Islander you can also contact your local Aboriginal, or Aboriginal and Torres Strait Islander Legal Service. You may also be able to obtain assistance from your nearest community legal centre.

Instructions for completing this form

Purpose of this form

- This is a **mandatory form** that must be filed with any Initiating Application, Application for Consent Orders or Response seeking parenting orders after 31 October 2020, in the Family Court of Australia or the Federal Circuit Court of Australia.
- This form replaces and consolidates the *Notice of Risk* in the Federal Circuit Court of Australia and the *Notice of Child Abuse, Family Violence or Risk of Family Violence* in the Family Court of Australia.
- Under the *Family Law Act 1975* (Cth) ('the Act'), the Courts have a mandatory obligation to report certain information to child welfare authorities which includes:
 - allegations of child abuse or a risk of child abuse (section 67Z of the Act); and
 - allegations of family violence or a risk of family violence that amount to abuse of a child (section 67ZBA of the Act).
- This form is the way to ensure families and their child/ren receive appropriate and targeted early intervention and assistance. Allegations of child abuse are recorded in this form and then reported to child welfare authorities.

If you answer 'yes' to question 6 and/or 13e, the registry manager must provide a copy of this form to the relevant child welfare authority, together with any other court documents and information as is required to enable investigation of the contents of the form.

- This form also fulfils the Courts' responsibilities under section 69ZQ(1)(aa) of the Act to ask each party to the proceedings:
 - whether they consider that the child/ren concerned have been, or are at risk of being, subjected to, or exposed to, abuse, neglect or family violence; and
 - whether they consider that they themselves, or another party to the proceedings, have been, or are at risk of being, subjected to family violence.

When is this form required?

- In the **Family Court of Australia** you must file this form:
 - with an Initiating Application or Response if you are seeking parenting orders (including parenting and property orders).
 - If you are making an allegation of child abuse or family violence or risk in this form, you must also file an affidavit setting out the evidence on which the allegation is based (see rule 2.04D(2) of the Family Law Rules 2004).
 - with an Application for Consent Orders if you and the other parent have reached agreement about arrangements for your child/ren and want the Court to make parenting orders in those terms.
 - You do not need to file an affidavit with this form.
 - More information about consent orders is available at:
www.familycourt.gov.au/howdoi-consent
 - if you have already filed this form or a *Notice of Child Abuse, Family Violence or Risk of Family Violence* but have become aware of new facts or circumstances which you think may be child abuse or family violence.
- In the **Federal Circuit Court of Australia** you must file this form:
 - with an Initiating Application or Response if you are seeking parenting orders (including parenting and property orders).
 - If you are making an allegation of child abuse or family violence or risk in this form, you must also file an affidavit setting out the evidence on which the allegation is based. The affidavit must be filed with this form unless the evidence relied on is contained in the affidavit filed with the Initiating Application or Response (see rule 4.05 of the Federal Circuit Court Rules 2001).
 - if you have already filed this form or a *Notice of Risk* but have become aware of new facts or circumstances which you think may be child abuse or family violence.

How to complete the form

- The easiest way to complete this form is to type directly in the Word document or PDF version and e-sign, or print, sign and then scan, ready to eFile with your other documents using the Commonwealth Court Portal, www.comcourts.gov.au
- If you complete this form by hand, you must print it out and complete it by hand printing in pen. If you need more space for your answers in parts H, I, J, K or L, attach an extra page.
- Your responses should be limited to 350 words per section.
- If you have any orders, agreements, injunctions or undertakings from other courts (at questions 12 and /or 18) they should be attached to your Initiating Application, Response, Application for Consent Orders or affidavit as appropriate.
- Once you complete this form, you should read it carefully. When you are satisfied that the information provided is accurate, you must sign the Statement of Truth on page 1.

How to file the form

- This form should be eFiled (along with your other documents) using the Commonwealth Courts Portal, www.comcourts.gov.au. There are step-by-step guides about using the Portal and how to eFile available at www.familycourt.gov.au/howdoi-ccp and www.federalcircuitcourt.gov.au/howdoi-ccp
- Once the form is filed and sealed with the Court's stamp, you must print enough sealed copies for each of the following persons to be served and for you to keep a copy for your own records:
 - each party to the proceedings;
 - the Independent Children's Lawyer (ICL), if one has been appointed; and
 - if the person named in questions 7 or 14 is not a party to the proceedings, you must also serve that person with a copy of the form once it is filed and sealed.
- Service is by ordinary service (see rule 7.12 of the Family Law Rules 2004 and rule 6.11 of the Federal Circuit Court Rules 2001). Information about service is available at www.familycourt.gov.au/howdoi-service and www.federalcircuitcourt.gov.au/howdoi-service

Definitions

To complete this form you should carefully read the specific definitions of the terms 'abuse' and 'family violence' in the *Family Law Act 1975*.

The following are some of the definitions and relevant legislation used in this form, as stated in the Family Law Act.

Section 4(1) states as follows:

Abuse, in relation to a child, means:

- (a) an assault, including a sexual assault, of the child; or
- (b) a person (the **first person**) involving the child in a sexual activity with the first person or another person in which the child is used, directly or indirectly, as a sexual object by the first person or the other person, and where there is an unequal power in the relationship between the child and the first person; or
- (c) causing the child to suffer serious psychological harm, including (but not limited to) when that harm is caused by the child being subjected to, or exposed to, family violence; or
- (d) serious neglect of the child.

4AB Definition of family violence etc.

(1) For the purposes of this Act, family violence means violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the family member), or causes the family member to be fearful.

