



INFORMATION SHEET

When to use this form

The Form 4 Notice is to be used:

- a) when allegations of child abuse or risk of child abuse are made; or
- b) when allegations of family violence or risk of family violence are made; and
- c) the allegations and/or risk are relevant to whether the court should make or refuse to make a parenting order.

Filing Fees

NIL

Who you serve

- Each party to the case;
- The person/s named in paragraphs 6 and 7; and
- The Independent Children's Lawyer (if one has been appointed).

Note: The Court must provide a copy of this *Notice of Child Abuse and Family Violence (or Risk)* to the Department of Communities (Communities).

If you and/or the child/ren's contact details are not provided, the *Notice of Child Abuse and Family Violence (or Risk)* will not be sent to Communities.

If you want yours and/or the child/ren's contact details to remain confidential, do not provide your address in paragraph 2 or the child/ren's address in paragraph 5 of the Form 4 Notice.

You should provide the contact details on a separate document which you will need to upload to the eCourts Portal separately as "Correspondence in support to a Form 4".

Both documents will then be forwarded to Communities together.

Your Case Information Affidavit may also be provided to Communities (you should ensure your confidential contact details are not included on that document) and a copy of any current parenting orders.

How you serve this form

By ordinary service.

What is filed in response

Nothing, unless the Court otherwise orders or permits.

In completing a Court form, you must

Use the Court's prescribed form.

NOTE: Further information is available on the Family Court's website www.familycourt.wa.gov.au.

SEE NEXT PAGE FOR IMPORTANT DEFINITIONS

Definitions of Child Abuse and Family Violence

The definitions referred to in the *Notice of Child Abuse and Family Violence (or Risk) – Form 4* are 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 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 child is **exposed** to family violence if the child sees or hears family violence or otherwise experiences the effects of family violence.

Examples of situations that may constitute a child being exposed to family violence include (but are not limited to) the child:

- (a) overhearing threats of death or personal injury by a member of the child's family towards another member of the child's family; or
- (b) seeing or hearing an assault of a member of the child's family by another member of the child's family; or
- (c) comforting or providing assistance to a member of the child's family who has been assaulted by another member of the child's family; or
- (d) cleaning up a site after a member of the child's family has intentionally damaged property of another member of the child's family; or
- (e) being present when police or ambulance officers attend an incident involving the assault of a member of the child's family by another member of the child's family.

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.

Examples of behaviour that may constitute family violence include (but are not limited to):

- (a) an assault; or
- (b) a sexual assault or other sexually abusive behaviour; or
- (c) stalking; or
- (d) repeated derogatory taunts; or
- (e) intentionally damaging or destroying property; or
- (f) intentionally causing death or injury to an animal; or
- (g) unreasonably denying the family member the financial autonomy that he or she would otherwise have had; or
- (h) unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or his or her child, at a time when the family member is entirely or predominantly dependent on the person for financial support; or
- (i) preventing the family member from making or keeping connections with his or her family, friends or culture; or
- (j) unlawfully depriving the family member, or any member of the family member's family, of his or her liberty.

Notice of Child Abuse and Family Violence (or Risk)

FORM 4 Family Court Rules – Rule 30

Please type or print clearly and mark [X] in all boxes that apply.

Filed in:

Family Court of Western Australia

Other (specify) _____

Filed on behalf of:

Full name: _____

MARK [X] IN THE BOX THAT APPLIES TO YOU

Father

Mother

Other (specify) _____

File number _____

Filed at _____

Filed on _____

Court location _____

Next Court date (if known) _____

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- a) when allegations of child abuse or risk of child abuse are made; or
- b) when allegations of family violence or risk of family violence are made; and
- c) the allegations and/or risk are relevant to whether the court should make or refuse to make a parenting order.

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? (include any other names or alias used by you)

Family name

Given names

Family name

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.

