

STATUTORY DECLARATIONS FOR PRIVATE DOMESTIC VIOLENCE APPLICATIONS

Queensland Courts are responding to the evolving impact of the COVID-19 pandemic by implementing a range of changes to court operations. Due to the impact of COVID-19, some applicants wishing to file a domestic violence application, may be unable to have their application verified by a justice of the peace using the normal statutory declaration process.

To assist, Magistrates Courts will permit any applicant seeking a domestic violence application to **orally** verify their statutory declaration over the phone to the presiding Magistrate.

N.B. If an applicant does not wish the respondent to know their contact details, the applicant must complete and lodge an “Aggrieved Details Form” with their application. Access this form at the following link:

https://www.courts.qld.gov.au/_data/assets/pdf_file/0020/162164/dva-f-aggrieved-details-forms.pdf

Until further advised, this verification process will apply to any private domestic violence applications, including applications to vary a domestic violence order, where an applicant is unable to have their application verified under the normal process due to COVID-19 restrictions and impacts.

An aggrieved person can also have an application brought for them by an authorised person under section 25 of the *Domestic and Family Violence Protection Act 2012*. Similar processes will also be adopted for those persons. An authorised person is an adult authorised to appear on behalf of the aggrieved in writing by the aggrieved or an adult whom the court believes is authorised by the aggrieved, even though it is not in writing.

The following process applies to any applicant seeking a domestic violence application who is unable to obtain the services of a justice of the peace:

- The applicant emails their application to the local court registry where they wish to lodge the application. The following link contains a list of courthouse contact details:
<https://www.courts.qld.gov.au/contacts/courthouses>
- The application will be provided to the presiding Magistrate, as soon as possible. The Magistrate will consider the application.
- Court staff will contact the applicant, on the contact phone numbers provided in the application.

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- When the applicant is contacted by the Court, they will be asked to make their oral declaration over the phone before the presiding Magistrate.
- The Magistrate will note on the application that the applicant has made an oral declaration before them and the Magistrate will also grant leave for the application to be filed electronically.

- The Magistrate will consider the whether to make a temporary protection order. The Magistrate may ask further questions about the application before making a decision.
- The endorsed copy of the application, along with any temporary protection order will be provided to the police to serve on the relevant parties. A copy will be provided to the applicant.

These measures will help reduce the potential for transmission of COVID-19. Queensland Courts continues to closely monitor the COVID-19 advice being provided by health authorities and act accordingly.

Refer to the following link for further information and support concerning domestic and family violence: <https://www.courts.qld.gov.au/going-to-court/domestic-violence>

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