(2) Examples of behaviour that may constitute **family violence** include (but are not limited to):

- (a) an assault; or
- (b) sexual assault or other sexually abusive behaviour; or
- (c) stalking; or
- (d) repeated derogatory taunts; or
- (e) intentionally damaging or destroying property; or
- (f) intentionally causing death or injury to an animal; or
- (g) unreasonably denying the family member the financial autonomy that he or she would otherwise have had; or
- (h) unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or his or her child, at a time when the family member is entirely or predominantly dependent on the person for financial support; or
- (i) preventing the family member from making or keeping connections with his or her family, friends or culture; or
- (j) unlawfully depriving the family member, or any member of the family member's family, of his or her liberty.

(3) For the purposes of this Act, a child is exposed to family violence if the child sees or hears family violence or otherwise experiences the effects of family violence.

(4) Examples of situations that may constitute a child being exposed to family violence include (but are not limited to) the child:

- (a) overhearing threats of death or personal injury by a member of the child's family towards another member of the child's family; or
- (b) seeing or hearing an assault of a member of the child's family by another member of the child's family; or
- (c) comforting or providing assistance to a member of the child's family who has been assaulted by another member of the child's family; or
- (d) cleaning up a site after a member of the child's family has intentionally damaged property of another member of the child's family; or
- (e) being present when police or ambulance officers attend an incident involving the assault of a member of the child's family by another member of the child's family.

Section 1(AB) defines the first person as a member of the family of another person if:

- the first person is or has been married to, or in a de facto relationship with, the second person; or
- the first person is or has been a relative of the second person (as defined in subsection (1AC)); or
- an order under this Act described in subparagraph (i) or (ii) is or was (at any time) in force:
 - (i) a parenting order (other than a child maintenance order) that relates to a child who is either the first person or the second person and that is in favour of the other of those persons;
 - (ii) an order providing for the first person or the second person to have custody or guardianship of, or a right of access to, the other of those persons; or
- an order under a law of a State or Territory described in subparagraph (i) or (ii) is or was (at any time) in force:
 - (i) an order determining that the first person or the second person is or was to live with the other of those persons, or is or was to have custody or guardianship of the other of those persons;
 - (ii) an order providing for contact between the first person and the second person, or for the first person or the second person to have a right of access to the other of those persons; or
- the first person ordinarily or regularly resides or resided with the second person, or with another member of the family of the second person; or
- the first person is or has been a member of the family of a child of the second person.

(1AC) For the purposes of subsection (1AB), a relative of a person is:

- (a) a father, mother, grandfather, grandmother, step-father or step-mother of the person; or
- (b) a son, daughter, grandson, grand-daughter, step-son or step-daughter of the person; or
- (c) a brother, sister, half-brother, half-sister, step-brother or step-sister of the person; or
- (d) an uncle or aunt of the person; or
- (e) a nephew or niece of the person; or
- (f) a cousin of the person; or
- (g) if the person is or was married—in addition to paragraphs (a) to (f), a person who is or was a relative, of the kind described in any of those paragraphs, of the person's spouse; or
- (h) if the person is or was in a de facto relationship with another person—in addition to paragraphs (a) to (f), a person who would be a relative of a kind described in any of those paragraphs if the persons in that de facto relationship were or had been married to each other.

RELEVANT LEGISLATION:

s.67Z Where interested person makes allegation of child abuse

- (1) This section applies if an interested person in proceedings under this Act alleges that a child to whom the proceedings relate has been abused or is at risk of being abused.
- (2) The interested person must file a notice in the prescribed form in the court hearing the proceedings, and serve a true copy of the notice upon the person who is alleged to have abused the child or from whom the child is alleged to be at risk of abuse.
- (3) If a notice under subsection (2) is filed in a court, the Registry Manager must, as soon as practicable, notify a prescribed child welfare authority.
- (4) In this section: *interested person* in proceedings under this Act, means:
 - (a) a party to the proceedings; or
 - (b) an independent children's lawyer who represents the interests of a child in the proceedings; or
 - (c) any other person prescribed by the regulations for the purposes of this paragraph.*prescribed form* means the form prescribed by the applicable Rules of Court.

s.67ZBA Where interested person makes allegation of family violence

- (1) This section applies if an interested person in proceedings for an order under this Part in relation to a child alleges, as a consideration that is relevant to whether the court should make or refuse to make the order, that:
 - (a) there has been family violence by one of the parties to the proceedings; or
 - (b) there is a risk of family violence by one of the parties to the proceedings.
- (2) The interested person must file a notice in the prescribed form in the court hearing the proceedings, and serve a true copy of the notice upon the party referred to in paragraph (1)(a) or (b).
- (3) If the alleged family violence (or risk of family violence) is abuse of a child (or a risk of abuse of a child):
 - (a) the interested person making the allegation must either file and serve a notice under subsection (2) of this section or under subsection 67Z(2) (but does not have to file and serve a notice under both those subsections); and
 - (b) if the notice is filed under subsection (2) of this section, the Registry Manager must deal with the notice as if it had been filed under subsection 67Z(2).

Note: If an allegation of abuse of a child (or a risk of abuse of a child) relates to a person who is not a party to the proceedings, the notice must be filed in the court and served on the person in accordance with subsection 67Z(2).
- (4) In this section: *interested person* in proceedings for an order under this Part in relation to a child, means:
 - (a) a party to the proceedings; or
 - (b) an independent children's lawyer who represents the interests of the child in the proceedings; or
 - (c) any other person prescribed by the regulations for the purposes of this paragraph.

prescribed form means the form prescribed by the applicable Rules of Court.

s.69ZQ General duties

- (1) In giving effect to the principles in section 69ZN, the court must:
 - (aa) ask each party to the proceedings:
 - (i) whether the party considers that the child concerned has been, or is at risk of being, subjected to, or exposed to, abuse, neglect or family violence; and
 - (ii) whether the party considers that he or she, or another party to the proceedings, has been, or is at risk of being, subjected to family violence.

ABOUT THE STATEMENT OF TRUTH

Do not sign the Statement of Truth until you have finished answering all the questions in this form.

