



FAMILY  
VIOLENCE

**BLURRED  
BORDERS**

Queensland

Family Violence  
Legal Resource Kit

# User Manual

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To find out more, get a copy of the kit or to provide feedback contact [cle@legalaid.qld.gov.au](mailto:cle@legalaid.qld.gov.au) or visit [www.legalaid.qld.gov.au/blurredborders](http://www.legalaid.qld.gov.au/blurredborders).

## Disclaimer

This kit contains legal information only. It is designed to help people learn about the law and their rights. However, the law changes often. If you need legal advice for a specific problem, please contact a lawyer.

Produced by



Project partners



**ATSILS**  
Aboriginal and  
Torres Strait Islander  
Legal Service (Qld) Ltd



**QIFVLS**  
Queensland Indigenous  
Family Violence Legal Service

## Acknowledgement

The Blurred Borders Queensland resources were adapted from the Blurred Borders WA/NT resources with permission. Thank you to Legal Aid WA and NT Legal Aid Commission for sharing their resources.

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## Acknowledgement of country

We acknowledge the Aboriginal and Torres Strait Islander owners and custodians of the land on which we live and have worked during the development of this legal resource.

We pay respect to their Elders, lore, customs and creation spirits. We recognise that these lands have always been places of ceremony, teaching, research and learning and we acknowledge the important role Aboriginal and Torres Strait Islander peoples play in our community and in improving our legal system.

# Chapter one: How to use this kit

## 1.1 Target audience and purpose

### Who is the kit for?

This resource kit is for lawyers, paralegals, community workers and other stakeholders providing frontline community services for people experiencing and using family violence. This includes support agencies, and other people communicating regularly about family violence, and associated court processes and orders, particularly those working with Aboriginal and Torres Strait Islander peoples. The resources can also be used by a wider audience, including by those working with young people, people from culturally and linguistically diverse backgrounds (CALD), and people with disability.

You don't have to be a lawyer to use this kit. It can be used by all frontline service providers and by community members in leadership roles who are providing assistance and guidance to other people in their own communities.

You might hear domestic and family violence being referred to as domestic violence, family violence, DV or DFV. In this resource kit we will use the term 'family violence'.

### Purpose

Being able to communicate effectively and explain complex legal concepts is a continuing challenge in the legal assistance sector. This resource kit will help service providers to explain key legal concepts around family violence and the court process in a straight forward way. The story cards at the heart of this resource kit use visual art, plain language and storytelling to more effectively communicate important and often complex legal messages.

## 1.2 What's in the resource kit?

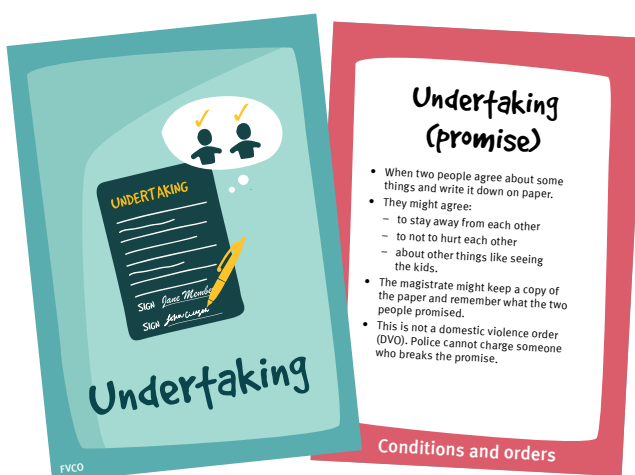
The resource kit contains:

- basic information on how to use the resources
- story cards that use pictures and plain language to help explain key legal concepts
- a set of factsheets that contain key legal messages
- a process map to help explain processes and deliver information more clearly
- individualised wallet cards
- community legal education (CLE) activities that use stories to reinforce key messages
- referral information and links to more information
- common story card layouts for some family violence processes.

## Story cards

Each story card has a picture on the front and a plain language explanation on the back. The cards are divided into the following categories:

- people
- places
- family violence definitions
- things you can do
- conditions and orders
- things that might happen.



There is not a card for every word and every situation. The cards should be used to help demonstrate concepts and enhance information sharing.

A set of Health and Feelings story cards are also included with this resource. These cards are designed to help clients engage more fully in the process and get more out of meetings with government workers, lawyers and other support services. They can be used to help clients better understand what is going on and to speak up particularly in situations where there may be a power imbalance.

The story cards are set out in full in Chapter 5.



The story cards can be used to help deliver CLE sessions, or to assist you to provide individual legal advice or information. The cards can be used in many different ways. Experiment and find the way that works best for you and your audience. Suggestions on how to use the cards for CLE activities are set out in Chapter 3.

## Process map

A process map is included in the kit. The process map is a useful tool designed to help explain complex court processes and procedures. It can be used alone or with the story cards and/or the wallet cards and stickers. For more information about the process maps, see point 5.2.



## Wallet cards and stickers

The wallet cards and stickers contain a visual reminder of next steps, where to get help and what needs to be done. See point 5.3 for more information.

## CLE activities

The CLE activities in Chapter 3 will help you deliver key legal messages about family violence. Most of the activities are adapted from real life examples.

Story telling helps make community legal education and any other legal messages that you are delivering easier to remember and more culturally accessible. If you use your own real-life examples, make sure you change the names so people can't be identified.

.....

### People remember stories!

*Using real-life examples in a story telling framework helps people to understand and remember what you are telling them.*

.....

Remember the stories in the CLE activities are designed to get the ball rolling. Encourage free flowing conversation about family violence and other legal issues once you have started. Many variations and/or alternative endings can also be added. The process map can also be used with the story cards.

## Common layouts

Service providers using these resources often find they are explaining the same concepts to many different clients. To facilitate this process, some common layouts of the story cards have been created. See 5.4 for more information.

## 1.3 Practical tips on using the resource kit

### Involve the local community in CLE planning and delivery

CLE is much more effective when the people connected to the community are involved. Make sure you get advice and guidance from community leaders when planning and delivering CLE.

### Book interpreters well in advance

If you need an interpreter, make sure you book them well in advance. This resource kit is not and will never be a substitute for using an interpreter.

### Read the key legal messages beforehand

If you haven't presented on the topic before, read through the key legal messages and the CLE activities to familiarise yourself with them. Do this a couple of days beforehand so you have enough time to follow up on anything you need to. Even if you have presented on the topic before, pre-reading the information always helps to refresh your memory and keep you on point.

### Remember this may be a sensitive topic

The topic may raise personal issues for some participants. Ask participants not to discuss personal details within the session. Encourage them to seek support after the session and have the contact details ready for local support services.

## Know your audience

Your CLE audience may include people from different cultures and services. If you know who is in the audience, you can recognise and draw on their experience and knowledge.

## Create a safe learning environment

Every participant brings their own life experience to each session. It is important to balance the interests and knowledge of all participants and to demonstrate empathy. Do not collude with any narratives that support violence. Be aware of the question “why did she stay?” or the statement “the mother has failed to protect” as these are often examples of gender bias. All knowledge and experience should be respected and valued.

## Be aware of the group dynamics

For cultural and other reasons certain people in the group may dominate the conversation. Be inclusive. Aim to join as many people as possible in the discussion. Make sure those who are participating stay on the relevant topic.

## Use questions to test understanding and generate discussion

Asking questions helps you to work out the level of understanding of the participants. You can do this at any time during the session. The story cards and the CLE activities will help you to generate discussion and get the conversation started. The cards are also an excellent tool to test a participant’s level of understanding.

# 1.4 CLE checklist

## Planning CLE

- **Demographics:** Consider the demographics of participants and presenters. For example, it might not be appropriate for a male to present to women and vice versa.
- **Time and place:** Plan sessions with community involvement. It is better to meet at culturally safe and identifiable places at times convenient to participants and with culturally inclusive food and other resources provided.
- **Country:** Discuss with local community leaders and Aboriginal and Torres Strait Islander staff members how to properly acknowledge the traditional owners and the country on which you will be holding the session.
- **Interpreters:** If you need an interpreter, book them well in advance.

## Delivering CLE

- **Country:** Acknowledge the traditional owners and the country on which you are holding the session.
- **Introductions:** Allow participants to identify themselves and their family and/or country.
- **Create a safe environment** for all participants emotionally, physically and spiritually. Some topics may trigger traumatic responses. Have support staff and contact details for counsellors available and encourage people to take time out if needed.

- Set clear boundaries:  
**Encourage participants to avoid talking about individual or actual experiences or using names.** These may trigger emotions and could relate to other peoples' experiences in the room which may not be appropriate for public discussion. For example, an incident of family violence or dispute with a service provider.  
**Don't provide individual legal advice.** Remind participants that the information provided during the CLE session is not legal advice. Encourage participants to speak privately with a lawyer to discuss individual legal problems and give them a referral.
- **Respect:** Avoid judgment and stereotypes. Allow time for people to think and give their views. Some people may want to listen more than speak. Young presenters should acknowledge the life experience and knowledge of older participants.

### Follow up

- **Evaluation and feedback:** Take the time to seek feedback and evaluate the usefulness of your CLE activities and resources. Act on the feedback you receive where appropriate and strive for continuous improvement.
- **Keep your promises:** Do what you say you are going to do.

## 1.5 Ways of working

### Useful tips

Family violence is a challenging area to work in. It is important that all service providers work as effectively and sensitively as possible with people experiencing or using family violence. Some tips for service providers to consider include:

1. Don't de-humanise the process. Always remember what is at stake for the people involved.
2. Take a strength-based approach. Remember to always look for positives. Encourage people to keep trying and to not give up.
3. Think about the whole process. It is important to talk about the overall bigger picture, as well as the specific parts.
4. Take the time to learn someone's story. It will take a little bit more time, but it is important to see how all the pieces fit. It is often useful to start in a more personalised story telling way and then relate it back to the wider issues. Not the other way around.
5. Develop a better understanding of the family. Learn how to ask the right questions so you can better understand family relationships and identify potential carers.
6. If children are involved remember the child's voice. Keep this in the front of your mind at all times.
7. Don't make assumptions. Leave enough space in the conversation and blank cards in the resources for people to fill in their own story.
8. Give it a go. You won't know what really works until you start trying to use the resources.
9. One size does not fit all. You might use these resources with some people and not with others. You might use some of the resources all the time and others not at all.

