

Childrens Court of Queensland

Form 11
Childrens Court Act 1992
Child Protection Act 1999, s 65
Childrens Court Rules 2016, r 12

Registry:
Number:

APPLICATION TO VARY OR REVOKE A CHILD PROTECTION ORDER

Child's details

You must make a separate application for each child (if there is more than 1).

Given name	
Family name	
Date of birth	
Gender	<i>Click on the appropriate box</i> <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Not stated/prefer not to say
Cultural identity	<i>Click on the appropriate box</i> <input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/> Neither Aboriginal nor Torres Strait Islander <input type="checkbox"/> Not stated/prefer not to say

Applicant

The applicant is the person applying to revoke or vary the order.

Applicant's name	
Relationship to child	

First respondent

If this application is made by the Director of Child Protection Litigation, the parents of the child are normally the first and second respondents. If this application is made by one parent, the Director of Child Protection Litigation and the other parent are normally the first and second respondents. The term 'parent' is broader than a child's biological mother or father (see section 52 Child Protection Act 1999). If you are not sure who should be included as a respondent, you should seek legal advice.

Given name	
Family name	
Relationship to child	

Second respondent (if applicable)

Delete the below box if there is only one respondent. Add additional boxes if there are more than two respondents.

Given name	
Family name	
Relationship to child	

Order(s) you are seeking to vary and/or revoke

You must complete all fields in red by replacing the red text with the requested information. If you're seeking to vary and/or revoke more than 1 order, you should copy and paste this section below and complete the fields again for each order.

Take notice that the applicant is applying to the Childrens Court to a child protection order made at *insert the court location* on *insert the date the order was made*.

What you want the court to do

The applicant is applying for the following changes to be made to the order:

Insert what you want the court to do with the order, e.g. explain if you want the court to:

- *End (revoke) the order;*
- *End (revoke) the order and make a different order;*
- *Change (vary):*
 - o *the length of the order (and insert the new length you are seeking);*
 - o *a requirement or condition of the order (and tell the court the new requirement or condition you are seeking).*

Reasons for seeking to vary and/or revoke the order(s)

If you have listed more than 1 order above, you should list your reasons separately for each order.

Insert the reasons you are seeking to vary and/or revoke the order(s).

Respondents' address for service

This application is to be given to (or served on) the respondent(s) at the below address(es).

First respondent's details

You should include the respondent's last known address.

Full name	
Address	
Phone	
Mobile (if applicable)	
Fax (if applicable)	
Email (if applicable)	

Second respondent's details (if applicable)

Delete the below box if there is only one respondent. Add additional boxes if there are more than two respondents and fill in the additional respondents' details.

Full name	
Address	
Phone	
Mobile (if applicable)	
Fax (if applicable)	
Email (if applicable)	

Applicant's address for service

This is your residential or business address. It cannot be a post office box. This is the address where you want the court and the other parties to send you documents about this matter.

Full name	
Address	
Phone	
Mobile (if applicable)	

Fax (if applicable)	
Email (if applicable)	

Applicant's signature

Signed	
Full name	
Date	

Notice to respondent(s)

(to be completed by the registrar)

The application will be heard by the Childrens Court at *insert court location* on *insert hearing date* at *insert time of hearing*.

Filed in the *insert court location* registry on *insert date of filing*:

Registrar

Signature and seal of registrar

Next steps for applicants

You must file this application in the court registry where the hearing will be held.

You can do this in person, or by post, email or fax.

You should give the respondent a copy of this application as soon as possible.

The court registry may be able to explain how to do this. This is also called serving the respondent. If you are the Director of Child Protection Litigation (the Director), you're generally required to serve the respondent in person.

If you are a parent, child or another person, you can serve this form on the Director in one of the following ways:

Just pick one option. You can tick the one that you prefer when you are filling out this form if it helps you remember.

- delivering the application in person at the Director's office (*Level 1 State Law Building, 50 Ann Street, Brisbane QLD 4000*);
- posting it to the Director at the Director's postal address (*GPO Box 2939, Brisbane QLD 4001*);
- emailing it to the Director (enquiries@dcpl.qld.gov.au); or
- faxing it to the Director ((07) 3404 3577).

You can ring the Director's office on (07) 3404 3578 if you want to make sure that the application has been received.

If there are other parties (e.g.: another parent) you may have to serve them in person. You should seek legal advice if you are unsure of how to serve someone.

You must appear in court.

If you don't appear in court on the date stated above, the court may hear and decide the application in your absence.

Information for respondents

What to do if you disagree with this application

If you disagree with this application to vary or revoke the order, you can attend the Childrens Court on the date and time listed above to tell the court why you disagree.

Next steps

You must file and serve (give) a notice of address for service on each other party to this proceeding

Filing the notice of address for service?

You must file **Form 43** – *Notice of address for service* in the court registry. You can find this form at <http://www.courts.qld.gov.au/about/forms> or at the relevant court registry. This is a requirement under the *Childrens Court Rules 2016*.

You file a notice of address for service by giving it to the registrar of the court. The registrar will then stamp the form with the court's seal. You must serve the notice of address for service to each other party to the proceeding. Serving just means 'giving' the notice to the other party.

Every copy of the notice that you serve must have the court's seal stamped on it. So make sure you take enough of copies to the court when you file the notice so the court can stamp them all. (E.g. if there are 2 parties: you can give 4 copies of the notice to the registrar to stamp. 1 copy will be for the court's records, 1 will be given to each party (so 2 in total to each party) and 1 you can keep for your records).

How do I serve (give) the notice on the other parties?

You can serve the stamped copy of the notice by:

- post to the other party's postal address (the applicant's has given their postal address above);
- email to the other party's email address;
- fax to the other party's fax number; or
- giving it to the other party's legal representative when you attend court.

You are allowed to pick whichever one you prefer. You only have to choose one. Sometimes other parties have not filed a notice of address for service yet. This means that you might not know their current address for service. The Director of Child Protection Litigation (the Director) can always be served using the address above (in 'next steps for applicants').

If you do not know the address for service of another party (other than the Director) you can serve them using their last postal address that you are aware of. (But don't send it to their last known postal address if you know that they are no longer receiving mail there.) If you do not know a postal address to send the notice to, tell the judge or magistrate that you have been unable to serve the notice when you next attend court. The judge or magistrate can make directions about how you can give your notice to the other party when you attend court.

You must appear in court.

You can appear in court in person or seek the help of a lawyer to speak for you. If you don't appear on the date stated above, the applicant may seek orders and directions even though you're not present.