NB: If your contact details are not disclosed, the Notice of Child Abuse and Family Violence (or Risk) will not be sent to the Department of Communities (Communities). If your contact details are to remain confidential

provide the contact details on a separate document at the time of filing. Both documents will be forwarded to Communities together.

| | | |
|-------|-------|----------|
| | | |
| | State | Postcode |
| Phone | | |
| Email | | |

3 What are the names of the other parties? (include any other names or alias used by the parties)

| | |
|----------------------|----------------------|
| Family name | Given names |
| <input type="text"/> | <input type="text"/> |
| Family name | Given names |
| <input type="text"/> | <input type="text"/> |

Part C About the Independent Children's Lawyer

4 Independent Children's Lawyer family name

| | |
|----------------------|----------------------|
| <input type="text"/> | Given names |
| <input type="text"/> | <input type="text"/> |
| Firm name | |
| <input type="text"/> | |

Part D About the child/ren to whom the notice relates

Child 1

5 Child's family name
Given names

| |
|---|
| <input type="text"/> |
| <input type="text"/> |
| <input type="checkbox"/> Male <input type="checkbox"/> Female |
| Child's date of birth / / |

Child 2

Child's family name
Given names

| |
|---|
| <input type="text"/> |
| <input type="text"/> |
| <input type="checkbox"/> Male <input type="checkbox"/> Female |
| Child's date of birth / / |

NB: If the child/ren's contact details are not disclosed, the *Notice of Child Abuse and Family Violence (or Risk)* will not be sent to Communities. If the child/ren's contact details are to remain confidential, provide the contact details on a separate document at the time of filing. Both documents will be forwarded to Communities together.

Child's current address

| |
|----------------------|
| <input type="text"/> |
| State Postcode |

Name/address of the person with whom the child lives

| |
|----------------------|
| <input type="text"/> |
| <input type="text"/> |

Child's current address

| |
|----------------------|
| <input type="text"/> |
| State Postcode |

Name/ address of the person with whom the child lives

| |
|----------------------|
| <input type="text"/> |
| <input type="text"/> |

Part E Details of Abuse and/or Violence

Before you complete this Part you should carefully read the definitions in the Information Sheet.

- 6 **CHILD ABUSE:** What is the name of the alleged abuser(s) if known? Include any other names or alias of the alleged abuser(s) if known.

| Family name | Given names | Relationship to child |
|-------------|-------------|-----------------------|
| | | |
| | | |
| | | |

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

| | | |
|--------|-----------|--------|
| | | |
| State: | Postcode: | Phone: |

NOTE: A copy of this notice must be served on the person identified in Item 6 as the alleged abuser.

- 7 **FAMILY VIOLENCE:** What is the name of the alleged perpetrator(s) of violence if known? Include any other names or alias if known.

| Family name | Given names | Relationship to child |
|-------------|-------------|-----------------------|
| | | |
| | | |
| | | |

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 7 as the alleged perpetrator(s) of violence.

8

| |
|---|
| <p>Is there a CURRENT risk to the child/ren? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Provide a brief statement about why you consider the child/ren to be at risk currently, and what evidence you have to support your claim.</p> |
| |

9

Have you had any prior contact with Communities in relation to the child/ren? Yes No

If yes, specify which office (suburb or location):

Have you or the person(s) named in paragraphs 6 and/or 7 had contact with any other State or Territory child protection authority? Yes No
Unknown

If yes, specify which interstate child protection authority and in which state or territory:

Part H Affidavit of person filing notice

I swear / affirm that

1. I am the person named in paragraph 1 of this Notice.
2. I have read this Notice, and the facts set out in it, of which I have personal knowledge, are true.
3. All other facts are true to the best of my knowledge, information and belief.

| | |
|---|------|
| Signature of person making this affidavit | |
| Place | Date |
| Signature of authorised witness | |
| Full name of authorised witness | |
| <input type="checkbox"/> Lawyer <input type="checkbox"/> Justice of the Peace | |

This notice and affidavit
was prepared by

- person(s) filing this notice
 lawyer

| |
|--|
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|--|