Once completed you should read it carefully and only when you are satisfied that the information provided is accurate, should you sign the Statement of Truth.

The Statement of Truth must be signed to file the form with the Court.

THIS SECTION IS ABOUT YOU

Item 1

- Your given names (including any middle names) and last name.

Item 2

- Your date of birth in dd/mm/yyyy format. *Example: birth date of 1 September 1980 = 01/09/1980.*
- Your gender should be listed as either male, female or other (X).

Item 3

- Answer if you are the applicant or respondent in the matter.
- Include your relationship to the child/ren. Choose from: *Mother, Father, Step-mother, Step-father, Sister, Brother, Aunt, Uncle, Grandmother, Grandfather or Other.*

Item 4

- If you are unrepresented, insert your name. Include your address (as the address for service) and email address, unless it is unsafe to do so.
- If a legal practitioner completes this document on your behalf, they must insert the name of the legal practitioner who prepared the form, their lawyer code and the firm's name and address.

Notice of child abuse, family violence or risk

Family Law Act 1975

Sections 67Z, 67ZBA, 69ZQ(1)(aa)

Please type or print clearly and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any questions.

You must file this form if you:

- file an Initiating Application or Response seeking parenting orders, including an *Application for Consent Orders*, or
- make new allegations of child abuse or family violence in parenting proceedings **after** filing an Initiating Application or Response.

To be completed by the court

Filed in:

- Family Court of Australia
 Family Court of Western Australia
 Federal Circuit Court of Australia
 Other (specify) _____

Client ID _____

File number _____

Date filed _____ / _____ / _____

Statement of truth

*[I believe] that the facts contained in this Notice are true. I understand that a Judge or Registrar of the Court and the other parties stated in this application will rely on the facts that I have provided in this Notice as being true.

Your signature	Date / /
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Part A About you (the person completing this form)

1 Your given names <input style="width: 95%;" type="text"/>	Your surname <input style="width: 95%;" type="text"/>
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2 Your date of birth <input style="width: 95%; text-align: center;" type="text" value=" / /"/>	Your gender <input style="width: 95%;" type="text"/>
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3 Are you the applicant or respondent? <input style="width: 95%;" type="text"/>	What is your relationship with the child? <input style="width: 95%;" type="text"/>
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4 Full name of person who prepared this form <input style="width: 95%;" type="text"/>	Name of law firm (if applicable) <input style="width: 95%;" type="text"/>
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Address for service (number and street name)

City, state and postcode <input style="width: 95%;" type="text"/>	Lawyers code (if applicable) <input style="width: 95%;" type="text"/>
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Email

THIS SECTION IS ABOUT YOUR CHILD/REN

Start with the oldest child first and complete for each of your children. If you have more children add an additional page.

Item 5

- Your child's given names (including any middle names) and last name.
- Your child's date of birth in dd/mm/yyyy format. *Example: birth date of 24 July 2019 = 24/07/2019.*
- Gender should be listed as either male, female or other (X).
- If the child is in Australia, answer 'yes' and indicate which state they live in.
- If the child is not Aboriginal or Torres Strait Islander or you do not wish to answer, leave blank.

Part B

Children named in the application

5 Child 1

Given names	Surname	Date of birth	Gender
		/ /	

Aboriginal	Torres Strait Islander	Is the child currently in Australia? (if yes, which state)
Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Child 2

Given names	Surname	Date of birth	Gender
		/ /	

Aboriginal	Torres Strait Islander	Is the child currently in Australia? (if yes, which state)
Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Child 3

Given names	Surname	Date of birth	Gender
		/ /	

Aboriginal	Torres Strait Islander	Is the child currently in Australia? (if yes, which state)
Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Child 4

Given names	Surname	Date of birth	Gender
		/ /	

Aboriginal	Torres Strait Islander	Is the child currently in Australia? (if yes, which state)
Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

THESE QUESTIONS ARE ABOUT CHILD ABUSE OR RISK OF CHILD ABUSE OR NEGLECT

The term '**abuse**' is defined in section 4(1) of the *Family Law Act 1975*.

The following things are child abuse:

- An assault including a sexual assault
- Involving a child in sexual activity directly or indirectly
- Causing a child to suffer serious psychological harm. Exposing a child to family violence is a form of child abuse
- Serious neglect.

The definition of 'abuse' from section 4(1) of the Family Law Act is on page C.

Item 6

- If you allege a child has been abused or is at risk of abuse, answer 'yes' and complete the rest of this section.
- If no, answer 'no' and go to **part D**.

Item 7

- Insert the name of the person you say has abused (or is at risk of abusing) the child.
- Include the relationship of the person named, to the child. Choose from: *Mother, Father, Step-mother, Step-father, Sister, Brother, Aunt, Uncle, Grandmother, Grandfather or Other*.

*The parties to proceedings are usually the parents of a child. However, other people such as grandparents or new partners can be relevant persons in the case. If this person is not a party to the proceedings, you **must** serve them with the form after it is filed. Instructions relating to service can be found in Part 6 of the Federal Circuit Court Rules 2001 and Chapter 7 of the Family Law Rules 2004. Information is also available on page B.*

Item 8

- If you reported the allegations (of abuse or risk of abuse) to any authority, including the police, a child welfare authority, school, hospital or medical practitioner, answer 'yes'.
- If no, answer 'no', skip question 9 and go to question 10.

Item 9

- Insert the name of the authority the allegations were reported to. *Examples:*
 - *South Australia Police (SAPOL)*
 - *Queensland Police Service (QPS)*
 - *Department of Health and Human Services (DHHS)*.
- Insert the date the report/disclosure was made. If you do not know the exact date, use the closest month and year in dd/mm/yyyy format. *Example: report made in September 2019 = 00/09/2019*
- If you did report the allegation to an outside authority, skip question 10 and go to question 11.

