



Last updated: 18 October 2018

Firearms or weapons	
1.	<p>Does the respondent have a firearms authority or weapons exemption or approval? s 94</p> <p>If yes, may include condition suspending it. Go to 2</p> <p>If no, go to 2</p>
Exclusion from residence	
2.	<p>Is the respondent an adult or a child?</p> <p>If adult, go to 3</p> <p>If child, go to 4</p>
3.	<p>Consider all circumstances, including criteria in s 82(2)</p> <ul style="list-style-type: none"> • If exclusion condition appropriate and protected person does not oppose, must exclude respondent – s 82(4) • If respondent excluded, court must ask respondent for address and advise that police may seek information to allow service – s 85 <p>Go to 5</p>
4.	<p>Consider all circumstances, including criteria in s 82(2) PLUS criteria in s 83(2)</p> <ul style="list-style-type: none"> • Can only exclude child if will have appropriate accommodation, care and supervision – s 83(3),(4). • If exclusion order made: <ul style="list-style-type: none"> ○ Inform registrar (registrar must notify DHS) – s 83(5) ○ Ask respondent for address and advise that police may seek information to allow service – s 85 <p>Go to 5</p>
Children	
5.	<p>Is the protected person or respondent the parent of a child?</p> <p>If yes, go to 6</p> <p>If no, go to 14</p>
6.	<p>Is the court considering making an interim order?</p> <p>If yes, go to 7</p> <p>If no, go to 9</p>
7.	<p>Has the respondent subjected the child to family violence? s 53A</p> <p>If yes, go to 8</p> <p>If no, go to 9</p>
8.	<p>If the court makes an interim order for the protected person other than by consent, the court must either include the child on the interim order as a protected person or make a separate interim order with the child as the protected person, unless satisfied that it is not necessary to do so to protect the child or ensure the child's safety pending a final decision – s 53AA</p> <p>If the court makes an interim order by consent, the court must make a separate interim order with the child as the protected person, unless satisfied that it is not necessary to do so to protect the child or ensure the child's safety pending a final decision – s 53AA</p> <p>If the court does not make an interim order for the affected family member, the court may, on its own initiative, make an interim order for the child if satisfied that an interim order is necessary to protect the child pending a final order – s 53AB</p> <p>Then go to 9</p>



Mandatory Considerations Checklist Family Violence Protection Act 2008

9.	<p>Is the court considering making a final order?</p> <p>If yes, go to 10</p> <p>If no, go to 12</p>
10.	<p>Has the respondent subjected the child to family violence? s 73I</p> <p>If yes, go to 11</p> <p>If no, go to 12</p>
11.	<p>If the court makes a contested final order, the court must include the child on the final order as a protected person or make a separate final order with the child as the protected person unless satisfied that it is not necessary to do so to protect the child from family violence by the respondent – s 77</p> <p>If the court makes a final order by consent that does not include the child, the court must make a separate final order for the child as protected person unless satisfied that it is not necessary to do so to protect the child from family violence by the respondent – s 77</p> <p>If the court does not make a final order for the affected family member, the court may, on its own initiative, make a final order for the child if satisfied that the respondent is likely to commit family violence against the child again – s 77B</p> <p>Then go to 12</p>
12.	<p>Are there Family Law Act or child protection orders in place regarding the child? s 89</p> <p>Note response, then go to 13</p>
13.	<p>If the court is making an intervention order, will it jeopardise the protected person’s or child’s safety for child to have contact with respondent? s 91</p> <p>If yes, include condition prohibiting contact – s 93 and then go to 14</p> <p>If no AND there are no Family Law Act Orders in place, include conditions – s 92:</p> <ul style="list-style-type: none"> • Requiring arrangements about children (including changeover) to be in writing; and • About how arrangements are to be negotiated <p>Then go to 14</p>
Addressing inconsistencies with other Orders	
14.	<p>The court cannot make an interim order if there is an existing personal safety intervention order between the affected family member and respondent, unless the order is an interim personal safety intervention order with the affected family member as respondent and respondent as protected person – s 53A</p> <p>Go to 15</p>
15.	<p>The court cannot make a final order if there is an existing personal safety intervention order between the affected family member and respondent – s 74A</p> <p>Go to 16</p>
16.	<p>If the order would be inconsistent with a Family Law Act Order, exercise powers under s 68R of the Family Law Act to revive, vary, discharge or suspend the Family Law Act order to extent of inconsistency – s 90.</p> <p>Go to 17</p>
17.	<p>If the order may be inconsistent with a child protection order, inform registrar to notify DHS – s 174</p>