

Domestic Violence Orders 2

How do I make an Application?



Magistrates Court

If you can, you should try and get some legal advice about your options before making this application.

You can get a copy of the approved form from your nearest Court house, as well as some information booklets. This brochure takes you through the application form and what information is expected in different sections. You should use Form 2 if an adult and Form 3 if a young person and accompany that application with an affidavit setting out the basis of your application.

How do I fill in my Application?

First of all you must put your name and address in the space headed "Applicant". If you do not want your address to be known by the defendant, you can put some other address which can be your address for service, eg Post Office box. The Court and the defendant must have a contact address for you so that documents can be served upon you.

The defendant's name and address is also to be provided by you under "Defendant". You should also fill in as much detail as you can about the defendant in the "Bailiff's Service Information Form" to help the bailiff find the defendant to serve the application.

Protected Person – these are the people you are seeking to protect from the defendant, usually it is

yourself and any children involved. Any other adult person should really make their own application.

Basis of Application

In this section, you should put a summary of the relationship you have with the defendant eg husband/wife, and the reason why you need the order eg you have been subject to intimidation from the defendant on several occasions and you are afraid that it will continue should you not get an order. You do not need to put anything further in that section, because the details will be in your affidavit supporting your application which will be explained later.

Domestic Violence Orders you want the Court to make

The application has several options of what type of order you may want to ask the Court to make in your favour. Those options are listed under the heading "Domestic Violence Orders you want the Court or Clerk to make".

If you want all of the options, leave them as they are, however if there are some included in there which you don't want or need, cross them out. You should look carefully at options (f) and (g) if you have children involved.

There are other orders the Court can make regarding financial matters and tenancy issues, however we suggest you get some legal advice about those before making an application for those sorts of orders.

Details of the Person to be Restrained

In this section you should put the name, address and date of birth of the person you are seeking to have restrained. If you do not know the person's date of birth that is okay, but it makes it easier for that person to be identified if you do have that information.

Orders in Force now

In this section you need to specify if there are any other orders of other Courts affecting the defendant eg home detention orders, other domestic violence

orders any orders from the Family Court regarding children.

You should either attach a copy of the order or give the following details

1. Name of Court which made the order;
2. Where that Court is eg Darwin, Melbourne etc;
3. Date the order was made;
4. What does the order say.

Those details should be provided for each order.

Signature

Finally, you need to sign and date the application.

Once I fill in the Application, what happens next?

Your application should be supported by an affidavit or statutory declaration. See brochure "What do I put in my Affidavit of Support?" Once both of these documents are filled in, the application will be given a Court date and then the Court Bailiff or police will try and serve the defendant with those documents to get he/she to Court to answer the application.

What happens once the Application is in Court?

See brochure "What Happens in Court".

Further information can be obtained by visiting our website at www.nt.gov.au/justice/ntmc/