

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:**Hearing Location:****ORIGINATING APPLICATION – INTERVENTION ORDER**

[MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]**Applicant****[FULL NAME]****Respondent****Next box only displayed if filed by the solicitor for the Applicant**

Applicant	Full Name		
Name of Law Firm and Solicitor if any	Law Firm	Responsible Solicitor	
Address for Service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type (eg. home; work; mobile) – Number	Another number (optional)	

Next box only displayed if filed by the Police as Applicant

Applicant	Commissioner of Police		
Name of responsible officer	Full Name		
Name of Law Firm and Solicitor if any	Law firm/office	Responsible solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		

	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type (eg. home; work; mobile) – Number		Another number (optional)	

Next box displayed if the Applicant is a proposed protected person

Applicant/Proposed Protected Person	Full Name			
Address for service	Care of [260 Victoria Square/75 Wright Street]			
	Adelaide	South Australia	5000	
	Email address			

Next box displayed only if the Applicant is a proposed third party applicant and willing to disclose their address and telephone details to the Respondent

Applicant/Third Party	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type (eg. home; work; mobile) – Number		Another number (optional)	

Next box only displayed if the Applicant is a proposed third party applicant and is not willing to disclose their address and telephone details to the Respondent

Applicant/Third party	Full Name			
Address for service	Care of [260 Victoria Square/75 Wright Street]			
	Adelaide	South Australia	5000	
	Email address			

Respondent (person against whom order sought)	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Other Address at which Respondent may be found optional	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type (eg. home; work; mobile) – Number			
Date of birth and driver's licence number	Date of birth		Driver's Licence number	
Gender	gender			

Provision for multiple

Interested Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type (eg. home; work; mobile) – Number			

Duplicate panel if multiple proposed protected persons

Proposed Protected Person [1] Details	
Proposed Protected Person	Full Name (including Also Known as (if applicable))
Gender	Gender
Relationship to the Respondent	☐ Partner/spouse ☐ Child ☐ Step-child ☐ Parent ☐ Step-parent ☐ Sibling ☐ Relative ☐ Neighbour ☐ Other – Please specify:

Application Details

This Application is for an Intervention Order to be issued against the Respondent for the protection of *[protected person(s)]* in the terms listed in the accompanying Form 10S Interim Intervention Order Proposed Terms.

This Application is made under section 20 of the *Intervention Orders (Prevention of Abuse) Act 2009*.

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

1. An Intervention Order in the terms set out in the accompanying Form 10S Interim Intervention Order Proposed Terms.
- ☐ 2. A Problem Gambling Order.
- ☐ 3. A Problem Gambling Attachment Order.
- ☐ 4. A Tenancy Order.

This Application is made on the grounds

- ☐ set out in the accompanying Affidavit sworn by *[name]* on *[date]*.
- ☐ that that the Respondent may commit the following act of abuse
 - ☐ domestic abuse
 - ☐ non-domestic abuse

The definitions of Domestic Abuse, Domestic Partners, Registered Relationship and Close Personal Relationship, are included at the end of this form.

Delete unless applicable

The applicant requests that the preliminary hearing be conducted by *[audio visual/audio]* link because grounds in separately numbered paragraphs where more than one

1.

Delete unless applicable

The Application is urgent because grounds in separately numbered paragraphs where more than one

1.

1. Is there currently a Domestic Violence Order in place anywhere in Australia between any of the protected person(s) and the Respondent?
 - ☐ Yes (if yes, a copy of the orders must accompany the application)
 - ☐ No
2. Are there any children that are not proposed to be protected persons that may be affected by the order?
 - ☐ Yes (if yes, complete the affected children box below)
 - ☐ No
3. Is the Applicant aware of any relevant orders under the *Family Law Act 1975* (Cth) between a[ny] person[s] proposed to be protected by the order and the Respondent?
 - ☐ Yes (if yes, a copy of the orders must accompany the application)
 - ☐ No
4. Is the Applicant aware of any relevant orders, agreements or contact determinations under the *Children and Young People (Safety) Act 2017* or the former the *Children's Protection Act 1993*?
 - ☐ Yes (if yes, a copy of the orders, agreements or contact determinations must accompany the application)
 - ☐ No