Item 10

- If you did not report the allegations, explain why. *Examples:*
 - *The allegations were already reported by the child's teacher.*
 - *The police came and interviewed the child on [insert date].*
 - *Threats were made by [insert name] that I would be harmed if the allegations were reported (provide details if possible).*
 - *I did not find out about the abuse until [insert date].*

Item 11

- Use a separate line for each child.
- Identify the type of abuse or neglect the child has experienced or is at risk of experiencing by ticking the correct box/es.

Examples:

Physical includes inflicting pain or injury to a child:

- punching, hitting, excessive physical discipline
- giving the child harmful substances such as drugs, alcohol or poison.

Emotional or psychological includes behaviour which is likely to seriously affect a child's development:

- excessive and repetitive criticism, bullying or taunting
- parental rejection
- stalking
- threats to harm a person or animal.

Sexual abuse includes pressuring, tricking or forcing a child into sexual activity:

- touching a child's genitals
- getting the child to touch the adult's genitals
- grooming the child to engage in sexual acts
- exposing a child to pornography.

Neglect involves ongoing, serious failure to meet a child's basic needs and can include:

- failing to get medical treatment for a child
- failing to give a child adequate food or drink
- failing to take a child to school without a good reason.

Exposure to family violence includes a child:

- watching or hearing family violence
- calling the police or ambulance to assist a family member following family violence
- caring for a parent who has been injured by family violence
- cleaning up damage to property or assisting a family member after violence has occurred.

- You may provide more details in **part I**.

Item 12

- If there have been any orders, agreements or undertakings made in relation to child abuse or neglect, answer 'yes' and provide details. If no, answer 'no' and go to **part D**.
- Insert date of order, agreement, undertaking. If you do not know the exact date, use the closest month and year in dd/mm/yyyy format. *Example: an order made on 30 June 2020 = 30/06/2020.*
- Insert type of order, agreement or undertaking. *Examples:*
 - *Final Apprehended Domestic Violence Order (NSW)*
 - *Protection Order (QLD)*
 - *Family Violence Final Intervention Order (VIC).*
- If the order, agreement or undertaking is currently in place, answer 'yes'.
- Identify the name of the court where the order, undertaking or agreement was made. *Examples:*
 - *Children's Court of Victoria*
 - *Queensland Magistrates Court at Brisbane*
- You should attach a copy of the order/s, undertaking or agreement to your application, response or affidavit as appropriate. Indicate which document the copy is attached to. If possible, have the order, undertaking or agreement with you when completing this question. If you do not have the order, you should be able to get a copy from the Court where it was issued.

11 Identify the kind of abuse or neglect the child has experienced (or is at risk of experiencing).

	Child's name	Physical abuse	Emotional/ Psychological abuse	Sexual abuse	Neglect	Exposure to family violence
Child 1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child 2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child 3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child 4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12 Have any orders or agreements been made, or formal undertakings given, related to child abuse or neglect?

If 'yes', provide details.

Child Protection order, undertaking or agreement:

Date	Type of Order	Name of Court	Current?
/ /			
/ /			
/ /			
/ /			
/ /			

A copy of the above mentioned order/s should be provided to the Court. Indicate which document the copy is attached to:

- Initiating Application
- Response
- Application for Consent Orders
- Affidavit
- Other (please specify):

Provide details of the alleged abuse or neglect, or alleged risk of abuse or neglect in part I.

THESE QUESTIONS ARE ABOUT FAMILY VIOLENCE

Definitions: The term 'family violence' is defined in section 4AB of the *Family Law Act 1975*.

Family violence includes violent or threatening behaviour that causes fear in another family member such as:

- Physical or sexual assault;
- Damaging or destroying property;
- Control or denial of access to family finances;
- Threatening or derogatory comments towards a family member, whether in the presence of a child or not; or
- Behaviour which limits a family member's right to speak or engage with others.

A child is **exposed to family violence** if they see, hear or otherwise experience family violence. For example:

- A child overhears a threat of death or injury made to another family member;
- A child sees or hears a physical or sexual assault of another family member;
- A child provides comfort or assistance to a family member who has experienced family violence; or
- A child is present where police or other authorities attend following an incident of family violence.

The definition of 'family violence' from section 4AB of the Family Law Act is on page B.

Item 13

- For questions 13a to 13d, if you believe you, your child/ren or any other member of your family has experienced, or is at risk of experiencing, or being exposed to family violence, answer 'yes' as appropriate.
- Serious psychological harm is where a child's development has been **seriously** affected. *For example: a child who is self-harming or harming others.* At question 13e, if you believe your child/ren have suffered serious psychological harm as a result of experiencing family violence, answer 'yes'.
- If you answered 'yes' to any of question 13, complete the rest of this section. If you answered 'no' to all of question 13, go to **part E**.

Item 14

- Insert the name of the person you say has exposed the child to family violence.
- Include the relationship of the person named, to the child. Choose from: *Mother, Father, Step-mother, Step-father, Sister, Brother, Aunt, Uncle, Grandmother, Grandfather or Other.*

*The parties to proceedings are usually the parents of a child. However, other people such as grandparents or new partners can be relevant persons in the case. If this person is not a party to the proceedings, you **must** serve them with the form after it is filed. Instructions relating to service can be found in Part 6 of the Federal Circuit Court Rules 2001 and Chapter 7 of the Family Law Rules 2004. Information is also available on page B.*

Item 15

- If you reported the allegations (of family violence) to any authority, including the police, a child welfare authority, school, hospital or medical practitioner, answer 'yes'.
- If no, answer 'no', skip question 16 and go to question 17.

