



FAMILY PROCEEDINGS COURT FALKLAND ISLANDS

DA1—Application for a Domestic Abuse Protection Order

Application for order under part 2 of the Domestic Abuse (Civil and Family Proceedings) Ordinance 2024

TO BE COMPLETED BY THE COURT

Court name:

Date issued:

Case Reference:

You can use this form to apply for a Domestic Abuse Protection Order ('DAPO'). A DAPO may be used to:

- protect you and any relevant child from abuse or harassment;
- prevent someone coming to or near your home, school or place of work;
- prevent someone living in the same home as you
- protect your finances
- ensure you have access to financial resources
- Require the person the order is against does something like attend a behaviour change programme

Support if you are experiencing domestic abuse

www.police.gov.fk/advice/domestic-abuse If you are in danger, call 999 and ask for the police.

If you have any mental health concerns and you would like to talk to someone, then please contact the Emotional Wellbeing Service on EmotionalWellbeingService@kemh.gov.fk or 28082

If you are worried about your behaviour in relationships then please contact Nicola Robinson, the Probation Officer on 27296/52610 or probation.social@kemh.gov.fk

CAB is a free independent confidential advice and information service that can provide support on a number of matters. Their contact details are: 55355 and cab@horizon.co.fk

Applications without the respondent being told

In exceptional circumstances, such as your safety is immediately threatened, the court may make an order without telling the 'respondent' (the person this order is against). This is called an 'ex parte' or 'without notice' order. It means the court can consider your application without the respondent present. A hearing will be held later and the respondent will be given notice to attend. You can request this in section 1 of this form. You must tell the court why you are applying for a without notice order and what you think may happen if the court does not grant it.

If you want to keep your information confidential

If you do not want your or your child's contact details to be shared with the respondent, do not put these in at any point on the form, even when asked. Instead complete a **confidential contact details (C8) form** and send it with the application.

DO NOT INCLUDE YOUR CONTACT DETAILS ON ANY OTHER DOCUMENTS SENT TO THE COURT, SUCH AS SUPPORTING EVIDENCE.

BEFORE YOU START

Are you applying on someone else's behalf?

Yes—you must also complete form DA2 (Application for permission to apply for a DAPO) and complete this form as if you are the person who is applying. You must also complete your own details in **section 2**.

No—continue with the rest of the form.

How old are you?

18 years or older - you can continue to apply using this form

16 to 18 years old - Someone over 18 must help you apply, such as a parent. They will also need to complete form '**FP9**' to include with your application.

Under 16 years old - You will need permission from the court to apply. With the help of someone over 18, you must also complete form '**FP2**' and they will need to complete form '**FP9**' and include these with your application.

Without notice orders

The court may, in any case where it considers that it is just and appropriate to do so, make a Domestic Abuse Protection Order even though the respondent has not been given prior notice of the proceedings, as would otherwise be required by rules of court.

1. YOUR SITUATION

1.1 Do you want to apply for the order without giving notice to the respondent?

Yes, please continue to 1.2

No, please go to 1.4

1.2 Why do you want to apply without giving notice to the respondent?

You can select more than one reason - see guidance note for help.

a) there is risk of significant harm to me or a relevant child, attributable to conduct of the respondent, if the order is not made immediately.

b) it is likely that I will be deterred or prevented from pursuing the application if an order is not made immediately.

c) I believe that the respondent is aware of the proceedings but is deliberately evading service and that I or a relevant child will be seriously prejudiced by the delay in effecting substituted service.

Note

Additional forms are available on the courts website www.courts.gov.fk
Or printed copies may be requested from the court office:
(+500) 27271
enquiries@courts.gov.fk

Note Part 1

This is sometimes called 'ex parte' and means the order can be made without the respondent knowing in advance. This is only an option if:

- you think there's a risk that the respondent may try to harm you or your child **(a)**
- You feel like you may be prevented or put off from applying if an order is not made immediately **(b)**
- You think the respondent will try to avoid court proceedings, including being served with the order* - and any delay caused by this could affect your application or the health, safety or wellbeing of you or your child **(c)**

Notifying the respondent of the application and order

You must not serve the application or order yourself. The court will serve the application for you. If the application is a short notice application and requires personal service, you will need to provide form D89 with this application to help identify the respondent for service.

