**FORM DV4A**

Domestic and Family Violence Protection Act 2012 s.176I

**Application to vary a recognised interstate order**

**Please note: a copy of this application will be provided to the Aggrieved, Applicant, Respondent and Police**

**1. Aggrieved’s Details**

**If the aggrieved does not want the respondent to know their home address please either:**

* **Give an address where court documents can be sent e.g. post office box or**
* **Complete an “Aggrieved Details Form” which will not be provided to the respondent**

Given Name Family Name Date of Birth Gender

Address *\*leave blank if you do not want this information to be given to the other party and complete form DV01C as well*

SPI# (QPS Only) Phone Number Email address

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

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

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

Is the aggrieved under 18 years of age? No Yes

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

Parents Name

Parents Address

**2. Respondent’s Details**

Given Name Family Name Date of Birth Gender

Address

SPI# (QPS Only) Phone Number Email address

Does the Respondent require an interpreter? No Yes Language/Dialect:

Do the respondent identify as: Aboriginal Torres Strait Islander Aboriginal and Torres Strait Islander Neither

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

Current place of employment Vehicle Model Vehicle Registration

Is the respondent under 18 years of age? No Yes

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

Parents Name

Parents Address

**3. Applicant’s Details**

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

Given Name Family Name Date of Birth Gender

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

Phone Number Email address

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

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

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

**What type of applicant are you?**

Respondent in the existing order

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

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

A named person in the existing order

**Part B – A Police Officer**

Full Name including Rank: Registration #

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Station Police Occurrence #

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Has the aggrieved been advised of this application? No Yes

**Proceed to Question 4**

**4. Relationships between the aggrieved and the respondent**

What is the relationship of the aggrieved to the respondent?

**Intimate Personal Relationship –** Please tick one

a) *Spousal Relationship*: Married Former Spouse De Facto Civil Partnership

Parent/Former Parent of their Child

b) Engaged Were Engaged

c) Couple State the nature of the relationship including the level of dependency on each other whether financial or otherwise; length of time of the relationship; frequency of contact and degree of intimacy, if any.

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**Family Relationship**

Relation to respondent (for example parent, sibling, aunt, cousin, stepchild, a person is regarded as a relative)

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**Informal Care Relationship**

Nature of relationship

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**Proceed to Question 5**

**5. Existing Order Details**

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

**Details of the existing order:**

State or Territory where the order was made or registered\*

Date the original order was made, declared or registered\* The court and location the original order was made, declared or registered\*

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

Before the court can consider an application to vary, the order must be a recognised interstate order.

1. Was the existing interstate order made or registered before 25/11/2017 No Yes

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

1. Do you want to apply to declare the interstate order\* to be a recognised interstate order? No Yes

\*This includes a New Zealand order registered elsewhere in Australia

**Proceed to Question 5**

**6. Details of Variation**

A) Do you want to vary the conditions of the order? No Yes

Please provide details of the condition/s that you would like added or varied.

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Give reasons

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

When would you like the protection order to end?

Give reasons

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

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

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| **Full Name** | **Gender** | **Date of Birth** | **Address** | **SPI # (QPS only)** |
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Give reasons

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**Proceed to Question 7**

**7. Temporary Protection Order**

Do you wish the court to make a temporary protection order? No Yes

If you request a temporary protection order before the respondent has been given a copy of the application, you will have to show the court that there are reasons why it is necessary or desirable for you or a named person to be protected by a temporary protection order before the respondent is given a copy of the application.

Please state reasons below (*attach extra pages if necessary)*:

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**Proceed to Question 8**

**8. Details of any other Orders**

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

Childrens Court Orders Yes No

Police Protection Notice Yes No

Intervention Order Yes No

Interstate Domestic Violence Orders (including New Zealand) Yes No

Family Court Orders Yes No

Other relevant court order Yes No

**9. Statutory Declaration \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

***[If this statutory declaration is being declared in accordance with the Oaths Act 1867 requirements before a special witness (either remotely and/or using electronic signature/s) DO NOT USE the content below. INSTEAD use DV Form 01E Special Witness Statutory Declaration for DV forms] \*delete these instructions***

The applicant, except if a member of the Queensland Police Service, must sign this application in the presence of a Justice of the Peace, Commissioner for Declarations, or a Solicitor

I, the applicant, do solemnly and sincerely declare that the contents of this application are true and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867.*

I understand that a person who provides a false matter in a declaration commits an offence.

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| Declared by |  | | at | | QUEENSLAND | on | | / /20 | | |
|  | [insert full name of declarant] | | |  | | | | | | |
| Signature of declarant | | | | *🗶* | | | | | | |
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| In the presence of |  |  |  | | | on | | / /20 | |
|  | [insert full name of witness] | | | [insert type of witness][[1]](#endnote-1) | |  |  | |
|  |  | | | | | *\* delete if not applicable* | | |
|  | [insert name of law practice / witness’s place of employment]\*[[2]](#endnote-2) | | | | |  |  | |
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| Signature of witness | | | | *🗶* | | | | | | |

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| I am applying for a temporary protection order before the respondent has been served with a copy of the application and have not been able to have my statutory declaration witnessed as required under the *Oaths Act 1867* due to the urgency of the application. I am submitting an unverified application and am aware that my application will need to be verified before the application can be decided. *(This option is not available if you are the respondent to the protection order)*. | |
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| **Queensland Police Service Applicant**  ***The applicant, if a member of the Queensland Police Service, must sign this application and provide the details below:*** | |
| Full Name and Rank: |  |
| Registration No: |  |
| Signature: |  |
| Date: |  |

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| **Notes to the respondent** |
| If you do not appear in court a domestic violence order may be made in your absence.  The court may issue a warrant for you to be taken into custody by a police officer and brought before the court if the court believes that it is necessary for you to be heard. |

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| **Office Use Only** | |
| **Court file number (if known) :** |  |
| YOU ARE NOTIFIED that this application will be heard at the time and place as follows:  Court:  Place:  Date:  Time:  Signature  Clerk of the Court/Queensland Police Service | |

***The footnotes are to assist in the completion of the form and can be deleted once complete.***

Explanatory guides relating to making a statutory declaration in Queensland are available

at [Statutory Declaration Forms - Datasets | Publications | Queensland Government](https://www.publications.qld.gov.au/dataset/statutory-declaration).

1. Insert the witness’s capacity that makes them eligible to witness the statutory declaration, including as a special witness under section 16C or part 6A of the *Oaths Act 1867*. For example, Australian legal practitioner, lawyer, justice of the peace, commissioner for declarations, notary public, a justice of the peace or commissioner for declarations approved by the Chief Executive under section 12(2) of the *Oaths Act 1867*, government legal officer, etc. [↑](#endnote-ref-1)
2. For example, the name of the law practice for the Australian legal practitioner, the name of the government department of the government legal officer, the name of the law practice for a justice of the peace who witnesses documents for a law practice, etc. [↑](#endnote-ref-2)