## 1.6 Checklist for trauma informed practice

Many people experiencing family violence, and perpetrators of family violence, are often traumatised.

Be trauma informed. Do no harm.

1. **Build rapport and trust.** Make the person feel comfortable and safe. Do this by:
  - **Use a positive tone of voice:** Make your tone say “*You are important*”, “*I care*”, “*I am here to help*” and be careful your tone does not say “*I am busy*,” “*I do not have time for you*”.
  - **Listen actively:** Stay engaged and give the person your full attention.
2. **Don’t take it personally:** Be aware of the person’s emotional state and show empathy. Some traumatised people have good reason to feel upset or angry.
3. **Look for the good.** Every person has some positive attributes and strengths in their life.
4. **Reality check in the most positive and least punitive way:** Try not to judge. Be aware of your own potential unconscious biases.

## 1.7 Cross-cultural competency checklist

Cross-cultural competence is a critical component of delivering effective legal advice, education and information services, especially in Aboriginal and Torres Strait Islander communities and with CALD clients. Make sure you get permission from the client before consulting with Elders from their community. This is due to kin, tribal and language differences, and inter-generational tensions that may exist. Service providers must be aware of and respect cultural sensitivities at all times. Working in partnership with the community, where possible, to build relationships and trust is a fundamental part of this process.

Some client groups may find some of the graphics in the resource kit hard to relate to. In this situation it may help to explain these story cards in the context of things being done slightly differently in Australia. If the graphics on a particular story card don’t make a lot of sense to the client, even after you have explained them, then just don’t use them.

### Build relationships

#### Try and meet face to face

The best way to communicate with a client about their legal matters is face-to-face. This is particularly important when dealing with sensitive subject matters.

Remember that when your client is telling you details of their life, this can be very daunting—especially when all the information is going one-way. Use icebreakers to get the conversation started.

#### Use cultural brokers wherever possible

If your client is from an Aboriginal and Torres Strait Islander or CALD community, a respected Elder or person may be able to help you work with your client if your client sees this as appropriate. Make sure you get permission from your client before consulting with anyone else from their community. This is due to kin, tribal and language differences and inter-generational tensions that may exist.

#### Don’t just turn up

Make sure you contact a community representative before you visit. It is a good idea to introduce yourself, discuss the protocols for visiting and to gain further understanding of the community’s legal and other needs, (including the need for interpreters), before you get there.

## Check for understanding

### Gratuitous concurrence

A widely recognised cultural tendency for Aboriginal and Torres Strait Islander people and for people from CALD backgrounds is ‘gratuitous concurrence’. This is when someone agrees to every question you ask them even if they do not understand the question. Saying “yes” means that they are being polite and obliging and telling you what you want to hear.

Asking open questions and allowing the person enough time to answer will have better results. This is provided they understand the questions and it has been established that an interpreter is not required.

### Use plain language

Use plain language when speaking and always assess whether you need to use an interpreter. For many Aboriginal and Torres Strait Islander and CALD clients, English is not their first language. Also, many Aboriginal and Torres Strait Islander people speak non-standard Australian English, also known as Aboriginal English or Torres Strait Creole. The Torres Strait Islander mainland communities and each Torres Strait island have their own version of Creole. They might use words that are the same as standard Australian English, but these words can have very different meanings. For example, in many Aboriginal and Torres Strait Islander communities “deadly” means good.

### Draw some concepts

When dealing with some concepts, like the layout of the courtroom, it is a good idea to draw them for your client. This makes it more objective and easier to explain.

### Otherwise dealing with difficult concepts

Be aware of shame issues that make it difficult for Aboriginal and Torres Strait Islander and CALD clients to discuss some matters, for example sexual abuse or when property damage has been done by visiting family members or as a result of family violence.

In some cultures, a man cannot discuss some matters with a woman and vice versa. It can be banned or not allowed. Being sensitive to this is important when deciding on the gender of the worker who will work with a client in this situation.

## Be respectful

### Dress appropriately

Wear culturally appropriate clothing. For women this might mean keeping your shoulders covered, no revealing tops or short skirts. High heels and too much make-up can also be insensitive.



### Gender awareness

Sometimes it may be culturally better for a male lawyer or worker to attend if possible. When discussing child sexual abuse it may be inappropriate for clients to speak with a lawyer of the opposite sex.

Be aware that jealousy is a big issue in some Aboriginal and Torres Strait Islander and CALD communities. If dealing with members of the opposite sex, always ensure you have another person present, and keep the person in view of their partner where possible. Keep this in mind even when having closed door conversations in the office.



### Little or no eye contact

Don't feel offended if your clients display little or no eye contact. For many Aboriginal and Torres Strait Islander clients this is more a sign of respect rather than disrespect and could also mean they feel 'shame,' which means shy or embarrassed.

### Not saying names for cultural reasons

Be mindful that Aboriginal and Torres Strait Islander clients may not be able to speak the name of a deceased person or members from their own family of the opposite sex, particularly in-laws. Where possible ask if they have anyone in the room who could tell you, or they may be happy to write it down or spell it out. You will need to get permission to say the name in open court also. It may be more appropriate for the deceased person or family member to be called Mr. or Ms., and the family name only.

.....

### Example: not saying names for cultural reasons

Below is an example of how you might approach discussing the name of a deceased person or particular family members.

*“Throughout this interview I will need to ask you some questions relating your family. I may need to ask questions about particular family members. If you can't say their names for cultural reasons just let me know and we can work around it. Would you feel comfortable spelling it or writing it down? Or maybe we can ask someone else in your family to tell me.”*

.....

### Avoid fighting and feuding

Not all Aboriginal and Torres Strait Islander families are from the same community or are related by blood or skin group and sometimes there is fighting and feuding. If you are aware of this, try to avoid bringing feuding groups together in one area. Organise beforehand for them to be spoken to at separate times.

### Be aware of historic and contemporary issues (local and general)

Being aware of cultural sensitivities includes recognising and acknowledging historical and current contexts. Many Aboriginal and Torres Strait Islander people, families and CALD clients have had traumatic experiences which continue to affect them. Learning about local and general Aboriginal and Torres Strait Islander history, and the experiences of a CALD client before they came to Australia, will help you gain a better understanding of the broader context.

### **Confidentiality**

Treat your dealings with clients as confidential from other members of the community—don't conduct interviews where other people can hear. Sensitive information overheard can cause issues in the community.

### **Manage expectations**

Explain if things may take a long time.

Make sure you do the things you say you are going to do.

Don't make promises you can't keep.

### **Don't make assumptions**

It is important to be aware of, and sensitive to, diversity. Do not assume that all communities and people from a particular country have the same experiences, needs and issues. Aboriginal and Torres Strait Islander people and CALD people may identify with more than one ethnicity and/or community group. They may have local connections or may have moved to the region they now live from elsewhere recently or a long time ago.

### **Do some cultural awareness training**

If you are working with people from diverse cultural backgrounds, it is essential to undertake cultural awareness and cross-cultural training. This will help develop the knowledge, skills and attitudes you need to work in a sensitive and respectful manner.

### **When in doubt, ask**

When in doubt of something, ask your client or another community member. Most Aboriginal and Torres Strait Islander people and most people from CALD backgrounds love to share their culture. It is always an honour for them to teach someone who shows an interest in learning about it.

# Chapter two: Family violence factsheets

The family violence factsheets provide key legal messages and practical information for those experiencing family violence and users of family violence who have been served with a domestic violence protection order (DVO) or breached a DVO. PDFs can be downloaded from [www.legalaid.qld.gov.au/blurredborders](http://www.legalaid.qld.gov.au/blurredborders).

## 2.1 Family violence factsheets

#	Factsheet title
1	What is domestic and family violence?
2	What is a domestic violence protection order?
3	How do I apply for a domestic violence order?
4	Going to court – what happens at the first court appearance?
5	Going to court – what happens at a contested hearing?
6	Staying safe
7	Changing a domestic violence protection order
8	Someone has taken out a domestic violence protection order against me
9	Children and domestic violence protection orders
10	Breaching a domestic violence order

# What is domestic and family violence?

## **Domestic violence behaviour includes when someone:**

- is physically or sexually abusive to you
- is emotionally or psychologically abusive to you
- is economically abusive to you
- is threatening to you
- is coercive or
- controls or dominates you and causes you to fear for your safety or wellbeing, or that of someone else,

and that person is (or has been) in a relationship with you or is a relative.

## **Examples of this type of behaviour include:**

- injuring you or threatening to injure you (punching, strangling you, grabbing your throat, pushing, slapping, pulling your hair or twisting your arms)
- repeatedly calling, texting or emailing you, or contacting you on your social networking site without your consent
- damaging (or threatening to damage) your property (eg punching holes in the walls or breaking plates)
- stalking or following you or remaining outside your house or place of work
- unreasonable monitoring of you (unauthorised surveillance) including reading your text messages, your email account, your internet browser history or your social networking site
- repeatedly putting you down including by making racial taunts
- stopping you going when you want to leave, or threatening to stop you leave
- forcing you to engage in sexual activities without your consent
- getting someone else to injure, intimidate, harass or threaten you, or damage your property
- threatening to commit suicide or self-harm to scare you
- threatening you with the death or harm of another person
- threatening to withdraw their care of you if you don't do something
- not letting you have access to the money to buy essentials for the family
- coercing you into giving them your social security payments
- forcing you to sign a power of attorney to them against your will so they manage your finances
- threatening to disclose your sexual orientation to your friends or family without your consent
- preventing you from making or keeping connections with your family, friends or culture, including cultural or spiritual ceremonies or practices.

You don't have to have been physically injured to have experienced domestic violence.

**If you need help, call DV Connect on 1800 811 811, 24 hours a day, 7 days a week.**

# What is a domestic violence protection order?

A domestic violence order is a court order that helps to protect you, your children and other people named on the order from someone who is violent to you. A domestic violence order will include conditions to stop the respondent from behaving in a way that makes you feel unsafe.

## Police protection notice

The police must investigate if they suspect there is domestic violence in a relationship. If they reasonably believe domestic violence has been committed they can issue a police protection notice. This is issued on the spot to protect you immediately from further acts of domestic violence. It has the same effect as a domestic violence order until the matter is heard in court. Before they can issue a police protection notice, the police must reasonably believe:

- domestic violence has occurred
- you haven't already got a domestic violence order in place and
- an order is necessary or desirable to protect you.

