



HOW TO WRITE FURTHER DETAILS OF ALLEGATIONS

Your case returns to Court on at am/pm.

On that date your case is listed for

You must file further details of allegations on or before:

The Respondent must respond on or before:

A Magistrate has ordered you to provide the Court with further details of allegations. You must file your further details of allegations to broadmeadowsinterventionorders@courts.vic.gov.au by 4pm on the date specified on your order.

What are further details of allegations?

A sample further details of allegations document is included with this information sheet.

To make a family violence intervention order, the Magistrate hearing your case must be satisfied that the Respondent committed family violence against you, and is likely to do so again, unless the intervention order is made.

Further details of allegations inform the Magistrate of why you need an intervention order. In other words, the further details of allegations explain what family violence you have experienced, and why it is likely to happen again.

The document should set out – in the order in which they happened – each incident of family violence the Respondent has committed against you. You should give the date, time, location and how many times each incident occurred.

You should also state whether Police were called or involved, and whether any children were present, witnessed, or involved in the incidents.

Your further details of allegations should include the name of any person (witness) who saw or heard the incident of family violence, or who you told about the incident. You should give a summary of what each witness can say about each incident. If your case goes to a contested hearing, these people should attend Court to give sworn evidence about what they saw, heard or were told.

You should also provide copies of any documents that you wish to rely on as evidence such as:

- emails
- call logs
- voice messages
- Police statements
- medical reports
- Photographs
- text message screenshots
- social media post screenshots

Please Note - Any screenshots, photographs, videos and recordings must be filed via USB.

What is the best way to write my further details of allegations?

There is no specific form that must be completed when providing your further details of allegations to the Court.

However, there are several requirements that must be met, unless the Magistrate orders otherwise. These are:

- the further details of the allegations must not be longer than 4 pages
- the list of witnesses and outline of their evidence must not be longer than 4 pages
- any screenshots, photographs, videos and recordings must be filed via USB

You should provide a summary of each incident of family violence in chronological order. (A timeline of events) You should use simple, clear and direct language to describe each incident and only detail the facts.

If you cannot remember the date or time of an incident, then you should give an estimate. For example, you could say, "in approximately January 2015".

If family violence happened so often that it isn't possible to refer to each incident, then you should do your best to summarise what happened. For example, you could say, "In the second half of 2015, the violence happened so often that I cannot remember each incident. The Respondent generally assaulted me two to three times per week".

What is the legal definition of family violence?

The law says that family violence is:

- Behaviour that is:
 - physically or sexually abusive
 - emotionally or psychologically abusive
 - economically abusive
 - threatening or coercive
 - controlling or dominating and causes the victim to fear for their wellbeing or for the wellbeing of another family member

The legal definition of family violence also includes behaviour that causes a child to hear or witness, or otherwise be exposed to the effects of the above behaviour.

What happens with my further details of allegations?

After you file your further details of allegations to the Court, a copy will be given to the Respondent.

Why does the Court expect me to provide further details of allegations?

The Magistrate hearing your case must ensure that both sides of the dispute get a fair hearing. To defend your allegations, the Respondent must know what they are, and be given the opportunity to challenge them. It will cause problems for your case if you raise new allegations or evidence at the time your case is heard.

Your further details of allegations will also help to ensure enough time is set aside for the hearing of your case and that any special arrangements (like interpreters or video links) are set up in time for the final hearing. Your further details of allegations will also assist the Magistrate to understand why you require an intervention order.

Your further details of allegations may also assist you and the other party to narrow or more effectively identify the disputed issues. This can help resolve the matter before it reaches a contested hearing.

When do I have to provide my further details of allegations?

You must provide your further details of allegations to the Family Violence Intervention Order Registry by 4pm on the date specified in the order.

What will happen if I do not file further details of allegations?

If you do not file further details of allegations there is a risk that the following may occur:

- at the final hearing of your case, you will only be allowed to bring up the events described in your original application
- your case may be delayed
- you may be ordered to pay the Respondent's legal costs
- your application for an intervention order may be struck out

**IN THE MAGISTRATES' COURT OF
VICTORIA
AT BROADMEADOWS**

Case No: (Put in your case number here)

BETWEEN:

(Your name)

Applicant

of (Your address or Confidential Address)

-and-

(Other party's name)

Respondent

of (other party's
address)

APPLICANT'S FURTHER DETAILS OF ALLEGATIONS

Filed by the applicant: (Your name)

Prepared by The Applicant

Address of Applicant: (Your address or Confidential address)

Tel: (if not private)

Email: (if not private)

Please outline truthfully all the information relating to family violence in this document. This document will be seen by the Court as well as the other person in this court case.

1. On 19 August 2010 at approximately 8pm my husband X slapped me on the face while yelling abuse at me. He yelled for 30 minutes and said "You are a stupid bitch etc. (put in all words) I rang my mother and asked her to come and take me to her house. She heard him still yelling at me. I was there from 13th April 2011 to 15 May 2011. (This is an example only)
2. (Go through all prior incidents, chronologically from most recent to farthest, as best as you can, in **numbered paragraphs**. Put in dates where possible, places where they occurred, witnesses' names and anything else relevant.

If they were so many it is impossible to identify them all say something like:" The violence occurred at least every day/week /whatever and included verbal abuse/physical violence/threats/ whatever and give details of the sorts of things that happened. But you will still need to name at least 3 specific incidents.

3. If you reported anything to the police list date, station and to whom you reported, attach a copy of your statement or the police report of the incident. Try to get a copy if you don't have it and take it to Court with you.
4. List all (threatening/harassing) text messages and attach screenshots/transcripts of the messages. If there are many, put a transcript of the worst ones in the further details of allegations and attach a printout of them all and refer to it in the further details of allegations.
5. Also include any threatening/harassing messages from Facebook and other online social media accounts.
6. If you have any recordings and the other person knows you recorded it, you may be able to rely on this at the hearing. You should download any videos and recordings onto a USB.

You must mention any and all events and any evidence/proof you wish to raise or use at the Hearing, or you will not be able to use it or talk about it.

Name of Witness (can be called to attend court at Contested Hearing)	Summary of their evidence

Dated: (Today's date)

(you sign here)

.....

(Your name)

The Applicant

