

UNDERTAKING

For use in applications for family violence intervention orders

NOTE: This undertaking is not a court order

In the Children's Court at:

Case No:

Applicant:

Address: *(if safe to disclose)*

Affected family member:

Address: *(if safe to disclose)*

Additional affected family member:

Additional affected family member:

Additional affected family member:

Respondent:

Address: *(if safe to disclose)*

UNDERTAKING GIVEN BY

Name of respondent

1. **I undertake that I WILL NOT:** *(Please strike out conditions that are not applicable)*

- a) **Commit family violence** against the protected person(s).

Note:

The Family *Violence Protection Act 2008* defines family violence as behaviour by a person towards a family member of that person that is physically or sexually abusive, emotionally or psychologically abusive, economically abusive, threatening, coercive, or in any other way controls or dominates a family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person.

Family Violence includes behaviour that causes a child to hear or witness or otherwise be exposed to the effects of these behaviours.

- b) Intentionally **damage any property of the protected person(s)** or threaten to do so.
- c) Attempt to locate, **follow** the protected person(s) or keep him/her/them under surveillance.
- d) **Publish on the internet, by email** or other electronic communication any material about the protected person(s).
- e) **Contact or communicate** with a protected person by any means.
- f) **Approach** or remain within metres of the protected person(s).
- g) **To go** or remain within metres of the home at

or any other place where the protected person lives, works or attends school or childcare.
- h) **Get another person** to do anything the respondent must not do under this undertaking.
- i) **Other**

2. **I undertake that I WILL:**

- Attend counselling / a behaviour change program / drug and/or alcohol rehabilitation program:

at (organisation)

on (date)

- Other conditions:

3. I acknowledge that: *(Please select the appropriate statement)*

There is a Family Law Act order, written agreement or child protection order relating to arrangements for our child/children;

OR

There is **no** Family Law Act order, written agreement or child protection order relating to the arrangements for our child/children; and

Provided I don't breach this undertaking by committing family violence, I can:

- a) do anything that is permitted by a Family Law Act order, written agreement or child protection order relating to arrangements for our child/children;
- b) negotiate child arrangements by letter, email or text message;
- c) communicate with a protected person through a lawyer or mediator;
- d) arrange and/or participate in counselling or mediation with the protected person; and
- e) go to the home of a protected person, in the company of a police officer or person chosen by the applicant to collect personal property.

4. I understand that:

- a) this undertaking is not a court order and the police cannot enforce the undertaking;
- b) breach of an undertaking is not a criminal offence;
- c) the applicant can apply to reinstate the family violence intervention order in future; and
- d) evidence of breach of an undertaking may be used in later proceedings.

The respondent gives this undertaking without admitting what is said in the application.

This undertaking will last until: **Date**

Respondent's signature **Date**

I/we accept the respondent's undertaking.

Applicant's signature **Date**

Affected Family Member(s)'s signature **Date**

When the respondent gives this undertaking, the application will be withdrawn with the right of reinstatement.

NOTE: The police cannot enforce this undertaking – it is not a court order