You should talk to police about whether this applies to your situation.

The police protection notice may include conditions that provide effective and immediate protection for you and your children. This could include stopping the respondent from coming to or staying in your home, trying to approach you or trying to contact you.

The police may need to notify Child Safety authorities that domestic or family violence has occurred.

## Orders made by the court

### Temporary protection orders

A temporary protection order aims to give you protection from domestic violence until your application is decided by the magistrate.

Even if the respondent doesn't know you are applying for a domestic violence order, the magistrate can still make a temporary protection order. To make a temporary protection order, the magistrate must be satisfied there has been an act of domestic violence and there is a relevant relationship between you and the respondent.

### Final protection orders

A final protection order usually lasts for five years. It can be made:

- if the respondent agrees to the order being made
- if the respondent doesn't turn up or participate in the court process after being served
- after a contested hearing in a court.

## Domestic violence order conditions

Domestic violence orders automatically include a condition that the respondent must be of good behaviour and not commit domestic violence against you, your children and any other people named on your order.

You can also ask for other conditions on the domestic violence order. The magistrate must consider your safety and your children's safety when deciding whether to add other conditions to the order.

Other conditions that may be included in a domestic violence order are:

- stopping the respondent from going to where you live or work, or within a certain distance of where you live or work
- stopping the respondent from living with you—get legal advice before asking for this type of order
- stopping the respondent from trying to locate you, for example, stopping them from contacting your family, friends or a place where you are staying (like a refuge or shelter)
- making the respondent give you access to the house you used to live in so you can get your belongings
- stopping the respondent from behaving in a particular way towards your children (or children who usually live with you)—if you are pregnant, this includes your child once they are born
- stopping the respondent from going to places where your children frequently visit, like their school or kindy
- stopping the respondent from having contact with you or other people named on the order. This means the respondent cannot call you, write to you, send you text messages or visit you.

You can ask the magistrate to make an exception to the extra conditions if you want to attend mediation with the respondent, or allow your children to spend time with the respondent.

## Who does the law protect?

### Which relationships are protected?

The *Domestic and Family Violence Protection Act 2012* provides protection from violence for people who are, or have been in:

- an intimate personal relationship (married, de facto, parent or former parent of your child, engaged, couple)
- a family relationship (anyone who is a relative by blood, a relative by marriage or de facto relationship, or who you both acknowledge as your relative)
- an informal care relationship (where one person is dependent on the other person for help with daily living activities like having a shower, getting dressed or cooking).

### Can family and friends be protected?

Yes. Your family, friends, a new partner or workmates can be included on a domestic violence order as 'named persons' to protect them. When someone is domestically violent to these people it is called 'associated domestic violence'.

## What about children?

Children can be included on a domestic violence order to protect them. This could include children who usually live or spend time with you, step-children or other children who spend time at your house on weekends or school holidays. If you are pregnant, you can ask for the order to have a condition that takes effect to protect the child once they are born.

A magistrate must consider including children who have been exposed to domestic violence. The law says a child has been exposed to domestic violence if they hear, see or 'otherwise experience' domestic violence.

This could include:

- being there when domestic or family violence happens, such as overhearing threats of violence, seeing or hearing assault
- helping a family member who has been hurt as a result of domestic violence or seeing their injuries
- helping clean up after property is damaged
- being hungry because there's not enough money for food because of financial abuse.

If children are named on a domestic violence order, it does not replace a parenting order or determine when or how children spend time with either parent.

If you have concerns about care arrangements for your children, you should get legal advice.

If you are worried about your children's safety when they are in the respondent's care, you can contact child safety authorities to discuss your concerns.

# How do I apply for a domestic violence order?

You can apply for a domestic violence order yourself or a police officer, lawyer or authorised person (friend, relative, community/welfare worker) may apply for you.

## How can the police help?

The police can apply to a court for a domestic violence order for you. If a police officer does this, they will complete the application form and will appear for you in court.

It is usually a good idea to go to court so you can make sure all the conditions you need to protect you are made.

## Getting help if the police are not applying for you

### Step 1. Get legal advice and other help

You should get legal advice before applying for a domestic violence order. Contact your local Legal Aid Queensland office, QIFVLS, community legal centre or a private lawyer for legal advice.

In some places there are programs to help people apply for a domestic violence order. These include domestic violence prevention programs, application assistance programs or domestic violence services. You can ask at the Magistrates Court about these programs before starting your application.

### Step 2. Fill out the application form

If you can't get help with the application, you can fill out the form yourself.

To do this, you must fill out a *DV1 Application for a Protection Order* form. You can do this:

- online by visiting [www.qld.gov.au](http://www.qld.gov.au) and searching “prepare your application for a protection order”
- by downloading the form from the Queensland Courts website and filling it out on your computer, smartphone or tablet
- by printing the PDF form from the Queensland Courts website and filling out the paper copy by hand
- by asking for a copy of the form at your local Magistrates Court.

Get help from a lawyer, domestic violence prevention worker, refuge worker or someone who works with people affected by domestic violence when you are filling out the application form.

### **What information should I include on the form?**

You should describe the domestic violence you have experienced recently. It is helpful to the court to include as much detail as you can, which may include:

- the type of violence
- when it happened or how often it happened
- where it happened
- what happened
- how it happened
- who was there
- any injuries you suffered
- how you felt (for example, did you feel threatened, fearful or scared?).

You should give specific details where possible. If you can't recall the specific date of an incident, you may want to include an estimated date, for example, "on or around 3 December 2019" or "when the football grand final was on".

If you have experienced the same or similar behaviours over a long period, you may want to describe the behaviour then explain how often it happened and include the dates you can remember. For example, "about every pay day, the respondent would become so angry with me they would become physically violent where they would...".

### **What can I do if I have concerns about my immediate safety?**

If you have concerns about your immediate safety, you should ask the court to consider immediately making an urgent 'temporary protection order'. If your circumstances are urgent, your application can be quickly listed to go before a magistrate. This can happen even if the application has not yet been served on the respondent and if you can show it is necessary or desirable for you to have immediate protection. Make sure you have ticked the box for a temporary protection order.

### **Will the respondent see my application?**

The respondent will be given a full copy of your application and all attachments.

## **Step 3. Gather evidence and attach it to the form**

You should also start gathering the information (evidence) you will need to support your application. Information that may be helpful includes:

- photos of any injuries taken at the time the domestic violence happened
- photos of any injuries taken later when they are more visible (like bruising that shows up a day or two later)
- statements from people who saw or heard the domestic violence or who you have told about the domestic violence over a period of time
- diary entries you have made about the domestic violence
- doctors' reports
- other court orders, for example other domestic violence orders or family law orders

- reports from counsellors who you have seen
- logs of phone calls made to your phone by the respondent
- all text and voicemail messages, emails, letters and social media entries (printed out with dates).

Attach this evidence to your application form.

If possible, try to use photographs that have a date stamp on them—they can help you remember when the incidents happened. You can attach photographs (or colour photocopies of them) to your application form.

#### **Step 4. Attach any court orders**

If you have any court orders, like family law orders about your children, Childrens Court orders or any old or current domestic violence orders, you must attach a copy of these orders to your domestic violence order application form.

#### **Step 5. Sign the declaration**

You must sign the declaration on the application form in front of a justice of the peace or a lawyer. When you sign the form, you are indicating the details are true and accurate. All Magistrates Courts have a justice of the peace who can witness you signing your application form. You will need to take photo ID with you.

#### **Step 6. File the application**

You must file your completed, signed and witnessed *DV1 Application for a Protection Order* form at a Magistrates Court registry. There is no cost to file your application form, but you will need to show photo ID to the registry. You cannot submit your application online. If you are filling it out electronically, you will need to print it and file it at the court.

# Going to court - what happens at the first court appearance?

Your first court appearance is called a 'mention'. A mention is a short court appearance where the magistrate will check if your application has been served on the respondent and find out if the respondent agrees or disagrees with your application for a domestic violence order. You do not need to bring any witnesses to the first court appearance.

## What happens if I do not arrive on time or do not turn up for court?

If you do not arrive at court on time, your application may be dismissed. If this happens and you still want a domestic violence order, you will need to file a new application with the court.

## Can I take my children to court with me?

There is no one at the court to look after your children. It is not appropriate to bring children into the courtroom with you.

If you have to bring your children to court, you should bring someone with you to look after them. If possible, try to leave your children with a trusted family member, friend or babysitter.

## Help at court

- Arrive at court 15–30 minutes early.
- If you don't have a lawyer, a domestic and family violence duty lawyer may be available in some courts. The duty lawyer may not necessarily appear with you in court (unless you have a specific need), but they can still help you by:
  - discussing your situation and available options
  - giving you free legal information and advice
  - explaining what will happen in court
  - helping you with court forms or documents
  - helping you complete a Legal Aid Queensland application form
  - discussing your eligibility for ongoing representation from Legal Aid Queensland
  - referring you to other organisations who may be able to help
  - referring you for legal advice, help and representation (if eligible) for related family law and child protection issues.
- If you'd like extra support, you can talk to a domestic violence prevention worker who may be available at some courts. Check with the court registry before your court date to find out if this support is available.
- You can bring your own support person to court. The magistrate will decide whether your support person can come into the courtroom with you. Your support person cannot speak for you unless they have made the application for you as an authorised person.

## Will I have to see the respondent in the waiting room?

If you are worried about seeing the respondent in the waiting room, contact the court registry about your situation before you arrive. Some courts have a safe room where you can wait before and after your court appearance. Some safe rooms have direct access in and out of the court room. At some courts you can enter and exit the building through the safe room.

If you have concerns about your safety while at court, you can let the court staff know by filling in a *Domestic and Family Violence Safety* form. This form is available from the Queensland Courts website or at the registry when you file your application. Court staff will give a copy of the form to the security officer, domestic violence prevention worker, the court registrar and any other relevant staff to arrange your safety at court.

## What are the respondent's options?

When the respondent receives their copy of the domestic violence order application they can:

- agree (consent) to a domestic violence order being made; the respondent can only agree to a domestic violence order being made if they are in court when they consent, or through a lawyer or in writing; the respondent can agree to a domestic violence order being made without admitting to the facts—this is called ‘consenting without admission’
- ask for the court proceedings to be adjourned (put off) to another date so they can get legal advice
- oppose the order—if this happens, the court will make orders about what happens next to get the case ready for a contested hearing (trial)
- do nothing (and not attend court).

