UNDERTAKING

For use in applications for family violence intervention orders

NOTE: This undertaking is <u>not</u> a court order

In the Magistrates' 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