Item 16

- Insert the name of the authority the allegations were reported to. *Examples:*
 - *South Australia Police (SAPOL)*
 - *Queensland Police Service (QPS)*
 - *Department of Health and Human Services (DHHS).*
- Insert the date the allegation was made. If you do not know the exact date, use the closest month and year in dd/mm/yyyy format. *Example: police statement taken in January 2020 = 00/01/2020*

Part D Family violence or risk of family violence

13 a. Do you allege that **you, or another party to the proceedings**, have experienced family violence?

b. Do you allege that **you, or another party to the proceedings**, are at risk of experiencing family violence?

c. Do you allege that a **child to whom the proceedings relate** has experienced family violence?

d. Do you allege that a **child to whom the proceedings relate** is at risk of experiencing family violence?

e. Do you allege that a **child to whom the proceedings relate** has suffered (or is at risk of suffering) serious psychological harm from experiencing family violence directly or indirectly?

IF YOU ANSWERED YES TO QUESTION 13e. the registry manager must report the information to the relevant child welfare authority pursuant to section 67Z(3) and section 67ZA of the *Family Law Act 1975*. In that case, the registry manager may provide such other information as he or she reasonably believes is necessary to enable the child welfare authority to manage the allegations properly.

14 Name the person you allege has subjected or exposed you or the child to family violence

What is the relationship of this person (named in 14) to the child?

15 Have the allegations been reported to an outside authority (such as police, child welfare authority, school, hospital, a medical practitioner)?

16 If you reported the allegations to an outside authority, identify to which authority the allegations were reported.

Date you made the report

Item 17

- Use a separate line for yourself and each child.
 - Identify the type of family violence you or the child have experienced by ticking the correct box/es.
Examples:
 - Physical** includes inflicting pain or injury:
 - punching, hitting, excessive physical discipline
 - giving the child harmful substances such as drugs, alcohol or poison.
 - Emotional or psychological** includes behaviour which is likely to seriously affect a child's development:
 - excessive and repetitive criticism, bullying or taunting
 - parental rejection
 - stalking
 - threats to harm a person or animal.
 - Sexual violence** includes any act or attempt to obtain a sexual act by force or coercion, including:
 - forcible penetration or sexual act, including groping or touching
 - catcalling, sexually demeaning comments or unwanted sexual advances
 - sharing sexually explicit images to another person without permission.
 - Damaging or destroying property** includes:
 - harm/mistreatment of family pet or other animal
 - vandalising or wrecking household furnishings or personal effects
 - attacking or destroying the home in which the other parent resides.
 - You may provide more details in **part I**.
- Financial** involves controlling a person's ability to acquire, use or maintain financial resources, including:
 - denying access to money so they cannot afford basic expenses like food or medicine
 - controlling household spending
 - forcing a family member to take out a loan in their name
 - forcing a family member to claim social security benefits
 - preventing a person from getting a job.
 - Threatening or derogatory comments** include:
 - posting derogatory or hurtful comments online or on social media
 - sending abusive messages to another family member
 - using profanities or abusive language, whether in front of the child or not
 - threats to harm another person.
 - Exposure to family violence** includes a child:
 - watching or hearing family violence
 - calling the police or ambulance to assist a family member following family violence
 - caring for a parent who has been injured by family violence
 - cleaning up damage to property or assisting a family member after violence has occurred.

Item 18

Definition: An **injunction** is defined in section 68B of the *Family Law Act 1975*.

An injunction is an order made by a court that requires a person:

- to do a particular act or thing to protect a child, parent or person who has responsibility for a child; or
 - stop a person from entering or remaining where a child, parent or person who has responsibility for a child lives, works, goes to school or spends time.
- If there have been any orders, agreements, injunctions or undertakings made in relation to family violence, please specify here.
 - Insert date of order, agreement, injunction or undertaking. If you do not know the exact date, use the closest month and year in dd/mm/yyyy format. *Example: an order made on 30 June 2020 = 30/06/2020*
 - Insert type of order, injunction, agreement or undertaking. *Examples:*
 - *Final Apprehended Domestic Violence Order (NSW)*
 - *Protection Order (QLD)*
 - *Family Violence Final Intervention Order (VIC)*.
 - If the order, agreement, injunction or undertaking is currently in place, answer 'yes'.
 - Identify the name of the court where the order, agreement, injunction or undertaking was made. *Examples:*
 - *Children's Court of Victoria*
 - *Queensland Magistrates Court at Brisbane*.
 - You should attach a copy of the order/s, injunction, undertaking or agreement to your application, response or affidavit as appropriate. Indicate which document the copy is attached to. If possible, have the order, injunction or undertaking with you when completing this question. If you do not have the order, you should be able to get a copy from the Court where it was issued.

17 Identify the kind of family violence that you allege that you, or the child have experienced:

Name	Physical	Emotional/ Psychological	Sexual	Financial	Property damage	Threatening comments	Exposure to family violence
You	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18 Have you had or do you have any of the following types of orders and are they current?

Family Violence Order, Personal Protection Injunction, undertaking or agreement in place of order:

Date	Type of Order	Name of Court	Current?
/ /			
/ /			
/ /			
/ /			
/ /			

A copy of the above mentioned order/s, injunction, undertakings or agreements should be provided to the Court. Indicate which document the copy is attached to:

- Initiating Application
- Response
- Application for Consent Orders
- Affidavit
- Other (please specify):

Provide details of the family violence experienced by you or the child, or risk of family violence in part I.

Item 19

- If you or any other family member has been the subject of, charged with, or convicted of a criminal offence relating to family violence, answer 'yes'.
- If no, answer 'no', skip question 20 and go to **part E**.