If the respondent agrees to the orders you want, the magistrate will make the domestic violence order for five years. If there are special circumstances, you can ask the magistrate to make the domestic violence order for more or less time.

If the respondent asks to adjourn your application, the magistrate can make a temporary protection order until the next court date. If the police or a lawyer are representing you, you should tell them if you want a temporary order so they can ask the magistrate, and if you are representing yourself, you can ask the magistrate.

If the respondent has been served and does not agree with your application for a domestic violence order, the magistrate will give you a date for a contested hearing. This will be a date where you, the respondent and any relevant witnesses may be cross-examined or asked questions about the domestic violence.

If the respondent has not been served with the documents before the first court appearance, the magistrate will adjourn your application to another date, so the respondent can be served with the documents. If you think you will be in danger during that time, the magistrate can make a temporary protection order for you until the next court date.

## What happens if the respondent applies for a domestic violence order against me?

When both parties apply for a domestic violence order against each other, this situation is called a 'cross application'. You should get legal advice if there is a cross application.

If the magistrate believes the cross application is not genuine or just being done to try and get an advantage in court (also called a vexatious application), they may dismiss it.

If the respondent opposes your application and you oppose the cross application, there will be a contested hearing at a later date. The magistrate may transfer the applications so they are heard together on the same date, and will make orders about how to get the cases ready for the hearing. At the contested hearing the magistrate must consider who is most in need of protection.

If the magistrate gives you a court date for a contested hearing, you should get legal representation from the police prosecutor (if the police are making the application), a private lawyer or a Legal Aid Queensland lawyer.

You should organise this as soon as the magistrate makes the orders about getting ready for hearing so there is time to prepare your court material.

## What happens if the respondent doesn't come to court?

If the respondent does not come to court at the required time the magistrate can:

- adjourn the application to another court date
- make a final domestic violence order with the conditions that you asked for in your application
- issue a warrant for the respondent's arrest.

If the respondent is not at court, and the police can show they have served the respondent, the magistrate can make a final domestic violence order. The magistrate must be satisfied any conditions included in your domestic violence order are supported by enough evidence.

# Going to court - what happens at a contested hearing?

If the respondent opposes the domestic violence order, or if you cannot agree about the order's conditions at the mention, the magistrate will make orders about getting the case ready for hearing and you will be given a date to come back to court to check that it is ready.

Those orders will require both you and the respondent to file affidavits or witness statements from all your witnesses. This includes supporting evidence like photographs, medical certificates and emails. There are strict time limits for this.

If your application is listed for a contested hearing, and you are not already represented, get legal advice as soon as possible so you can make sure everything is ready for the hearing.

A contested hearing allows the magistrate to hear your evidence about why you need a domestic violence order and the respondent's evidence about why a domestic violence order should not be made.

It is important you file your affidavits at the court registry and then arrange service of a copy of the affidavits to the respondent by the dates the court has set.

Service is the legal term used to describe giving or delivering court documents to another person in a way that satisfies the court that the person has received them. This is particularly important if the person served does not attend court. If the court is satisfied the person has received the court documents, the case may proceed without that person being present and orders may be made.

Service can be by:

- hand — you may arrange for a process server (for a fee) or any other person over 18 to hand deliver the documents for you; process servers are listed in the Yellow Pages
- registered post — do not do this unless you are confident the other person will sign for the documents
- fax or email — you can do this if the person has given a fax number or email address to the court
- service on a lawyer — a document is taken to be served on a person if they have a lawyer representing them and the lawyer has agreed, in writing, to accept service of the document for that person
- any other way approved by the court.

.....  
**Courts across Queensland have different practices for service. Check with the court registry. Get legal advice.**

**If you do not serve the respondent, your application could be dismissed or you may not be allowed to have the court consider your evidence.**  
.....

At the hearing, you and any witnesses will have to go to court in person and answer any questions from the magistrate and respondent. If the respondent does not have a lawyer, you can ask the magistrate to not let the respondent cross examine you (ask you questions in court) as it may cause you emotional harm or distress. In these circumstances the magistrate may ask you the respondent's questions or allow you to be asked questions by video link or from behind a screen.

## **Who will represent me?**

If you cannot afford a private lawyer you should apply for a Legal Aid Queensland lawyer to represent you. If the police are making the application, the police prosecutor will represent you when a contested hearing date is set. You can also represent yourself.

## **Will the public be allowed in the courtroom for the hearing?**

No. The contested hearing will be held in a closed court, which means the public cannot watch or listen.

## **Should I bring my witnesses to the hearing?**

Yes. You should bring any witnesses who saw or heard incidents of domestic violence to the contested hearing.

They will need to answer questions about their evidence in person. Ask your witnesses to write down what they saw or heard as soon as possible after the events and to bring these notes with them to court.

Children cannot give evidence in a domestic violence court unless the magistrate gives them permission to.

## **Will I have to give evidence at the hearing?**

Yes. You and your witnesses usually have to answer questions about the affidavits or statements you have made.

If you do not have a lawyer, the magistrate will guide you through the evidence process. Most of the details should have been included in your application, affidavit or statement, so only explain any matters the magistrate asks you about.

If the respondent has a lawyer, the lawyer will ask you questions about your evidence. This is called cross examination.

The magistrate has to consider making orders to help you feel safe for cross examination, for example by letting you answer questions by video or audio link from outside the court room, or having a special screen in place in the court room, or for you to have a support person.

The magistrate can also make an order that the respondent is not allowed to cross examine you without a lawyer if this would distress or intimidate you. In this case the respondent will have to get a lawyer or decide not to cross examine you.

These arrangements also apply to some of your witnesses if they are children or are people to be named on the order.

These issues will be worked out before the hearing, when the case comes before the court to make sure it is ready for hearing. You should talk to your lawyer or the police if they are representing you about these issues so that you can feel safe when you are in court.

## **Will the respondent get a criminal record if the magistrate makes a domestic violence order?**

No. The domestic violence order does not result in a criminal record for the respondent. If the respondent breaches the domestic violence order, they may be charged with a criminal offence.

## **Are there any costs involved in getting a domestic violence order?**

If you have hired a private lawyer, you will usually have to pay for the cost of your own legal representation. There are no costs if a police prosecutor represents you at court. You can apply for a Legal Aid Queensland lawyer if the police prosecutor cannot represent you. Depending on your financial circumstances, you may have to make a contribution towards your legal aid costs.

The magistrate may make you pay the respondent's court costs if they decide to dismiss your application because they believe it is deliberately false, frivolous, vexatious or malicious.

## **What if I disagree with the magistrate's decision?**

If you disagree with the magistrate's decision, you can appeal it. You need to file the appeal in the District Court within 28 days from the date the magistrate made the decision about the domestic violence order.

## **Will the court proceedings be made public?**

No. A person is not allowed to publish any information said in a domestic violence court or any information that identifies the applicant, respondent, children or witnesses involved in a domestic violence court proceeding. If they do this, the magistrate can issue a fine.

Information can only be published if the magistrate allows it, or the applicant and respondent agree to it being published, or the publication is for law reporting or research purposes.

# Staying safe

## Make a safety plan

If you are worried about your safety or your children's safety, you should consider making a safety plan to use in case you need to leave your home or a situation quickly. It is important not to let the person you are afraid of know your plans. You might find it useful to develop the safety plan with a domestic violence support worker.

## What goes in the safety plan?

1. Talk with someone you trust (confidentially) about the abuse and identify who can support you when you feel particularly vulnerable.
2. Decide who you will call if you feel threatened or in danger. Keep those phone numbers in a safe and handy place.
3. Decide where you will go if you need a safe place. Think about whether you could stay with a friend or family member or go to a women's shelter or crisis accommodation.
4. Decide what arrangements you will make to ensure your children and pets are safe.
5. Know the easiest escape routes from your home, including windows, doors and obstacles to avoid, for example, locked gates.
6. Depending on the children's ages, think about how you might help them to prepare for safety in ways that do not frighten them. Talk to a domestic violence support worker if you need ideas or support about talking to your children about this issue.
7. Put some money in a safe place for taxi or bus fares for emergency transport to a safe place. Be careful using rideshare apps if your abuser has access to your account as this could show them where you have travelled to.
8. Keep extra keys to your home and car in a place you can easily access if you need to leave quickly.
9. Pack all the medications you or your children need or keep the prescriptions somewhere easy to access if you need to leave quickly.
10. Know where all your important papers (eg passports, birth certificates, bank details, Medicare card, children's health records, last tax return, last Centrelink summary, car registration and insurance) are in case you need to find them in a hurry.
11. Consider keeping some clothes, medications, copies of important papers, keys and some money at a friend's house or your workplace.
12. If possible, practise travelling to the location you have chosen as a safe place.
13. Remember phone and digital safety:
  - Use 'private browsing' or delete your internet browsing history regularly (if it is safe to do so and won't escalate your abuser).
  - Change your passwords and passcodes, but only if safe to do so. If it isn't safe, consider what information they may have in accessing your device or online accounts.
  - Delete or clear all phone call records to support services or support people from your device call history.

- Review the privacy settings on all online accounts and be cautious in using any accounts shared with your abuser.
- If your abuser has access to your bills, find out if your phone bill will show the phone numbers you have called. This varies between different phone providers.
- Remember the redial number on your landline and mobile phone can be pressed to see what your last call was.
- Get legal advice about separation and domestic violence orders (before you separate, if possible).
- Consider talking to police even if you do not want to take out a domestic violence order, so they are aware of your circumstances.
- Get medical attention and support for any injuries, particularly if your abuser has choked or attempted to strangle you.

# Changing a domestic violence protection order

Any person named in the order can apply to vary (change) the domestic violence protection order.

If the police have taken out the order they can oppose this.

The main person protected by the order (they are called the aggrieved) or the respondent can apply to change:

- the order's conditions
- the people named in the order
- the order's length (to have it end sooner or make it longer).

Other people named in the order (eg your friends and family) can only apply to change the parts of the order that relate to them.

