

Application to vary (change) or discharge (cancel) a Protection Order (Temporary or Final) or a Property Order



Section 108, 109, 120, 124, 132, 138 Family Violence Act 2018

In the Family Court at *(Court location)*

FAM



Advice If you need help to complete this form, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court.

Ministry of Justice website: <http://www.justice.govt.nz> **Ministry of Justice call centre:** 0800 268 787



Note:

The applicant's address may be omitted from the front page where the applicant has asked for this information to be kept confidential.



Applicant

Full name

Home Address

Occupation

Respondent

Full name

Home Address

Occupation

Associated Respondent (if applicable) *(Leave this section blank if it does not apply.)*

Full name

Home Address

Occupation

COURT USE ONLY:
Date document is filed: *(Court stamp)*

This document is filed by:

Name

Address
for service*

If filed by lawyers:

Name of acting lawyer

Contact number

Have any of the contact details for the Applicant, Respondent or Associated Respondent changed since the Protection Order and/or Property Order was issued?

If so please complete the following section

New contact details for the Applicant are (if known):

(please note any changes to home address, phone numbers and/or address for service)

DO NOT include home address and phone numbers if the Applicant wishes to keep these confidential

New contact details for the Respondent are (if known):

(please note any changes to home address, phone numbers and/or address for service)

New contact details for the Associated Respondent are (if known):

(please note any changes to home address, phone numbers and/or address for service)

The Applicant

I (full name)

apply for: (Complete all options that apply)

Option A: Protection Order

Variation (change) to an Order

Discharge (cancellation) of part of or all of an Order

The order is a:

Temporary Protection Order (go to page 4)

Protection Order (go to page 5)

made on (date)

| | | | | | | | |
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in favour of (full name of applicant for Protection Order)

against (full name of Respondent)

and (if applicable) as it relates to the Associated Respondent.

or

Option B: Property Order

Variation (change) to an Order

Discharge (cancellation) of part of or all of an Order

The Order is a:

Occupation Order (go to page 10)

Tenancy Order (go to page 11)

Ancillary Furniture Order (go to page 12)

Furniture Order (go to page 13)

made on (date)

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in favour of (full name of Applicant for Property Order)

against (full name of Respondent)



Application to vary or discharge (cancel) a Temporary Protection Order

Tick the boxes that apply in the following statements.

I was the

Applicant **or** Respondent

When the Temporary Protection Order was made on (date)

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I am asking the Judge to discharge (cancel) the order.

Please explain any facts relevant to why you want the order cancelled.

OR

I am asking the Judge to vary the order.

Please explain what changes you want made to the order and any facts relevant to why you want the order changed.



Application to vary or discharge (cancel) a Protection Order

Section 108, 109 & 110 Family Violence Act 2018

Tick the boxes that apply in the following statements.

I was the

Applicant

or

Respondent

When the Protection Order was made on (date)

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I am asking the Judge to discharge (cancel) the order.

Please explain any facts relevant to why you want the order cancelled (this is required under section 110 of the Family Violence Act 2018). This information may include, for example:

- Any further violence or breaches of the order since it started.
- The successful completion of any programme or prescribed service and what was learned from it.
- The likelihood of future contact with the person(s) the order relates to (if the order is discharged).
- Things that have changed since the order was made that would show it is no longer necessary.

OR

I am asking the Judge to vary the order.

Please explain what changes you want made to the order and any facts relevant to why you want the order changed.

Special Conditions

- Vary (change) a **special condition**. Please give details of what you want changed, what you want to change it to and why.

- Add a **new special condition**. Please give details of what you want added and why.

- Discharge (cancel) a **special condition**. Please give details of what you want cancelled and why.

Direction for an assessment, non-violence programme and prescribed standard services

- Vary (change) the direction for an assessment, non-violence programme and prescribed standard services. Please give details of what you want changed, what you want to change it to and why.

- Make a direction for an assessment, non-violence programme and prescribed standard services. Please give details of why you want this direction made.

- Discharge (cancel) a direction for an assessment, non-violence programme and prescribed standard services. Please give details of what you want cancelled and why.

A variation to add people to be protected by the Order (Only original Applicant can apply)

To have the following people to be added under the protection of the original Order.

Note that if you want to add more than one person to the Order, please use another piece of paper for each person and attach the additional paper to this application.

