



# Notice of Child Abuse, Family Violence or Risk of Family Violence (Application for Consent Orders)

[www.familycourt.gov.au](http://www.familycourt.gov.au)

This form is to be used in the Family Court of Australia in conjunction with an Application for Consent Orders which includes proposed parenting orders:

- (a) when allegations of child abuse or risk of child abuse are made and a prescribed child welfare authority must be notified of the allegations (Section 67Z of the *Family Law Act 1975* and Rule 2.04D(1)(b) of the Family Law Rules 2004), or
- (b) if, in a case where an Application for Consent Orders is made to the court for a Part VII order in relation to a child, a person alleges that there has been abuse of a child or family violence or there is a risk of abuse of a child or family violence and the allegation of abuse, family violence or risk of abuse or family violence is relevant to whether the court should grant or refuse the application (Section 67ZBA of the *Family Law Act 1975*, and Rule 2.04D(1)(b) of the Family Law Rules 2004).

**NOTE:** If you are applying for parenting orders and have current proceedings use the *Notice of Child Abuse, Family Violence or Risk of Family Violence (Current Case)*.

## This is a mandatory form.

This form is to be used in the Family Court of Australia in conjunction with an Application for Consent Orders which includes proposed parenting orders:

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**NOTE:** If you are applying for parenting orders and have current proceedings use the *Notice of Child Abuse, Family Violence or Risk of Family Violence (Current Case)*.

### Section 4(1) of the Family Law Act states as follows:

**Abuse**, in relation to a child, means:

- (a) an assault, including a sexual assault, of the child; or
- (b) a person (the **first person**) involving the child in a sexual activity with the first person or another person in which the child is used, directly or indirectly, as a sexual object by the first person or the other person, and where there is an unequal power in the relationship between the child and the first person; or
- (c) causing the child to suffer serious psychological harm, including (but not limited to) when that harm is caused by the child being subjected to, or exposed to, family violence; or
- (d) serious neglect of the child.

A family violence order is an order (including an interim order) made under a prescribed law of a state or territory to protect a person from family violence.

**Family violence** means:

- violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the **family member**), or causes the family member to be fearful; and
- a child is exposed to family violence if the child sees or hears family violence or otherwise experiences the effects of family violence (Section 4AB).

**NOTE:** The Registry Manager **must** provide a copy of this *Notice of Child Abuse, Family Violence, or Risk of Family Violence (Application for Consent Orders)* to the prescribed child welfare authority and may provide such other court documents and information as is required to enable investigation of the contents of the Notice.

The forms for use in the Federal Circuit Court and Family Court of Western Australia and information about procedures in these courts is available on the Federal Circuit Court and Family Court of Western Australia websites [www.federalcircuitcourt.gov.au](http://www.federalcircuitcourt.gov.au) and [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au).

For more information, including access to the *Family Law Act 1975*, the Rules of court and any forms or publications:

- go to [www.familycourt.gov.au](http://www.familycourt.gov.au)
-  on the website
- call 1300 352 000, or
- visit a family law registry near you.

## **Making copies of the form for filing, service and yourself**

The completed and signed original of the form is filed at the Court. Before you file it you must also make sufficient copies to have one for each person to be served and a copy for your own records.

## **Filing fee**

Nil

## **What you file with this form**

This form must accompany an *Applications for Consent Order* where there are allegations of child abuse, neglect, family violence or a risk of child abuse, neglect or family violence.

## **Who you serve**

- The person who is alleged to have abused the child, or exposed the child to family violence
- The person from whom the child is alleged to be at risk of abuse or family violence.

## **How you serve this form**

By ordinary service. The *Service Kit* provides instructions on how to do this.

## **What is filed in response**

Nothing

## **In completing a Court form, you must**

- Use the court's prescribed form.
- Complete the form by typing (e.g. on a computer or typewriter) or hand printed in ink.

# Notice of Child Abuse, Family Violence or Risk of Family Violence (Application for Consent Orders)

Family Law Rules ~ RULE 2.04D(1)(b)

Please type or print clearly and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any questions.