Item 20

- Insert the name of the person you say has been charged or convicted of criminal offences relating to family violence.
- Include the relationship of the person named, to the child. Choose from: *Mother, Father, Step-mother, Step-father, Sister, Brother, Aunt, Uncle, Grandmother, Grandfather or Other*.
- Use a separate line for each charge or conviction to complete the table.
- Insert date of charge or conviction. If you do not know the exact date, use the closest month and year in dd/mm/yyyy format.
- Name the court where the charge or conviction was made. *Examples:*
 - *County Court of Victoria*
 - *New South Wales District Court*
 - *Children’s Court Brisbane*.
- Insert the name of the charge or conviction. *Examples:*
 - *Breach of Intervention Order/Apprehended Domestic Violence Order.*
 - *Assault of family member.*
 - *Stalking another family member, threat of violence towards family member.*
- Insert the penalty imposed on the person charged or convicted (if known). *Examples: fine, imprisonment.*

THESE QUESTIONS ARE ABOUT DRUG, ALCOHOL AND SUBSTANCE MISUSE

Item 21

- If you believe harm has or may be caused to the child as a result of your or another family member’s misuse of drugs, alcohol or other substances, answer 'yes'.
- If no, answer 'no' and go to **part F**.

Item 22

- Insert the name of the person you say has or may cause harm to the child.
- Include the relationship of the person named, to the child. Choose from: *Mother, Father, Step-mother, Step-father, Sister, Brother, Aunt, Uncle, Grandmother, Grandfather or Other*.

Item 23

- Identify the type of harm or risk of harm to the child as a result of drug, alcohol or substance misuse. *Examples:*
 - *Child is left to look after himself and his other siblings at home because his mother is drug affected.*
 - *Child sees his intoxicated father physically assault his mother.*
 - *Child is yelled at and taunted by parent who is substance affected.*
- You may provide more details in **part I**.

19 Have you, or the other parent, or a party to the proceedings, been charged with, or convicted of, a criminal offence related to family violence, or been the subject of those charges?

20 Name the person you allege has been charged or convicted

What is the relationship of this person (named in 20) to the child?

Alleged charge/s or conviction/s:

Date	Court	Charge or conviction	Penalty
/ /			
/ /			
/ /			
/ /			

Part E Drug, alcohol or substance misuse

21 Do you allege that drug, alcohol or substance misuse by you, or the other parent or a party to the proceedings, has caused harm or poses a risk of harm to the child?

22 Provide the name of the person you allege has caused harm or poses a risk of harm.

What is the relationship of this person (named in 22) to the child?

23 Provide details of the alleged harm or risk of harm to the child arising from drug, alcohol or substance misuse.

Item 24

- If you or any other family member has been the subject of, charged with, or convicted of a criminal offence relating to drug, alcohol or substance misuse, answer 'yes'.
- If no, answer 'no', skip question 25 and go to **part F**.

Item 25

- Name the person you allege has been charged or convicted.
- Include the relationship of the person named, to the child. Choose from: *Mother, Father, Step-mother, Step-father, Sister, Brother, Aunt, Uncle, Grandmother, Grandfather or Other*.
- Use a separate line for each charge or conviction to complete the table.
- Insert date of charge or conviction. If you do not know the exact date, use the closest month and year in dd/mm/yyyy format.
- Name the court where the charge or conviction was made. *Examples:*
 - *County Court of Victoria*
 - *New South Wales District Court*
 - *Children's Court Brisbane*.
- Insert the name of the charge or conviction. *Examples:*
 - *Trafficking in dangerous drugs.*
 - *Supplying alcohol to minors (children) without permission.*
 - *Violent behaviour while substance affected.*
- Insert the penalty imposed on the person charged or convicted (if known). *Examples:*
 - *Drug diversion program*
 - *Fine*
 - *Imprisonment.*

THESE QUESTIONS ARE ABOUT MENTAL HEALTH ISSUES

Item 26

- If you believe harm has or may be caused to the child as a result of another family member's mental health issues, answer 'yes'.
- If no, answer 'no' and go to **part G**.

Item 27

- Insert the name of the person you say has or may cause harm to the child.
- Include the relationship of the person named, to the child. Choose from: *Mother, Father, Step-mother, Step-father, Sister, Brother, Aunt, Uncle, Grandmother, Grandfather or Other*.

Item 28

- Identify the type of harm or risk of harm to the child as a result of the mental health issues. *Examples:*
 - *Child is left to look after himself and his other siblings at home because his mother cannot get out of bed (depression).*
 - *Father has become paranoid and refuses to leave the house to take the child to school.*
 - *Mother does not comfort or support child with her homework, instead yells and taunts her.*
- You may provide more details in **part I**.

THESE QUESTIONS ARE ABOUT ABDUCTION OR THREATS TO HARM

Abduction: When one parent takes, conceals or detains a child from the other parent without a reasonable excuse. If there are no orders about the living arrangements for the child, then in most cases, both parents can spend time with the child. If you are unsure about your situation, you should seek independent legal advice.

Threats of harm: When one parent or family member verbally threatens to hurt a child.

Note: *Family Law Act 1975* – Division 8 Subdivision C, sections 67Q–67Y relates to recovery orders. Section 111B relates to international child abduction.

Item 29

- If you believe the child is at risk of being abducted, answer 'yes'. Then explain why you believe the child is at risk of being abducted. *Examples:*
 - *The mother is not an Australian citizen. She has met another man in [overseas country] and has indicated she intends to move there soon with the child.*
 - *The father has previously withheld the child/ren from me when I did not agree to additional weekend time with the child that he requested.*

Item 30

- If there have been attempts to abduct the child/ren, answer 'yes' and provide details. *Examples:*
 - *I agreed that the other parent could see the child at the park on Saturday. The child was taken from the park without my permission and not returned to me until the police intervened.*
 - *The other parent forged my signature and obtained an overseas passport for the child. I believe they intend to remove the child from Australia.*
- You may provide more details in **part I**.