5. Is the Applicant aware of any relevant orders or agreements for the division of property under the *Family Law Act 1975* (Cth) the *Domestic Partners Property Act 1996*, or a corresponding law of another jurisdiction between a person proposed to be protected by the order and the Respondent, or any pending application for such an order?
- ☐ Yes (if yes, a copy of the orders or agreements must accompany the application)
- ☐ No
6. Is the Applicant aware of any other legal proceedings between a person[s] proposed to be protected by the order and the Respondent of which the Applicant is aware?
- ☐ Yes (if yes, a copy of any judgments or substantive orders must accompany the application)
- ☐ No

Next box only to appear if the part is seeking a tenancy order

Tenancy details				
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
Term of Lease	Term			
The present tenant[s]	Full Name (including Also Known as (if applicable))			
The proposed tenant	Full Name (including Also Known as (if applicable))			
Present rent	\$ Amount per fortnight			
Bond	\$ Amount			
[Landlord/Agent] details	Full Name (including Also Known as (if applicable))			
Phone Details	Type - Number			
Email	Email address			

Next box only to appear if applicable

Duplicate panel if multiple affected children

Details of any child[ren] who will not be protected persons but who may be affected by the order		
Affected child	Full name	Age in years

Accompanying Documents

Accompanying this Application is a:

- ☐ mandatory Form 10S Interim Intervention Order Proposed Terms

Next four options to appear if the answer to questions 4, 5, 6 or 7 above is 'yes'.

Attach any orders, agreements, contact determinations or other documents that may be relevant between a person or persons proposed to be protected by the order and the Respondent.

- ☐ provision for multiple Order under the *Family Law Act 1975* (Cth) [description of attached document] if available
- ☐ provision for multiple [Order/Agreement/Contact Determination] under the *Children Young People (Safety) Act 2017* [description of attached document] if available

- ☐ provision for multiple [Order/Agreement] under the *Domestic Partners Property Act 1996*
- ☐ provision for multiple [description of any other attached document]

Definitions

Section 8(8) of the *Intervention Orders Prevention of Abuse Act 2009* defines '**domestic abuse**' to be:

- (8) If the act of abuse is committed by a Respondent against a person with whom the Respondent is or was formerly in a relationship, it is referred to in this Act as an act of domestic abuse; and for that purpose, two persons are in a relationship if—
- (a) they are married to each other; or
 - (b) they are domestic partners; or
 - (c) they are in some other form of intimate personal relationship in which their lives are interrelated and the actions of one affects the other; or
 - (d) one is the child, stepchild or grandchild, or is under the guardianship, of the other (regardless of age); or
 - (e) one is a child, stepchild or grandchild, or is under the guardianship, of a person who is or was formerly in a relationship with the other under paragraph (a), (b) or (c) (regardless of age); or
 - (f) one is a child and the other is a person who acts in *loco parentis* in relation to the child; or
 - (g) one is a child who normally or regularly resides or stays with the other; or
 - (h) they are brothers or sisters or brother and sister; or
 - (i) they are otherwise related to each other by or through blood, marriage, a domestic partnership or adoption; or
 - (j) they are related according to Aboriginal or Torres Strait Islander kinship rules or are both members of some other culturally recognised family group; or
 - (k) one is the carer (within the meaning of the Carers Recognition Act 2005) of the other.

'**Domestic partners**' is defined in sections 11 and 11A of the *Family Relationships Act 1975*, which read as follows:

Part 3—Domestic partners

11—Interpretation

In this Part—

'**Close personal relationship**' means the relationship between two adult persons (whether or not related by family and irrespective of their sex or gender identity) who live together as a couple on a genuine domestic basis, but does not include—

- (a) the relationship between a legally married couple; or
- (b) a relationship where one of the persons provides the other with domestic support or personal care (or both) for fee or reward, or on behalf of some other person or an organisation of whatever kind.

Note—

Two persons may live together as a couple on a genuine domestic basis whether or not a sexual relationship exists, or has ever existed, between them.

'**Registered relationship**' means a relationship that is registered under the *Relationships Register Act 2016*, and includes a corresponding law registered relationship under that Act.

11A—Domestic partners

A person is, on a certain date, the *domestic partner* of another if—

- (a) the person is, on that date, in a registered relationship with the other; or
- (b) the person is, on that date, living with the other in a close personal relationship and—
 - (i) the person—
 - (A) has so lived with the other continuously for the period of 3 years immediately preceding that date; or
 - (B) has during the period of 4 years immediately preceding that date so lived with the other for periods aggregating not less than 3 years; or
 - (ii) a child, of whom the two persons are the parents, has been born (whether or not the child is still living at that date).