Filed in:

Family Court of Australia

## Filed on behalf of:

Full name \_\_\_\_\_

MARK [X] IN THE BOX THAT APPLIES TO YOU

Father

Mother

Other (specify) \_\_\_\_\_

Applicant's Client ID \_\_\_\_\_

Respondent's Client ID \_\_\_\_\_

File number \_\_\_\_\_

Filed at \_\_\_\_\_

Filed on \_\_\_\_\_

Court location \_\_\_\_\_

Next Court date (if known) \_\_\_\_\_

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- (b) if, in a case where an application made to the court for a Part VII order in relation to a child, a person alleges that there has been abuse of a child or family violence or there is a risk of abuse of a child or family violence and the allegation of abuse, family violence or risk of abuse or family violence is relevant to whether the court should grant or refuse the application (Section 67ZBA of the *Family Law Act 1975*, and Rule 2.04D(1)(b) of the Family Law Rules 2004).

## Part A About the notice

This notice alleges:

Child abuse or risk of child abuse

Family violence or risk of family violence

Child abuse or risk of child abuse and family violence or risk of family violence

MARK [X] IN THE BOX THAT APPLIES

## Part B About the person filing this notice and parties

1 Who is giving this notice?

Family name as used now

Given names

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Family name as used now

Given names

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- 2** At what address can you be contacted? (THIS NEED NOT BE WHERE YOU LIVE)  
If you give a lawyer's address, include the name of the law firm.

	State                      Postcode
Phone	Fax *
DX	
Email *	Lawyer's code

\* **Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.**

- 3** What are the names of the other interested persons and parties?

Family name as used now

Given names

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Family name as used now

Given names

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## Part C About the children to whom the notice relates

### 4 Child 1

Child's family name
Given names

Male       Female

Child's date of birth	/	/
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Child's address

State	Postcode

Name of the person with whom the child lives


### Child 3

Child's family name
Given names

Male       Female

Child's date of birth	/	/
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Child's address

State	Postcode

Name of the person with whom the child lives


### Child 2

Child's family name
Given names

Male       Female

Child's date of birth	/	/
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Child's address

State	Postcode

Name of the person with whom the child lives


### Child 4

Child's family name
Given names

Male       Female

Child's date of birth	/	/
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Child's address

State	Postcode

Name of the person with whom the child lives


**IF THERE ARE MORE CHILDREN ATTACH EXTRA PAGES ANSWERING PART C**

## Part D About the alleged abuse

Before you complete Part D you should carefully read the definition of 'abuse' in section 4(1) of the Family Law Act.

- 5 Describe any acts or omissions that you allege constitute abuse. Please include the identity of the alleged abuser(s), if known.

**NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE**

1.

- 6 State briefly in numbered paragraphs how the proposed order/s attempt/s to deal with the allegations described above:

**NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE**

1.

- 7 What is the last known address of the alleged abuser(s) if known?

State	Postcode	Phone

**NOTE:** A copy of this notice must be served on the person identified in Item 5 as the alleged abuser (section 67Z(2) and section 67ZBA(2) of the *Family Law Act 1975*).

## Part E About the alleged risk of abuse

Before you complete Part E you should carefully read the definition of 'abuse' in section 4(1) of the Family Law Act.

- 8 Describe the facts alleged to constitute any risk of abuse.  
Include the name of any person(s) from whom a child is alleged to be at risk of abuse, if known.

**NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE**

1.

- 9 State briefly in numbered paragraphs how the proposed order/s attempt/s to deal with the allegations described above:

**NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE**

1.

- 10 What is the last known address of the person(s) from whom the child is alleged to be at risk of abuse?

State	Postcode	Phone

**NOTE:** A copy of this notice must be served on the person identified in Item 8 as the person from who a child is alleged to be at risk of abuse (section 67Z(2) and section 67ZBA(2) of the *Family Law Act 1975*).

## Part F About the alleged family violence

Before you complete Part F you should carefully read the definition of 'abuse' in section 4(1) and 'family violence' in section 4AB (1) and (3) of the Family Law Act.

- 11** Describe any acts or omissions that you allege constitute family violence. Please include the identity of the alleged perpetrator(s).

**NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE**

1.

- 12** State briefly in numbered paragraphs how the proposed order/s attempt/s to deal with the allegations described above:

**NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE**

1.

- 13** What is the last known address of the person(s) from whom the child is alleged to be at risk of abuse?

State	Postcode	Phone

**NOTE:** A copy of this notice must be served on the person identified in Item 11 as the alleged abuser (section 67Z(2) and section 67ZBA(2) of the *Family Law Act 1975*).