When deciding whether to vary (change) an order, the magistrate must consider:

- the wishes of the people protected by the order
- whether the person asking for the change may have been pressured
- the safety, protection or wellbeing of the people protected by the order.

The magistrate will only change the order if they're satisfied the people protected by the order would not be negatively affected by the change.

To apply to change the order's terms or conditions, you will need to complete a *Form DV04 Application to vary a domestic violence order*.

If there's a domestic violence protection order between you and your partner, you should get legal advice about living together. Some domestic violence protection orders say you can still live with each other, but some mean that the respondent may be breaching the order just by being near you.

## Voluntary intervention orders

If a magistrate makes or varies (changes) a domestic violence protection order, they can also make a voluntary intervention order requiring the respondent to attend an intervention program, a perpetrators intervention program or counselling to address their behaviour.

This order can only be made if the respondent is present at court, they agree to the voluntary intervention order being made or varied, and they agree to comply. You should get legal advice.

## Interstate or New Zealand domestic violence protection orders

Domestic violence protection orders issued in one state or territory apply and are enforceable in all states and territories in Australia. A domestic violence protection order issued in New Zealand can be registered in any state or territory of Australia and will automatically be a recognised interstate order.

# Someone has taken out a domestic violence protection order against me

If someone has taken out a domestic violence protection order or the police have issued a police protection notice against you then you should do the following:

- Follow the order or the notice, even if you don't agree with it. Read it carefully, and don't break (contravene) it.
- Go to court — an order can be made even if you don't go.
- Get legal help. The conditions of an order or notice are serious and breaching (breaking) a domestic violence order (including any temporary orders) is an offence. If you are found guilty of breaching the protection order, you could face a fine, a term of imprisonment or both.
- Get support from family, friends or a support service.
- You should get legal advice before deciding whether you agree or disagree with the domestic violence protection order application, or before asking for a hearing date.

If a domestic violence protection order is made, you will not have a criminal record if you follow the terms of the order. However, if you are convicted for breaching (contravening) a domestic violence order, this will go on your criminal record.

If a domestic violence protection order is made, it may affect licences and other cards you hold, including weapons and security licences.

A final domestic violence protection order normally lasts for five years. A temporary order can be made whenever an application is mentioned in court and will last until the next mention date or when an application is heard.

# Children and domestic violence protection orders

## Domestic violence protection orders and parenting orders

If you have a family law order about your children, or if there are proceedings in the family law courts about your children, you must:

- tell the magistrate
- give them a copy of your family law order.

The magistrate must consider the family law order you have before deciding to make or change (vary) a domestic violence order.

The magistrate can change your family law order if:

- the conditions in the family law order are in conflict with conditions in your domestic violence order, or
- the conditions in the family law order could make you, your children or anyone else named in your domestic violence order unsafe.

For example, the magistrate can:

- stop your family law order so that the respondent does not have contact with the children, or
- change the conditions of your family law order. An example would be if the family law order allows the respondent to come to your home to collect your children, the magistrate can change the family law order to make the collection point away from where you live so that you are safe in your home.

When making decisions like this, the magistrate has to consider what's best for the children and has to allow you and the respondent to present evidence about why there should or should not be a change to the family law order.

If you have a domestic violence protection order and you later apply to a family law court for a parenting order or an order about your children, you must tell the court about the domestic violence order.

If you have a domestic violence protection order and a family law order that are inconsistent, you should get legal advice.

## Can a child apply for, or respond to, a domestic violence protection order?

Children under 18 can only be the applicant or a respondent to a domestic violence protection order if they're in, or have been in an:

- intimate personal relationship (married, defacto, registered relationship, engaged, couple)
- informal care relationship (where one person is dependent on the other person for help in an activity of daily living, like dressing and cooking for them)

Children can't be an applicant or respondent to a domestic violence protection order if it relates to a family relationship. A child can't apply for an order against their parent or guardian and a parent or guardian can't apply for an order against their child.

If someone applies for a domestic violence protection order against a child, copies of the documents served on the child must be given to one of their parents. The child shouldn't be served at school, unless there is no other way to serve them.

## Including children on a domestic violence protection order

You can request for your children to be included on a domestic violence protection order to protect them from violence. This includes your children and any other children living with you (for example, any children spending time at your home on a regular or ongoing basis). This includes step-children or other children who spend time at your home on weekends or school holidays. It can also include an unborn child (the order would have a condition that takes effect when the child is born).

Children can be included on a domestic violence protection order if the magistrate thinks it's necessary or desirable to protect the child from domestic violence. The law says a child has been exposed to domestic violence if they hear, see or 'otherwise experience' domestic violence. This could include:

- helping a family member who has been hurt as a result of domestic violence
- seeing damaged property in the home.

If the magistrate knows you have children living with you or regularly visiting your home, then they must consider including those children on the domestic violence protection order.

# Breaching a domestic violence order

## What happens if the respondent breaches the order?

Only the police can charge the respondent with breaching (breaking) the domestic violence order. If you think the domestic violence order has been breached, you should write down the details immediately as this may help the police. It will also help the police if you have proof of the breach like:

- text messages
- posts on social media sites
- letters
- photographs
- phone messages
- any diary entries you make.

If you tell the police the respondent has breached the domestic violence order, they must investigate and may charge the respondent with breaching the order.

If the respondent is found guilty of breaching the order, the magistrate can order them to:

- do community service
- be put on a good behaviour bond
- be fined
- be sent to prison.

If the respondent has been convicted of several breaches, has breached the order more than once, or had any other conviction within five years of the current convicted breach, the magistrate can fine them or sentence them to prison. If you have questions about breaches to your order, contact Legal Aid Queensland for legal advice.

If you think the police have not taken your report about the respondent breaching the domestic violence order seriously or have not acted on your complaints, then you should speak to the officer-in-charge or a police domestic violence liaison officer for that police station or region.



# Chapter three: Family violence CLE activities

### 3.1 CLE Activity 1: Family violence

#### Key issues

- What is family violence?
- What does exposure to family violence mean for kids?
- Next steps after leaving a relationship with family violence

#### Peta's story

Peta and Jack have been in a relationship for seven years. They have a four year old daughter, Lara. From early on in the relationship, Jack would regularly accuse Peta of cheating on him. He would often check on her whereabouts and who she was spending time with. Jack also constantly monitored Peta's money while refusing to make any contribution himself to rent and other joint expenses. On a few occasions when Jack got drunk and felt that Peta was giving him attitude, he would say abusive things to her and about her and would physically assault her. At times this abuse was in front of Lara and always when she was at home. Peta decided to end the relationship four months ago because of the effect Jack's behaviour was having on her and Lara. She made plans to leave with the help of friends and family and moved to a refuge at first and then back to her mother's to live until she finds a new place for herself and Lara.

Since the breakup, Jack doesn't physically approach Peta. However he continues to monitor her through his family and friends and social media and makes threatening comments towards her on social media.

#### Activity cards

Use these family violence story cards to help tell the story.



## Activity

Use the story cards to tell the story so far.

### a. What is family violence?

Possible response

*The definition of family violence is broad and covers more than physical violence. Peta has experienced physical and emotional abuse, financial abuse, stalking, isolation, and threatening behaviour including online.*

### b. What does exposure to family violence mean for kids?

Possible response

*When a person, including a kid, sees or hears violence between other people, it can scare that person and make them feel worried for a long time afterwards. Kids watching family violence can learn violent ways. Peta's daughter Lara has seen and heard family violence used by Jack against Peta.*

### c. Next steps after leaving a violent relationship

Possible response

*Peta's first steps should be to plan for safety. Peta should consider talking to a lawyer and, if it is a safe option for her, look at getting a DVO. Peta should also get advice on other ways of keeping herself and Lara safe. There are support agencies and people who can help Peta make a safety plan.*

## 3.2 CLE Activity 2: Planning to keep kids safe

### Key issues

- What is family violence?
- Who is included as a family member in family violence law?
- Ways to keep a family safe

### Meg's story

Meg lives in public housing with her three kids aged 12, 10 and 7 and her mum. They are a happy family with no violence. Meg's sister, Daisy, moves in with her partner and two teenage kids because Daisy has been kicked out of her place. Daisy's mob fight a lot. Her kids bully Meg's kids. Meg and her kids can't sleep with all the shouting. Daisy is family and Meg can't ask her to leave.

One day, Meg's brother Joe comes over with his partner and two sons. They also need a place to stay. Joe has an alcohol problem and gets violent when he drinks. Meg tells Joe that the house is already full and she doesn't want him to stay. Meg's mum is happy to see Joe and is upset when Joe says Meg won't help him. Meg ends up letting Joe stay, after all he is family.

Every night Joe and his partner drink a lot. They get into loud arguments and threaten to hurt each other. Sometimes Meg breaks up their fights.

Yesterday Daisy's partner, who has been drinking heavily, got really mad and punched a hole in the wall. Joe got angry and threatened him with a knife. Meg and her kids felt really scared.

### Activity cards

Use these family violence story cards to help tell the story.



## Activity

Use the story cards to tell the story so far.

### a. Who is included as a family member in family violence law?

Possible response

*Family violence laws say there are many people who can be a family member. Family member covers current and former spouses and partners, the former spouse or de facto partner of your current partner, siblings, kids, parents, grandparents and step-family relationships, as well as other relatives and members of intimate or family-type relationships.*

*So for Meg, Daisy and her partner and kids and Joe and his partner and kids are family members.*

### b. What can Meg do to keep herself and her kids safe from violence?

Possible response

*Meg could:*

- *Talk to her closest support people and perhaps some support agencies to make them aware of the situation and to see if they can help.*
- *Make a safety plan so she knows where she is going to take herself and the kids if things get too violent at home.*
- *Keep a record of the violence that is happening (evidence), in case the police or Housing need to see it.*
- *Talk to a lawyer to find out how to apply for a DVO if the violence gets worse.*
- *If she feels safe doing so, talk to the family members who are causing the violence and explain the impact this is having on her and her kids.*

### 3.3 CLE Activity 3: Protection from a DVO

#### Key issues

- What is family violence?
- What can I do about family violence?
- How can a DVO protect me?

#### Tara and Julie's story

Tara and Julie started dating five months ago. Things are okay between them. They don't hit each other, insult each other or stop each other from going places. Sometimes, for fun, Tara sends Julie sexy photos of herself.

