

FORM 5

NORTHERN TERRITORY OF AUSTRALIA

Domestic & Family Violence Act

Sections 37, 44, 59 & 98

Case No:

SUMMONS TO A DEFENDANT TO SHOW CAUSE

To:(defendant name) (M/F,date of birth)

Of:(defendants address for service)

The attached application was made by(applicants name), APPLICANT

On behalf of(protected person(s) name(s)

and on(date order made), the Court of Summary Jurisdiction sitting at(place) made the attached order in your absence

You are summoned to appear at the Court of Summary Jurisdiction at Magistrates Courts Building(address of court),(place of court) in the Northern Territory.

at(time of court) on(date order made) to show cause why the attached order should not be confirmed.

Dated:(date in court)

at:.....(place)

in the Northern Territory

.....

Clerk of the Court

TAKE NOTICE that if you do not appear the order may be confirmed in your absence.

- Non-compliance with the order renders you liable to a term of imprisonment for not more than 2 years or a fine of not more than \$44,000 for a first offence; for a second or subsequent offence, if the non-compliance results in harm to the protected person, you would be liable for a mandatory term of imprisonment (detention if defendant is a young person) for not less than 7 days or more than 2 years.
- A domestic violence order made in the Northern Territory may be registered and enforced, without notice to you, in a State or another Territory of the Commonwealth or in New Zealand if there is a law in force in the relevant jurisdiction to provide for the registration and enforcement of the order.

*Cross out whichever does not apply.

For the purposes of the Act, a person is in a domestic relationship with another person if he or she –

- (a) is or has been in a family relationship with the other person (see section 9 of the *Domestic & Family Violence Act*), including –
 - (i) a spouse, including a spouse of the person according to Aboriginal tradition, a former spouse of the person, a de facto partner of the person and a former de facto partner of the person; or
 - (ii) a relative according to Aboriginal tradition or contemporary social practice;
 - (b) has or had the custody or guardianship of, or right of access to, the other person, or is or has been subject to the custody or guardianship of the other person or that other person has or has had a right of access to the person;
 - (c) ordinarily or regularly resides or has resided with the other person, or with another relative, of the other person;
 - (d) is or has been a relative of a child of the other person; or
 - (e) has or has had an intimate personal relationship with the other person;
 - (f) is or has been in a carers' relationship with the other person.
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