Item 31

- If there have been recent threats to harm the child or another family member, answer 'yes' and provide details. *Examples:*
 - *The father has a firearm at home, has shown it to the child and has used it in front of the child before.*

Item 32

- If you answered 'no' to questions 29, 30 and 31, skip question 32 and go to question 33.
- If you answered 'yes' to questions 29, 30 and/or 31, insert the name of the person you say has recently threatened to abduct or harm the child or another family member.
- Include the relationship of the person named, to the child. Choose from: *Mother, Father, Step-mother, Step-father, Sister, Brother, Aunt, Uncle, Grandmother, Grandfather or Other.*

Item 33

- If the child has a valid passport, answer 'yes'. Then insert the country of issue.
- If the child has more than one passport, enter the name of each country the child has a passport for. *Example: The child has a dual Australian/EU passport, the child has both an Indian passport and an Australian passport.*

Part G Abduction or threats of harm

29 Do you believe that the child is at risk of being abducted?

If 'yes', why do you believe the child may be abducted? Provide details.

30 Have there been any recent attempts to abduct the child?

If 'yes', provide details.

31 Have there been any recent threats to harm the child or another person relevant to the proceedings?

If 'yes', provide details.

32 Name the person you allege has recently threatened to abduct or harm the child or another person.

What is the relationship of this person (named in 32) to the child?

33 Does the child have a valid passport?

Country of issue

Describe the threats of abduction of the child or threats to harm the child or another person in part I.

THIS QUESTION IS ABOUT ANY OTHER CONCERNS YOU HAVE FOR THE CHILD/REN

You can raise any other concerns you may have, in relation to the child/ren's safety and wellbeing that have not been mentioned previously.

Item 34

- If you have other significant concerns, answer 'yes' and provide details. *Examples:*
 - *The child has had to call 000 when witnessing an assault of a family member by his father.*
 - *Since the child witnessed family violence she has refused to sleep in her bed and wants to sleep with me. She has regressed in her toilet training.*
 - *The child has been asked to spy on the parent when in their care and report back.*
- If no, answer 'no' and go to **part I**.

THESE QUESTIONS ARE ABOUT DESCRIBING THE ALLEGATIONS IN THIS FORM

If you have raised concerns or made allegations in any part of this form about abuse, neglect or family violence, or risks posed by substance misuse, mental health issues or abduction, you must provide specific details of the alleged abuse, or risk of abuse or family violence.

If you have **not raised** any concerns skip this part and go to **part J**.

Item 35

- Describe what happened and when. If any action was taken, provide details.
- If you need to describe more than one event, start with the most recent one and work backwards.
- The following examples may help you.

– Example of **abuse**

Briefly describe what happened and when

What action (if any) was taken and by whom?

On <date> the child Jackson was struck on the back of the head with a wooden spoon by his maternal grandmother Janet after Jackson refused to complete his household chores. The assault caused a cut to his temple and bleeding.

Jackson was taken by me to a GP for treatment on <date> where he was diagnosed with a mild concussion, received 6 stitches and was prescribed pain relief medication. Jackson was absent from school for 2 days as a result of his injuries.

– Example of **risk of abuse**

Briefly describe what happened and when

What action (if any) was taken and by whom?

The children Hunter and Taylor are at significant risk of serious harm as the mother was evicted from their home on <date>. They have been sleeping in the car with for the last 2 weeks with no access to bathroom or kitchen facilities. It is not known how Taylor's bottles are being sterilised or how formula is being heated.

I contacted child welfare on <date> and they suggested I contact the Salvation Army to get help for the children which I did. They said they would do a welfare check.

– Example of **family violence**

Briefly describe what happened and when

What action (if any) was taken and by whom?

On <date> the child Ava witnessed domestic violence of her mother (Annie) by her father (John). That night John came home from work early and yelled at Annie and threatened to kill her. Annie was holding Ava when this happened. John threw Annie and Ava onto the footpath and locked the house and told Annie she could not sleep inside.

The neighbours called out to Annie and drove Annie and Ava to her sister's house. The week before, Annie sought medical attention for injuries to her hand. Police have attended the home on 3 occasions over the past 6 months.

Part I Details of the alleged abuse

35

If you have provided information related to abuse, neglect or family violence, or risks posed by substance misuse, mental health issues or abduction in this form, provide details of what caused you to become concerned about those matters.

1. Briefly describe what happened and when

What action (if any) was taken and by whom?

Briefly describe what happened and when	What action (if any) was taken and by whom?

2. Briefly describe what happened and when

What action (if any) was taken and by whom?

Briefly describe what happened and when	What action (if any) was taken and by whom?

3. Briefly describe what happened and when

What action (if any) was taken and by whom?

Briefly describe what happened and when	What action (if any) was taken and by whom?

THESE QUESTIONS ARE SO YOU CAN EXPLAIN WHAT ORDERS YOU WISH THE COURT TO MAKE TO PROTECT THE CHILD AND YOU

If you have **not** raised concerns or made allegations in any part of this form about abuse, neglect or family violence, or risks posed by substance misuse, mental health issues or abduction, skip this part and go to **part L**.

This part is **NOT required to be completed if you are filing an Application for Consent Orders**. If you are **filing** an Application for Consent Orders, skip this part and go to **part K**.

Any orders mentioned in this part of the form should also be in your Initiating Application or Response to Initiating Application under the section 'final orders sought' or 'interim orders sought'.

Item 36

- Explain what orders you want the Court to make to protect the child/ren. *Examples:*
 - *If you are concerned the child is at risk of experiencing family violence in the care of one parent, you may seek an order for any time between the parent and the child to be professionally supervised.*
 - *If you are concerned about the child growing up in an environment of stress or instability, you may seek an order that the child engage with counselling or other support services.*
 - *You may seek an order that another person (not the parent) not be permitted to be brought into contact with the child.*

Item 37

- Explain what orders you want the Court to make to protect your safety. *Example:*
 - *If you are concerned about future incidents of family violence you, may seek an order for changeover to occur at a public place or the child's school to minimise contact between you and the other parent.*
- These orders may also be in your Initiating Application or Response to Initiating Application under the section 'final orders sought' or 'interim orders sought'.