Note: This can be for a particular child of the Applicant who does not ordinarily or only sometimes lives with the Applicant, or is not a child of the Applicant's family – if the child is living with the Applicant (as defined in section 8 of the Family Violence Act 2018).

It can also include any other person who you have a family relationship with and who is not a child of your family.

Full name

Address

Date of birth

| | | | | | | | |
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 Age

Relationship to Applicant

Home address

Address
for Service

Please give details of why you want this person added to the order as a protected person.

**A variation to extend the Order against another person
(Only original Applicant can apply)**

For a direction that the Order apply against the following additional people as Associated Respondents.

Please give as much information as you know

Full name

Address

Date of birth

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 Age

Relationship to Applicant

Home address

Address for Service

Please provide details of why you want this person to be declared an associated respondent in the order.

Vary (change) or discharge (cancel) or add a new special condition for a specified person (Only a named specified person in the original Order can apply)

I, *(full name)*

apply to

Vary (change) a **special condition**. Please give details of what you want changed, what you want to change it to and why.

Add a **new special condition**. Please give details of what you want added and why.

Discharge (cancel) a **special condition** Please give details of what you want cancelled and why.

Property Order – Occupation Order



Application to vary (change) or discharge (cancel) whole Order or parts of a Temporary or Final Occupation Order

Section 120 Family Violence Act 2018

Tick the boxes that apply in the following statements

I was the

Applicant **or** Respondent **or** Representative

when this:

Temporary Occupation Order **or** Occupation Order

was made on (date)

I am asking the Judge to cancel or make changes to the Order:

Change the period of time specified by the Judge for this Order. I am wanting to extend or reduce the time. Please give details of what you want and why.

Vary (change) any terms and conditions of the Order. Please give details of what you want changed, what you want to change it to and why.

Discharge (cancel) any terms and conditions of the Order. Please give details of what you want cancelled and why.

Property Order – Tenancy Order



Application to discharge (cancel) and revest the Temporary or Final Tenancy Order

Section 124 Family Violence Act 2018

Tick the boxes that apply in the following statements

I was the

Applicant **or** Respondent **or** Representative

when this:

Temporary Tenancy Order **or** Tenancy Order

was made on (date)

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I am asking the Judge to discharge (cancel) and revest the Order:

Please provide details of why you want the Order cancelled and who you want the Order revested to.

Property Order – Ancillary Furniture Order



Application to vary (change) or discharge (cancel) part or all of a Temporary or Final Ancillary Furniture Order

Section 132 Family Violence Act 2018

Tick the boxes that apply in the following statements

I was the

Applicant **or** Respondent **or** Representative

when this:

Temporary Ancillary Furniture Order **or** Ancillary Furniture Order

was made on (date)

I am asking the Judge to cancel or make changes to the Order:

Change the period of time specified by the Judge for this Order. I am wanting to extend or reduce the time. Please give details of what you want and why.

Vary (change) furniture, household appliances and household effects listed in the Order. Please give details of what you want added or removed and why.

Vary (change) any terms and conditions of the Order. Please give details of what you want changed, what you want to change it to and why.

Discharge (cancel) any terms and conditions of the Order. Please give details of what you want cancelled and why.

Discharge (cancel) the whole Order. Please give details of why you want it cancelled.

Property Order – Furniture Order



Application to vary (change) or discharge (cancel) part or all of a Temporary or Final Furniture Order

Section 138 Family Violence Act 2018

Tick the boxes that apply in the following statements

I was the

Applicant **or** Respondent **or** Representative

when this:

Temporary Furniture Order **or** Furniture Order

was made on (date)

I am asking the Judge to cancel or make changes to the Order:

Change the period of time specified by the Judge for this Order. I am wanting to extend or reduce the time. Please give details of what you want and why.

Vary (change) furniture, household appliances and household effects listed in the Order. Please give details of what you want added or removed and why.

Vary (change) any terms and conditions of the Order. Please give details of what you want changed and what you want to change it to and why.

Discharge (cancel) any terms and conditions of the Order. Please give details of what you want cancelled and why.

Discharge (cancel) the whole Order. Please give details of why you want it cancelled.



Affidavit in support

You must file an affidavit in support containing sufficient detail to show why you should be granted changes to, or cancellation of, the order, and enough information to inform the court of the facts that support the application;

I rely on the content of the affidavit dated *(date)*

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 filed in support of this application.

Signature of applicant

Date

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