One day, Tara and Julie get into a bad fight with lots of yelling. Tara decides to break up with Julie. Julie doesn't want things to be finished with Tara. The next week, Julie calls Tara and says that she still has the sexy photos of Tara on her phone and she will send them to all of Tara's family and friends if she doesn't come back to her. Tara asks Julie to delete the photos and leave her alone, but Julie says she won't. She keeps calling Tara and sending her abusive text messages, calling her bad names. Tara is very worried that Julie will show people the photos of her, but she is too embarrassed to tell anyone. She also wants Julie to stop calling and texting her.

#### Activity cards

Use these cards to help tell the story.



## Activity

Use the story cards to tell the story so far.

### a. Is what Julie is doing to Tara wrong?

Possible response

*Even though there is no physical violence, Julie is still being violent towards Tara in other ways by calling her names, nuisancing her by phone and threatening to send the sexy pictures to other people.*

### b. What can Tara do?

Possible response

- *Talk to her friends and/or other support people or agencies and tell them what is going on. Maybe they can help her to sort things out. Maybe Tara can get some counselling to help her get through this and learn some ways to be strong against Julie's violence.*
- *Talk to a lawyer. Maybe the lawyer can help Tara to apply for a DVO.*
- *Keep the evidence. Tara should keep the text messages from Julie to use in court as evidence of what she did if she decides to apply for a DVO.*

### c. How can a DVO protect Tara?

Possible response

*If the magistrate decides that Tara needs a DVO, the magistrate can make rules that Julie must follow. Things like:*

- *Julie must stay away from Tara. This means she cannot go near her, call her, text her, or message her on social media. Julie must not ask other people to do those things for her.*
- *Julie cannot make trouble online. This means that Julie cannot use a computer or phone to send the sexy photos or show them to anyone.*

*The police must go and speak to Julie and serve her with the DVO (give her a copy). Once Julie has been served with the DVO, if she breaks any of the DVO rules, the police can arrest her.*

### 3.4 CLE Activity 4: Police orders, DVOs and undertakings

#### Key issues

- What is family violence?
- What if a family wants to stay together and stop family violence?
- What is an undertaking?
- Can there be a bail undertaking and a DVO at the same time?

#### Rosie and Jim's story

Rosie and Jim were together for six months. They used to drink a lot, almost every day, and when they were drinking things often got violent. Rosie made Jim stay away from his friends. When he tried to go out, Rosie broke his things and said she would hurt his dog if he left. Jim controlled all their money. He would not trust Rosie to have money for herself. He said mean things to her and told her she was no good. When he felt angry, he pushed her around and against the wall.

After they broke up, Rosie went to live with her aunty, but she still sees Jim a lot around town. Every time they see each other, they argue and shout at each other. Sometimes the fighting is physical and their friends and family have to pull them apart. Rosie and Jim don't want trouble with the police. However, one night they fight. Jim pushes Rosie and she falls down. The police are called. When the police come, they ask some questions and tell Rosie and Jim to stay away from each other. The police tell Rosie to call a lawyer and get help to ask for a DVO at court. Rosie gets help to apply for a DVO. When Rosie and Jim go to court for the DVO they decide that they want to get back together and work things out in a good way.

#### Activity cards

Use these cards to help tell the story.



## Activity

Use the story cards to tell the story so far.

### a. What if people want to stay together and end family violence?

Possible response

- *If both Rosie and Jim want to get back together, instead of Rosie asking the court for a DVO, both Jim and Rosie can agree and sign an undertaking. The undertaking is a promise to the court not to be violent. The undertaking might say that Jim and Rosie can be together, but it has rules to tell them not to fight and hurt each other. This means no physical, emotional, financial, and social abuse or harm. If Rosie or Jim break the undertaking, the police can't arrest them or charge them with breaking the undertaking but they might get in trouble from the police if they hurt someone by committing a criminal offence.*
- *Rosie could also get a DVO allowing them to be together but with rules about Jim not using family violence towards Rosie.*
- *Jim and Rosie could get some help from family and support agencies to make their relationship better. They could go to rehab together for their alcohol problem, and they could go to counselling to learn how to talk and listen to each other, show respect and solve problems without violence.*

### b. What if Jim assaults Rosie while the undertaking is in place?

Possible response

- *Jim will not be charged with breaching the undertaking but the police may decide to charge Jim with assault. The police could impose bail conditions on Jim that say he is not allowed to live with or go near Rosie.*
- *Rosie talks to a lawyer and decides to go to court to ask for a DVO. If the magistrate thinks Jim will keep getting physical with Rosie, the magistrate can make a DVO to try to protect Rosie for longer. The DVO will have rules that Jim must follow.*

### 3.5 CLE Activity 5: Change, stop or encourage breach of a DVO

#### Key issues








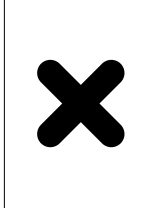
- What is family violence?
- Change or stop a DVO
- What if the named person encourages a breach of the DVO?

#### Lizzie and Tom's story

Lizzie lives with her aunty, her sister and her cousin Tom. One night, Lizzie and Tom are attending a wedding and Lizzie gets into a fight. Tom comes over to try and break it up. Lizzie and Tom argue, and Tom threatens Lizzie and forces her to go back home. Lizzie is angry and hits Tom on the head with a big stick from the front yard. A neighbour calls the police. Tom and the neighbour tell the police what happened. The police decide not to charge Lizzie, but to apply for a DVO that says Lizzie must stay away from Tom. Lizzie leaves to go stay at her mum's house. Tom goes to court, but Lizzie does not as she has been wrongly told she doesn't have to attend. The magistrate gives Tom a DVO against Lizzie. The DVO rules say that Lizzie must stay 100 metres away from Tom and his house, and she can't message him on social media, call him, text him, or get anyone else to do these things for her. Seven months later, Lizzie gives birth to Tom's son. Lizzie is worried that Tom can't see his son. Tom has been calling and texting Lizzie telling her to ignore the DVO. She is worried and doesn't want to break the rules on the DVO.

#### Activity cards

Use these cards to help tell the story.

 Lawyer	 Police	 Magistrate	 Family	 Partner	 Magistrates court	 Physical violence	 Evidence
 Police protection notice	 Domestic violence order (DVO)	 Stay away from some people	 Stay away from some places	 No contact online	 Do not ask people to break rules	 DVO exceptions	 Breach DVO conditions
							

## Activity

Use the story cards to tell the story so far.

### a. Can the DVO be changed so that Tom can talk to Lizzie about his son?

Possible response

- *Tom can talk to his lawyer and get some help to apply to change the DVO so that he and Lizzie can talk or message about times when Tom can see his son. Tom can ask the magistrate to temporarily change the rules on the DVO. The magistrate could vary the rules to make exceptions.*

### b. What if Tom wants to see Lizzie while the DVO is still in place?

Possible response

- *Even though Tom has been calling and texting Lizzie to tell her to ignore the DVO, Lizzie still has to follow the rules in the DVO. Lizzie cannot ask Tom to stop the DVO or go near him. If she does, she will make more trouble for herself. Tom can ask the magistrate to stop the DVO.*
- *Lizzie should talk to a lawyer to get some help. If Tom keeps trying to talk to Lizzie, Lizzie can go to court and ask the magistrate to stop the DVO. If Lizzie decides to do this, she must be able to show the magistrate that Tom keeps talking to her, so Lizzie should keep evidence of the text messages and a diary of any phone calls in case she needs it.*
- *Lizzie should not to talk to Tom or spend time with him until the magistrate stops the DVO.*

# Chapter four: Finding legal help and information

## 4.1 Legal services

### Aboriginal and Torres Strait Islander Legal Services

- Phone: (07) 3025 3888  
Toll free: 1800 012 255 (24hrs/7 days)
- Email: [info@atsils.org.au](mailto:info@atsils.org.au)
- Website: [www.atsils.org.au](http://www.atsils.org.au)
- Services: Family law, civil law and criminal law (not all offices can help with all these areas of law).
- Eligibility: Must be Aboriginal and/or Torres Strait Islander.
- Service area: Visit [www.atsils.org.au](http://www.atsils.org.au)

### Community Legal Centres Queensland

- Phone: (07) 3392 0092
- Website: [www.clcq.org.au](http://www.clcq.org.au)
- Services: Family and domestic violence, family law, employment, social welfare and Centrelink, tenancy, refugee and immigration, disability, discrimination and human rights, crime, victims and prison, consumer debt, wills and estate, environment, youth, mental health and disputes.
- Eligibility: Free legal advice to the disadvantaged, eligibility criteria may apply.
- Service area: Visit [www.clcq.org.au/legal-help/find-a-clc/](http://www.clcq.org.au/legal-help/find-a-clc/)

## Legal Aid Queensland

- Phone:** Aboriginal and Torres Strait Islander Information Line: 1300 65 01 43  
Legal information line: 1300 65 11 88  
Domestic Violence Court Assistance Service (07) 3917 0590
- Email:** [info@legalaid.qld.gov.au](mailto:info@legalaid.qld.gov.au)
- Website:** [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au)
- Services:** Parenting arrangements, property settlement, family dispute resolution, domestic and family violence, child support and maintenance, child protection, criminal charges, traffic offences, car accidents and claims, licence disqualification, young driver laws, consumer rights, money and debt issues, farm debt issues, work and your rights, social security appeals, natural disaster insurance claims, Civil Law Legal Aid Scheme, discrimination and sexual harassment, human rights, mental health treatment rights, elder abuse, protecting sexual assault counselling records, National Disability Insurance Scheme appeals, young people who have been excluded from school and services.
- Eligibility:** Based on an application for a grant of legal assistance.
- Service area:** Brisbane, Bundaberg, Caboolture, Cairns, Inala, Ipswich, Mackay, Maroochydore, Mount Isa, Rockhampton, Southport, Toowoomba, Townsville, Woodridge.