If you are concerned about your immediate safety, you should contact the police or call 000 if it is an emergency.

THESE QUESTIONS ARE ABOUT THE PROPOSED CONSENT ORDERS

This part is **only required to be completed if you are filing an Application for Consent Orders**. If you are **not filing** an Application for Consent Orders, skip question 38 and go to **part L**.

Item 38

- If you are filing an Application for Consent Orders and you have provided information in this form about any risks arising from abuse, neglect, family violence, substance misuse, mental health issues or abduction, explain how the proposed orders you are seeking to make deal with these concerns.
Examples:
 - *I was initially concerned about the father's drug use and his ability to care for the child when drug affected. The father has since completed a number of urine drug screens and a hair follicle test which confirms he is no longer using drugs.*
 - *The child was initially hesitant to spend time with her mother because she was scared of the mother's new partner. After arranging counselling for the child at school and ensuring the child is not left alone with the mother's partner, the child feels more comfortable with the mother's partner and is no longer concerned about spending time with them.*

THESE QUESTIONS ARE ABOUT ATTENDING COURT

This part asks you to think about your attendance at court for your case.

Please refer to the brochure, *Do you have fears for your safety when attending court?*, available at www.familycourt.gov.au and www.federalcircuitcourt.gov.au, for more information about making special arrangements for your safety when attending court.

You can also contact the National Enquiry Centre (NEC) on **1300 352 000** for more information.

Item 39

- If you feel unsafe being in the same room as the other parent or another party to the proceedings, answer 'yes' and provide details of any special arrangements you would like to be made to ensure your safety at court. *Examples:*
 - *Secure room for you in the court building*
 - *Safety plan in place*
 - *Support person with you at court*
 - *Attending the hearing via video conference or telephone.*
- If not, answer 'no' and go to **page B** for details about filing this form and signing the Statement of Truth on page 1.

Part K How the proposed orders deal with the matters raised

- 38 If you are filing an Application for Consent Orders, and you have provided information related to abuse, neglect or family violence, or risks posed by substance misuse, mental health issues or abduction, state briefly how the proposed orders attempt to deal with those matters.

Provide details.

Part L Attending court

In most cases, you are required to attend court in person, unless the court has given permission for you to be excused. If you do not attend court, the court may make orders in your absence on the information available. If you have concerns for your safety, the court can make a safety plan and, in some circumstances, may be able to make special arrangements for the hearing.

- 39 Do you feel unsafe being in the same room as the other parent or a party to the proceedings?








If yes, provide details of any special arrangements you would like to be made for your safety.

Where to file

This form should be filed with your Initiating Application, Response or Application for Consent Orders online via www.comcourts.gov.au, by post, or in person at any one of the family law registries below. Remember to mark [X] the name of the Court in which you wish to file on the front of the form.

■ www.familycourt.gov.au and www.federalcircuitcourt.gov.au

NOTE: For filing a family law application in **Western Australia** visit www.familycourt.wa.gov.au

ACT	Canberra Registry	Cnr University Ave and Childers St, Canberra, ACT 2600 (GPO Box 9991 Canberra ACT 2601)	 1300 352 000
NSW	Albury Registry	Level 1, 463 Kiewa St, Albury, NSW, 2640 (PO Box 914 Albury NSW 2640)	
	Dubbo Registry	Cnr Macquarie and Wingewarra Sts Dubbo, NSW 2830 (PO Box 1567 Dubbo NSW 2830)	
	Lismore Registry	Level 2, 29–31 Molesworth St, Lismore, NSW 2480 (PO Box 9 Lismore NSW 2480)	
	Newcastle Registry	61 Bolton St, Newcastle, NSW 2300 (PO Box 9991 Newcastle NSW 2300)	
	Parramatta Registry	1–3 George St, Parramatta, NSW 2123 (PO Box 9991 Parramatta NSW 2123)	
	Sydney Registry	97–99 Goulburn St, Sydney, NSW 2000 (GPO Box 9991 Sydney NSW 2001)	
	Wollongong Registry	Level 1, 43 Burelli St, Wollongong, NSW 2500 (PO Box 825 Wollongong NSW 2500)	 1300 352 000
NT	Darwin Registry	Supreme Court Building, State Square, Darwin NT 0800 (GPO Box 9991 Darwin NT 0801)	 1300 352 000
QLD	Brisbane Registry	119 North Quay, Brisbane, Qld 4000 (GPO Box 9991 Brisbane QLD 4001)	
	Cairns Registry	Level 3 and 4, 104 Grafton St Cairns Qld 4870 (PO Box 9991 Cairns QLD 4870)	
	Rockhampton Registry	46 East St (Cnr Fitzroy St), Rockhampton, Qld 4700 (PO Box 9991 Rockhampton QLD 4700)	
	Townsville Registry	Level 2, 143 Walker St Townsville Qld 4810 (PO Box 9991 Townsville QLD 4810)	 1300 352 000
SA	Adelaide Registry	3 Angas St, Adelaide, SA 5000 (GPO Box 9991 Adelaide SA 5001)	 1300 352 000
TAS	Hobart Registry	39–41 Davey St, Hobart, Tas 7000 (GPO Box 9991 Hobart TAS 7001)	
	Launceston Registry	Level 3, ANZ Building, Cnr Brisbane and George Sts Launceston TAS 7250 (PO Box 9991 Launceston TAS 7250)	 1300 352 000
VIC	Dandenong Registry	53–55 Robinson St, Dandenong, VIC 3175 (PO Box 9991 Dandenong VIC 3175)	
	Melbourne Registry	305 William St, Melbourne, VIC 3000 (GPO Box 9991 Melbourne VIC 3001)	 1300 352 000