



# 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 a current case:

- (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)(a) of the Family Law Rules 2004), or
- (b) if, in a case where an application 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)(a) of the Family Law Rules 2004).

**NOTE: If you are applying for parenting orders by filing an *Application for Consent Order* use the *Notice of Child Abuse, Family Violence or Risk of Family Violence (Application for Consent Orders)*.**

**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 (Current Case)* 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)
- LiveChat 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**

An affidavit or affidavits setting out the evidence on which the allegations in the *Notice of Child Abuse, Family Violence, or Risk of Family Violence (Current Case)* are based (Rule 2.04D(1)(a)).

### **How to complete Parts E, F, G and H**

The answers to questions 10, 14, and 18 are to be a concise summary of the precise allegations and details of each of them including dates they occurred, and any other particulars which reflect the contents of the affidavit evidence.

### **Who you serve**

- Each party to the case
- 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
- Any independent children's lawyer who represents the interests of the child.

### **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 (Current Case)

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

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: Peter Griffin

MARK [X] IN THE BOX THAT APPLIES TO YOU

- Father  
 Mother  
 Other (specify) \_\_\_\_\_

This form is to be used in the Family Court of Australia in all current proceedings (other than an Application for Consent Orders) for an order under Part VII.

- 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)(a) of the Family Law Rules 2004), or
- b) if, in a case where an application 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)(a) of the Family Law Rules 2004).

Parties must summarise in Parts E, F and G the evidence on which the allegations are based in the affidavit to be filed with this Form.

## 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

Griffin

Given names

Peter

Family name as used now

Given names

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.

Covid & Co Family Lawyers, Level 8, 183 North Quay		
	State Qld	Postcode 4001
Phone 3238 5900	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
Griffin	Lois
Family name as used now	Given names

## Part C About the independent children's lawyer

4 Independent children's lawyer family name

Given names

Firm name

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

5 **Child 1**

Child's family name Griffin
Given names Stewie

Male  Female

Child's date of birth 25/09/2018

Child's address

Child's address	
State	Postcode

Name of the person with whom the child lives

Name of the person with whom the child lives

**Child 2**

Child's family name
Given names

Male  Female

Child's date of birth / /

Child's address

Child's address	
State	Postcode

Name of the person with whom the child lives

Name of the person with whom the child lives

IF THERE ARE MORE CHILDREN ATTACH EXTRA PAGES ANSWERING PART D

## Part E About the alleged abuse

Before you complete Items 6-13 you should carefully read the definition of 'abuse' in section 4(1) of the Family Law Act:

**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 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 (see subsection 4AB(3)), family violence (see subsection 4AB(1) of the Family Law Act); or
- (d) serious neglect of the child.

- 6 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. See Affidavit of Peter Griffin.

- 7 Identify the application/response where you seek orders to which the allegation(s) described in Item 6 are relevant.

Application/response	Date filed
Initiating Application	To be filed

- 8 Identify the affidavit(s) containing evidence of the allegations described in Item 6.

Name of the person swearing or affirming the affidavit	Date of filing	The paragraphs of the affidavits which relate to each allegation
Peter Griffin	To be filed	16- 23

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

16 Brian Street, Gympie		
State QLD	Postcode 4570	Phone

NOTE: A copy of this notice must be served on the person identified in Item 6 as the alleged abuser (section 67Z(2))

## Part F About the alleged risk of abuse

**Before you complete Part F you should carefully read the definition of 'abuse' in section 4(1) of the Family Law Act** (set out in Part E of this form for your information)

- 10 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. See Affidavit of Peter Griffin.

- 11 Identify the application/response where you seek orders to which the allegation(s) described in Item 10 are relevant.

Application/response	Date filed
Initiating Application	To be filed

- 12 Identify the affidavit(s) containing evidence of the allegations described in Item 10.

Name of the person swearing or affirming the affidavit	Date of filing	The paragraphs of the affidavits which relate to each allegation
Peter Griffin	To be filed	16 - 23

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

16 Brian Street, Gympie		
State QLD	Postcode 4570	Phone

NOTE: A copy of this notice must be served on the person identified in Item 10 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 G About the alleged family violence

Before you complete Items 14-21 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 as follows:

**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.*

*A child is **exposed** to family violence if the child sees or hears family violence or otherwise experiences the effects of family violence.*

**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 (see subsection 4AB(3)), family violence (see subsection 4AB(1)); or
- (d) serious neglect of the child.

14

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.

15

Identify the application/response where you seek orders to which the allegation(s) described in Item 14 are relevant.

Application/response	Date filed

16

Identify the affidavit(s) containing evidence of the allegations described in Item 14.

Name of the person swearing or affirming the affidavit	Date of filing	The paragraphs of the affidavits which relate to each allegation

17

What is the last known address of the alleged perpetrator(s), if known?

State	Postcode	Phone

NOTE: A copy of this notice must be served on the person identified in Item 14 as the alleged abuser (section 67Z(2) and section 67ZBA(2) of the *Family Law Act 1975*).

## Part H About the alleged risk of family violence

Before you complete Part H you should carefully read the definition of 'abuse' in section 4(1) and 'family violence' in section 4AB(1) of the Family Law Act. (set out in Part G of this form for your information)

- 18 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.

- 19 Identify the application/response where you seek orders to which the allegation(s) described in Item 18 are relevant.

Application/response	Date filed

- 20 Identify the affidavit(s) containing evidence of the allegations described in Item 18.

Name of the person swearing or affirming the affidavit	Date of filing	The paragraphs of the affidavits which relate to each allegation

- 21 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 18 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 I Signature of person filing notice

Signed

Date

 /  / 

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