## Part G

## About the alleged risk of family violence

Before you complete Part G you should carefully read the definition of 'abuse' in section 4(1) and 'family violence' in section 4AB(1) of the Family Law Act.

- 14** Describe the facts alleged to constitute any risk of family violence. Include the name of any person(s) from whom a child is alleged to be at risk of family violence.

**NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE**

1.

- 15** State briefly in numbered paragraphs how the proposed order/s attempt/s to deal with the allegations described above:

**NUMBER EACH PARAGRAPH AND ATTACH EXTRA PAGE/S IF YOU NEED MORE SPACE**

1.

- 16** What is the last known address of the person(s) from whom it is alleged there is a risk of family violence?

State	Postcode	Phone

**NOTE:** A copy of this notice must be served on the person identified in Item 14 as the person from who a child is alleged to be at risk of family violence (section 67Z(2) and section 67ZBA(2) of the *Family Law Act 1975*).

## Part H Signature of person filing notice

Signed

Date

	/ /
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This notice was signed by:  person(s) filing this notice  
 lawyer for person(s) filing this notice

This notice was prepared by:  person(s) filing this notice  
 lawyer


PRINT NAME AND LAWYER'S CODE

## Where to file this form

You can file your *Notice of Child Abuse, Family Violence or Risk of Family Violence (Application for Consent Orders)*, in person or by post, at any one of the following family law registries.

### AUSTRALIAN CAPITAL TERRITORY

#### Canberra

(Nigel Bowen Commonwealth Law Courts)  
Cnr University Ave and Childers St  
Canberra ACT 2600  
GPO Box 9991 Canberra 2601

### NEW SOUTH WALES

#### Albury

Level 1, 463 Kiewa St Albury NSW 2640  
PO Box 914 Albury NSW 2640

#### Dubbo

Cnr Macquarie and Wingewarra Sts  
Dubbo NSW 2830  
PO Box 1567 Dubbo NSW 2830

#### Lismore

Level 2, 29-31 Molesworth St Lismore NSW 2480  
PO Box 9 Lismore NSW 2480

#### Newcastle

61 Bolton St Newcastle NSW 2300  
PO Box 9991 Newcastle NSW 2300

#### Parramatta

1-3 George St Parramatta NSW 2123  
PO Box 9991 Parramatta NSW 2123

#### Sydney

(Lionel Bowen Commonwealth Law Courts)  
97-99 Goulburn St, Sydney NSW 2000  
GPO Box 9991 Sydney NSW 2001

#### Wollongong

Level 1, 43 Burelli St, Wollongong NSW 2500  
PO Box 825 Wollongong NSW 2500

### NORTHERN TERRITORY

#### Darwin

Supreme Court Building, State Square,  
Darwin NT 0800  
GPO Box 9991 Darwin NT 0800

### QUEENSLAND

#### Brisbane

(Harry Gibbs Commonwealth Law Courts)  
119 North Quay Brisbane QLD 4000  
PO Box 9991 Brisbane QLD 4001

#### Cairns

Level 3 and 4, 104 Grafton St Cairns QLD 4870  
PO Box 9991 Cairns QLD 4870

#### Rockhampton

46 East St (Cnr Fitzroy St) Rockhampton QLD 4700  
PO Box 9991 Rockhampton QLD 4700

#### Townsville

Level 2, 143 Walker St Townsville QLD 4810  
PO Box 9991 Townsville QLD 4810

### SOUTH AUSTRALIA

#### Adelaide

(Roma Mitchell Commonwealth Law Courts)  
3 Angas St Adelaide SA 5000  
GPO Box 9991 SA 5001

### TASMANIA

#### Hobart

(Edward Braddon Commonwealth Law Courts)  
39-41 Davey St Hobart Tas 7000  
GPO Box 9991 Hobart Tas 7001

#### Launceston

Level 3, ANZ Building,  
Cnr Brisbane and George Sts Launceston Tas 7250  
PO Box 9991 Launceston Tas 7250

### VICTORIA

#### Dandenong

53-55 Robinson St Dandenong Vic 3175  
PO Box 9991 Dandenong Vic 3175

#### Melbourne

(Owen Dixon Commonwealth Law Courts)  
305 William St Melbourne Vic 3000  
GPO Box 9991 Melbourne Vic 3001

