

Sample 3 – Form DV4 Application to vary a domestic violence order

FORM DV4

Domestic and Family Violence Protection Act 2012 s.86

Application to vary a domestic violence 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 Family Name Date of Birth Gender

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

SPI# (QPS Only) Phone Number Email address

Do you require an interpreter? No Yes Language/Dialect:

Do you identify as: Aboriginal Torres Strait Islander Aboriginal and Torres Strait Islander Neither

Do you 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 the parent of the aggrieved unless the court orders otherwise.

Parents Name

Parents Address

2. Respondent's Details

Given Name Family Name Date of Birth Gender

Address

SPI# (QPS Only) Phone Number Email address

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

Do you have a disability, illness or impairment where support and/or special arrangements are required? No Yes

Current place of employment Vehicle Model Vehicle Registration

Is the respondent under 18 years of age? No Yes

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

Parents Name

Parents Address

3. Applicant's Details

Part A - Any other applicant who is not the Aggrieved or a member of the Queensland Police Service

Given Name Family Name Date of Birth Gender

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

Phone Number Email address

Do you require an interpreter? No Yes Language/Dialect:

Do you identify as: Aboriginal Torres Strait Islander Aboriginal and Torres Strait Islander Neither

Do you have a disability, illness or impairment where support and/or special arrangements are required? No Yes

What type of applicant are you?

Respondent in the existing order

A person being authorised by the aggrieved (please provide proof of authorisation)

A person acting under another Act for the aggrieved, respondent or a named person

A named person in the existing order

Part B - A Police Officer

Full Name including Rank: Registration #

Station Police Occurrence #

Has the aggrieved been advised of this application? No Yes

Proceed to Question 4

4. Existing Order Details

Please provide a copy of the original order with this application. If you are unable to do so, court registry staff will obtain a copy on your behalf

Is the existing order:

A temporary protection order A protection order

Date the original order or declared 27 / 02 / 20 The court and location the original order was made or declared Brisbane Magistrates Court

Any domestic violence order made by a court or police officer in Australia from 25 November 2017 is automatically a nationally recognised domestic violence order.

A) Was the existing order made before 25/11/2017 No Yes

If want the DVO to be nationally recognised, you will be required to make an application to declare the DVO to be a nationally recognised order.

B) Do you want to apply to declare the order to be a recognised interstate order? No Yes

Proceed to Question 5

5. Details of Variation

A) Do you want to vary the conditions of the order? No Yes
 Please provide details of the condition/s that you would like added or varied.

- 1) I am seeking to add a condition to prevent the respondent from remaining at, entering or attempting to enter, or approaching where I am living, and my place of employment.
- 2) Since I have returned to the apartment after separation, I have observed the respondent parked outside on 1/03/20 at around 6am, on 5/03/20 at around 8:30pm, and 6/03/20 at 5:45pm.
- 3) On 9/3/20, 10/3/20 and 11/3/20 the respondent came to the apartment uninvited around approximately 7:30pm each night and demanded to be let in. On these occasions the respondent said he was there to collect items he had left behind (he has not left any property or personal items at the apartment) or that he wants to see Quinn. When I have asked the respondent to leave, he has refused and continued to bang and kick at the apartment door, and yell out insults including 'you're a f*cking slut'.
- 4) On 11/3/20 Morgan screamed out 'you'll get what's coming to you' when I said I would call the Police if he didn't leave.
- 5) Quinn has been at home with me on these three occasions and has appeared scared and confused. On 11/3/20 I observed him covering his ears and crying.
- 6) On 13/03/20 I came to work to find a bunch of flowers at the door addressed to me with a card from Morgan which said 'I'm sorry you're such a miserable cow who won't let me see my son'. I also had a number of voicemail messages from Morgan on my work phone at various hours throughout the night (10:32pm, 11:16pm, 11:24pm and 11:52pm) where he said 'who the f*ck is he? Who is the f*cker you left me for?', 'slut, you're a f*cking slut', and 'go to hell'.
- 7) On 15/03/20 I was contacted by my boss to state that Morgan had left a facebook review on our work's page which criticised me personally (screenshot attached).
- 8) I am scared of how angry Morgan is, and fearful of what he will do if he was able to get in to the apartment. I am fearful of Morgan causing trouble for me at work and in the apartment complex and I do not want to lose my job or have my lease terminated due to his behaviour.
- 9) I am concerned at the impact Morgan's behaviour when he comes to the apartment is having on Quinn.

B) Do you want to vary the duration of the order? No Yes

When would you like the protection order to end?
 Give reasons

C) Do you want to vary the persons named in the order? No Yes

Provide details of the persons named in the order that you would like removed or added

Full Name	Gender	Date of Birth	Address	SPI # (QPS only)

Give reasons

Proceed to Question 6

6. 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.

Proceed to Question 7

7. Details of any other Orders

Has the court made any other order or are there other court proceedings that involve the aggrieved and the respondent? Please provide a copy of the original order with this application. If you are unable to do so, court registry staff will obtain a copy on your behalf

Childrens Court Orders	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Police Protection Notice	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Intervention Order	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Interstate Domestic Violence Orders (including New Zealand)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Family Court Orders	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Other relevant court order	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

8. 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 QUEENSLAND 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 (who is also the respondent named in an existing order)

If you do not appear in court, the court may hear and decide the application 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