## Queensland Indigenous Family Violence Legal Service

- Phone:** (07) 4045 7500 (Head office)  
1800 887 700 (Free call)
- Email:** [help@qifvls.com.au](mailto:help@qifvls.com.au)
- Website:** [www.qifvls.com.au](http://www.qifvls.com.au)
- Services:** Child protection, domestic and family violence, family law, victim support, victims compensation, witness assistance
- Eligibility:**
- you or the child are Aboriginal or Torres Strait Islander.
  - experiencing or have experienced family violence or sexual assault as the victim/survivors.
- Service area:** Visit [www.qifvls.com.au](http://www.qifvls.com.au)

## Womens Legal Service Queensland

- Phone:** (07) 3392 0644 (Administration)  
Legal Advice Helpline: 1800 WLS WLS (1800 957 957) Monday to Friday, 9am – 3pm  
Rural, Regional & Remote Legal Advice Line: 1800 457 117 Tuesday, 9.30am – 1.30pm
- Email:** [admin@wlsq.org.au](mailto:admin@wlsq.org.au)
- Website:** [www.wlsq.org.au](http://www.wlsq.org.au)
- Services:** Family law, domestic and family violence, sexual assault (Counselling Notes Protect)
- Eligibility:** Women
- Service area:** Statewide

### Refugee and Immigration Legal Service

Phone: (07) 3846 9300

Email: [admin@rails.org.au](mailto:admin@rails.org.au)

Website: [www.rails.org.au](http://www.rails.org.au)

Services: Free legal advice for refugee and immigration matters including protection visas, refugee family reunion, family violence and visas, temporary protection visas and safe haven enterprise visas.

Eligibility: Free legal advice, eligibility criteria may apply.

Service area: Statewide

### LGBTI Legal Service

Phone: (07) 3124 7160

Email: [mail@lgbtilegalservice.org.au](mailto:mail@lgbtilegalservice.org.au)

Website: [www.lgbtilegalservice.org.au](http://www.lgbtilegalservice.org.au)

Services: Family law, domestic violence, criminal law, discrimination and human rights, employment, gender identity, surrogacy and parenting rights, administrative law, and general civil law.

Eligibility: Free legal advice, consultations, and referrals. Eligibility criteria may apply.

Service area: Statewide

### Queensland Law Society

Phone: 1300 367 757 (1300 FOR QLS)

Email: [info@qls.com.au](mailto:info@qls.com.au)

Website: [www.qls.com.au](http://www.qls.com.au)

Services: Search for solicitors based on name, location or practice area.

Eligibility: Free service.

Service area: Statewide

### Aged and Disability Advocacy Australia

Phone: 1800 232 529 (1800 ADA LAW) (Free call)

Email: [info@adalaw.com.au](mailto:info@adalaw.com.au)

Website: [www.adalaw.com.au](http://www.adalaw.com.au)

Services: Guardianship, Administration and Enduring Power of Attorney and Advance Health Directive matters, elder abuse, Mental Health Review Tribunal advocacy, Disability Royal Commission support.

Eligibility: Free legal advice, eligibility criteria may apply.

Service area: Southeast Queensland areas from Bundaberg to Toowoomba, Moreton Bay, Brisbane, Ipswich, Redland Bay, Caboolture, Sunshine Coast, Gold Coast, Rockhampton.

## 4.2 Services to help people connect

### Deaf Connect – Queensland

Phone: (07) 3892 8500

SMS: 0497 587 188

Email: [info@deafconnect.org.au](mailto:info@deafconnect.org.au)

Website: [www.deafconnect.org.au](http://www.deafconnect.org.au)

Services: Auslan translations, interpreting

Service area: Brisbane, Cairns, Gold Coast, Mackay, Maryborough, Rockhampton, Sunshine Coast, Townsville.

### National Relay Service

Phone: 1300 555 727

TTY number: 133 677

SMS relay number: 0423 677 767

Website: [www.accesshub.gov.au](http://www.accesshub.gov.au)

Services: Call this number if you are deaf and/or find it hard hearing or speaking with people who use a phone. Nationwide. Registration required.

### Translating and Interpreting Service (TIS National)

Phone: 131 450

Toll free: 1300 575 847

Email: [tis.freeinterpreting@homeaffairs.gov.au](mailto:tis.freeinterpreting@homeaffairs.gov.au)

Website: [www.tisnational.gov.au](http://www.tisnational.gov.au)

Services: Call this number to speak to an interpreter in your language who can help with contacting the services on this list. Australian Government translating service, some translations are free of charge.

## 4.3 Queensland Courts

### Magistrates Court

- Phone: See [www.courts.qld.gov.au/contacts/courthouses](http://www.courts.qld.gov.au/contacts/courthouses)
- Email: See [www.courts.qld.gov.au/contacts/courthouses](http://www.courts.qld.gov.au/contacts/courthouses)
- Services: Criminal matters (where the accused is aged 10–17 years), protection & care matters, restraining orders (where one of the parties are aged under 18 years)
- Website: [www.courts.qld.gov.au/courts/magistrates-court](http://www.courts.qld.gov.au/courts/magistrates-court)
- Service area: Brisbane. Regional and remote services usually run from local Magistrates Court – contact local courthouse.

### Federal Circuit and Family Court of Australia

- Phone: 1300 720 980  
Urgent after-hours service: 1300 352 00
- Website: [www.fcfoa.gov.au](http://www.fcfoa.gov.au)
- Services: Family law (including divorce, separation, children, property, and other family law matters), Migration law, General law including bankruptcy, fair work, human rights, consumer, admiralty, administrative and intellectual property.
- Service areas: Brisbane, Bundaberg, Cairns, Hervey Bay, Mackay, Maroochydore, Rockhampton, Southport, Toowoomba, Townsville.

## 4.4 Domestic violence services

### 1800 RESPECT

- Phone: 1800 737 732
- Website: [www.1800respect.org.au](http://www.1800respect.org.au)
- Services: 24-hour national sexual assault and family violence counselling line for anyone who has experienced or is at risk of sexual assault or family violence.

### DV Connect – Womensline

- Phone: 1800 811 811 (free from public phone)
- Website: [www.dvconnect.org](http://www.dvconnect.org)
- Email: [mail@dvconnect.org](mailto:mail@dvconnect.org)
- Services: Statewide telephone service offering women who are experiencing domestic, or family violence help 24 hours a day, 7 days a week.

### DV Connect – Mensline

- Phone: 1800 600 636
- Website: [www.dvconnect.org/mensline](http://www.dvconnect.org/mensline)
- Email: [mail@dvconnect.org](mailto:mail@dvconnect.org)
- Services: DVConnect Mensline is a free, confidential telephone crisis counselling, referral and support service for men living in Queensland. This service is available 9am until midnight, 7 days a week.

### Men's Line Australia

- Phone: 1300 789 978
- Website: [www.mensline.org.au](http://www.mensline.org.au)
- Services: Family violence support service for men and boys who are dealing with family and relationship issues. Includes a 24 hour counselling line and resources.

### Immigrant Women's Support Service

- Phone: (07) 3846 3490
- Website: [www.iwss.org.au](http://www.iwss.org.au)
- Email: [intake@iwss.org.au](mailto:intake@iwss.org.au)
- Services: Specialist domestic violence and sexual assault service that provides direct support to women and their children from CALD backgrounds who have experienced domestic and/or sexual violence.

### Police, Fire, Ambulance

- Emergency: 000 in an emergency
- Police: 131 444 — if you are feeling unsafe

## 4.5 Counselling and support services

### Lifeline – Crisis Counselling Line

Phone: 13 11 14  
Website: [www.lifeline.org.au](http://www.lifeline.org.au)  
Services: 24-hour Crisis Counselling Line  
Service area: Nationwide

### Suicide Call Back Service

Phone: 1300 659 467  
Website: [www.suicidecallbackservice.org.au](http://www.suicidecallbackservice.org.au)  
Services: Free telephone support service for people at risk of suicide, their carers and those bereaved by suicide.  
Service area: Nationwide

### Ozcare

Phone: 1800 289 077  
Website: [www.ozcare.org.au](http://www.ozcare.org.au)  
Services: Aged care, retirement living, hospital, disability care, respite care, nursing, allied health, dementia advisory and support services.  
Service area: Gold Coast, Brisbane, Darling Downs, Sunshine Coast, Wide Bay, Mackay, North Queensland, Far North Queensland

### Relationship Australia and Rainbow Counselling

Phone: 1300 364 277  
Website: [www.raq.org.au](http://www.raq.org.au)  
Services: Relationships, child and family, addiction, trauma related issues, domestic and family violence, assistance for diverse groups in the community.  
Service area: Nationwide

### Diverse Voices (LGBTI peer support)

Phone: 1800 184 527  
Website: [www.diversevoices.org.au](http://www.diversevoices.org.au)  
Services: Peer telephone, counselling, online webchat with a counsellor, community and social information, referral to community health and support services.  
Service area: Nationwide

### Ask Izzy

Website: [www.askizzy.org.au](http://www.askizzy.org.au)  
Services: Online database of more than 400,000 support services.  
Service area: Nationwide

## 4.6 Government services

### Women's Infolink

Phone: 1800 177 577 (Free call) Monday to Friday 8am to 6pm.

Website: [www.qld.gov.au/community/women/support-for-women/womens-infolink](http://www.qld.gov.au/community/women/support-for-women/womens-infolink)

Services: Provides Queensland women and girls with access to information and services across the state. Provides confidential information and referral options through the free-call telephone service and online services.

Service area: Statewide

### Centrelink (Services Australia)

Phone: 132 850 Monday to Friday 8am to 5pm.

Website: [www.servicesaustralia.gov.au/centrelink](http://www.servicesaustralia.gov.au/centrelink)

Services: Crisis payments, social work services, Centrelink debts and overpayments, assurance of support for visa applicants, special benefit, jobseeker payments.

Service area: Nationwide

### Child Safety Enquiries Unit and Child Safety After Hours Service Centre

Phone: 1800 811 810  
After Hours Centre (Free call) 1800 177 135

Website: [www.families.qld.gov.au/contact-us/department-contacts](http://www.families.qld.gov.au/contact-us/department-contacts)

Services: If you aren't sure who to call, or for assistance to locate your nearest Child Safety service centre.

Service area: Statewide

## 4.7 Information about the law

- The Legal Aid Queensland website has up-to-date information and publications about laws in Queensland. Visit [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au) under the headings 'Find legal information' and 'Get legal help'.
- The Magistrates Court of Queensland website has information on applying for a domestic violence order. Visit [www.courts.qld.gov.au/going-to-court/domestic-violence](http://www.courts.qld.gov.au/going-to-court/domestic-violence)
- *Domestic and Family Protection Act 2012 (Qld)* and other legislation. Visit [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)

### General information about family violence

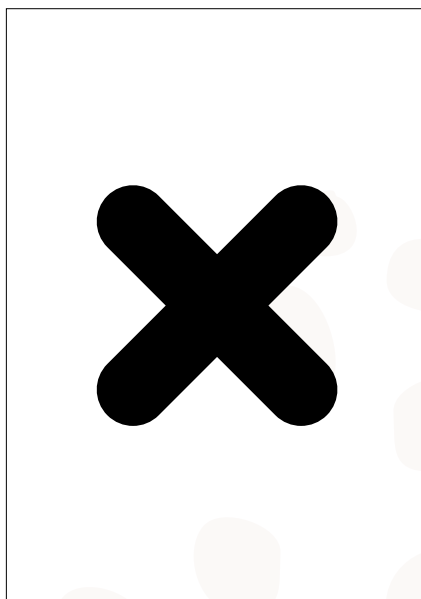
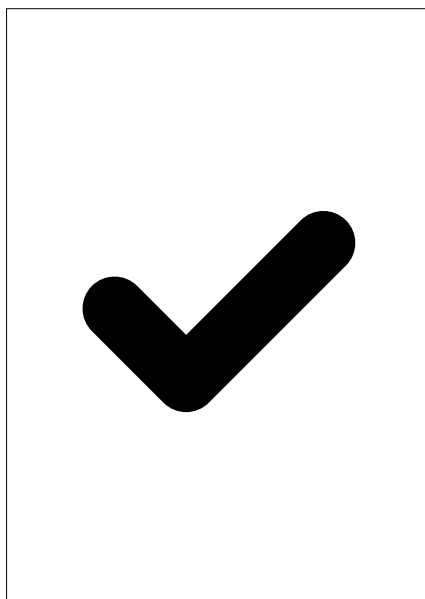
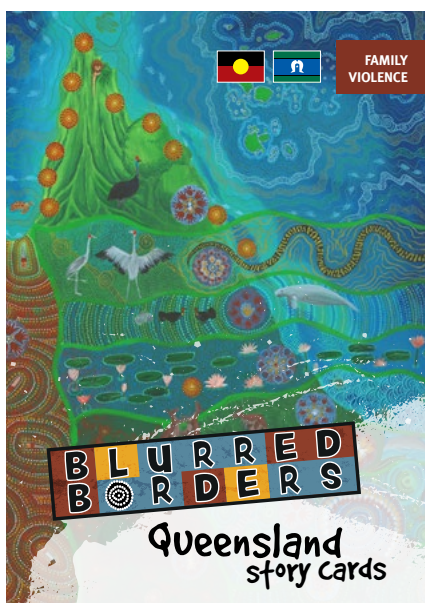
The Legal Aid Queensland website has information about domestic and family violence. See [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au) and search 'domestic and family violence'.

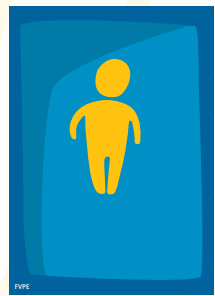
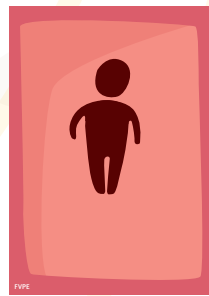
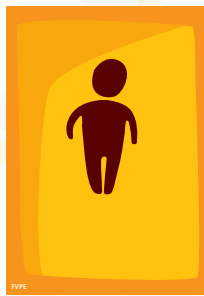
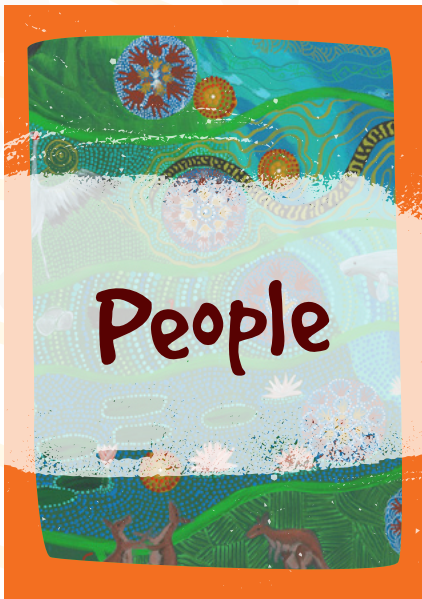
## 4.8 Information about adult learning and CLE

- **Legal Aid Queensland's website** has many resources:  
[www.legalaid.qld.gov.au/Get-legal-help/Community-legal-education](http://www.legalaid.qld.gov.au/Get-legal-help/Community-legal-education)  
For more information about CLE resources in Queensland email [cle@legalaide.qld.gov.au](mailto:cle@legalaide.qld.gov.au)
- **Aboriginal and Torres Legal Service** also creates CLE resources and delivers CLE activities. Call (07) 3025 3888 or visit [atsils.org.au/cle](http://atsils.org.au/cle)
- **Community Legal Centre Queensland**. Find out which community legal centres do CLE at [www.clcq.org.au/legal-help/self-help-resources/](http://www.clcq.org.au/legal-help/self-help-resources/)
- **Queensland Indigenous Family Violence Legal Service** also creates CLE resources and delivers CLE activities. Call (07) 4045 7500 or visit [www.qifvls.com.au/our-projects](http://www.qifvls.com.au/our-projects)

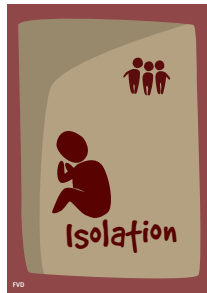
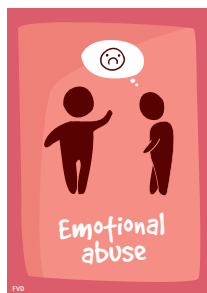
# Chapter five: Story cards, maps and other resources

## 5.1 Story cards by category





# Family violence definitions



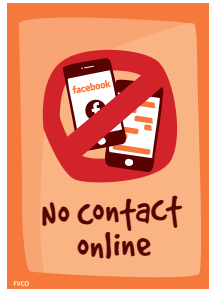
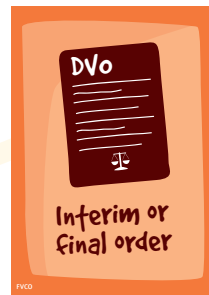
# Places

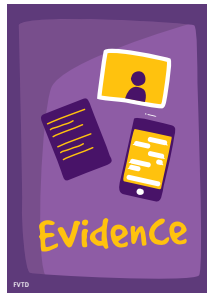


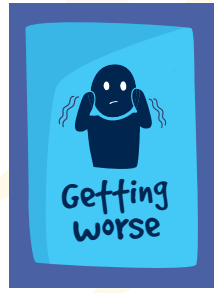
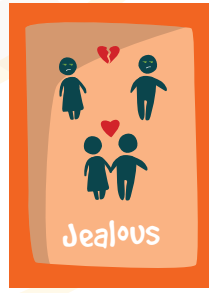
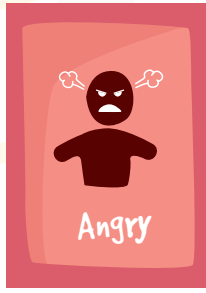
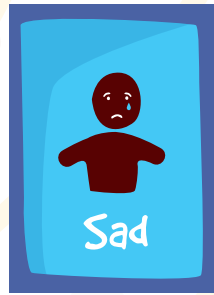
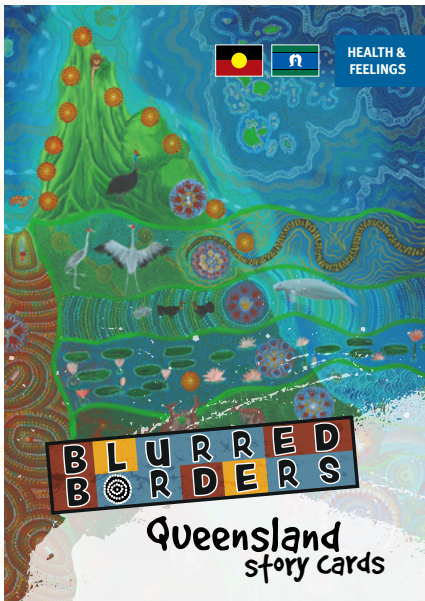
# Things that might happen



# Conditions and orders







## 5.2 Process map

The family violence process map is a useful tool to help explain complex court processes, procedures, conditions and orders. It can be used by itself or with the story cards and/or the wallet cards and stickers. The family violence process map is a useful tool to help explain the process for getting a DVO or a police protection notice.

The order in which these events occur will depend on the individual circumstances of each case.



## 5.3 Wallet cards and stickers

The wallet cards serve as a visual reminder of the conditions or orders that the magistrate or a police officer has placed on a person.

The wallet card provides space for the lawyer's contact details, the next court date and the language spoken if English is not a person's first language.

The wallet cards can be used by service providers in different ways:

- Court based lawyers can create wallet cards for individual clients by filling in the relevant court date/s and adding stickers that represent the relevant conditions and orders the client must follow.
- Judicial support officers or other court staff can use them to help people to understand court imposed DVO conditions.
- Police officers can use them to help people to understand the conditions imposed on them under a police protection notice.
- Lawyers and support agencies can remind clients of ways to engage in and be heard in meetings with government departments or others through use of the Health and Feelings images.

Blank wallet cards and stickers are included in the Resource Kit. Sticker sheets can be printed from the Blurred Borders website [www.legalaid.qld.gov.au/blurredborders](http://www.legalaid.qld.gov.au/blurredborders).



## 5.4 Common layouts

Story card common layouts help service providers to efficiently explain common processes and concepts to different clients. They are easy to photocopy and provide a good on the spot ‘take away’ to give to your client to improve understanding and retention of what has been discussed.

The family violence common layouts continue to be developed using feedback from service providers on the most common ways (including card configurations) they are using the story cards to explain standard processes and concepts. An example of a common layout for *What is family violence?* is set out below. More family violence common layouts are available on the Blurred Borders website: [www.legalaid.qld.gov.au/blurredborders](http://www.legalaid.qld.gov.au/blurredborders).





**BLURRED  
BORDERS**

Queensland