The court or police cannot act if the respondent does something the order says they are not allowed to, or fails to do something the order says they must do, until they have been served with the order.

1.3 Why do you think one or more of the reasons you have chose for question 1.2 may happen?

Note 1.3

Please describe as best you can why these things may happen. This could include things the respondent has said or done in the past.

1.4 As far as you know, are there any bail conditions stopping the respondent from contact or coming near you?

No

Yes

1.5 If yes, when do the bail conditions end?

Note 1.5

If you don't know the exact date, give as much information as you can.

1.6 As far as you know, is there another court order, injunction, protective notice or protective order already in place? Or has there been an application for a court order that has been refused by a court?

Yes. Give details and attach a copy to this form.

Note 1.6

This can include another Domestic Violence Protection Notice or Domestic Abuse Protection Order or Restraining Order. It may also include orders from other legal jurisdictions.

Please also include previous applications considered by a court that have not been successful, if you know about them.

If you are unable to provide a copy, please provide as much information as possible.

No.

1.7 Is there anything else about your situation that you would like the court to know about or consider?

Note 1.7

It is important for the court to know about any special characteristics relating to you, the respondent or a child of the family. This could include whether there are any illnesses or disabilities suffered by anybody, or if you are pregnant.

You can provide more details about your situation in your supporting witness statement.

2. DETAILS ABOUT THE PERSON TO BE PROTECTED BY THE ORDER

2.1 Your full name

First name(s)

Last name

2.2 Any other names you have been known by

2.3 Your date of birth (dd/mm/yyyy)

2.4 Can your contact details be shared with the respondent?

Yes
No. Complete the separate C8 form with your details.

2.5 Your current address

2.6 Your 'phone number

2.7 Your email address

2.8 How do you prefer to be contacted?

'phone
email

2.9 Contact instructions, including safe call times

Note 2

This section is about the person to be protected. If you're applying for yourself, please complete this section. If you're applying on someone else's behalf, please complete the details of the person to be protected as well as Section 3 (details about the person who is applying on behalf of the person to be protected).

Note 2.4

If you do not wish to disclose your contact details you should leave those details blank and complete for C8 Confidential contact details.

Note 2.5

The address you provide will be where the court will send your documents.

If you think the respondent may open your post or hide it from you, give us a different address to send the documents. Write the request on a separate sheet and include it with this application. Please include any alternative PO Box information with this request.

If you do provide a different address, make sure that it is of someone you trust and they can contact you.

If you are keeping your contact details confidential you should include both your address and the different address on the C8 form.

Note 2.8

Do not select phone for contact preference if it is not safe for you to take calls. If there is a safe time to call, please let us know when that is by providing a contact instruction (question 2.9). If you are worried that the respondent has access to your email account, please create a new email account and use that address here. This will be the email address used on your application to the court.

Note 2.9

Your safe call times will be when you are not going to be with the respondent. Please provide hours between 8am and 4.30pm.

2.10 Do you have a legal representative?

	Yes
	No. Go to section 3.

2.11 Your legal representative's name

2.12 Name of your legal representative's firm

2.13 Address of your legal representative's firm

2.14 Your legal representative's 'phone number

2.15 Your legal representative's email address

2.16 Your legal representative's reference

3. DETAILS ABOUT THE PERSON WHO IS APPLYING ON BEHALF OF THE PERSON TO BE PROTECTED

3.1 Are you applying on behalf of the person to be protected?

Yes. go to question 3.2
No. go to section 4.

3.2 Your full name:

3.3 Relationship to the person to be protected

3.4 Can your contact details be shared with the respondent?

Yes
No. Complete the separate C8 form with your details.

3.5 Your current address

3.6 Your 'phone number

3.7 Your email address

3.8 Do you have a legal representative?

Yes
No. Go to section 4.

3.9 Your legal representative's name

3.10 Name of your legal representative's firm

3.11 Address of your legal representative's firm

3.12 Your legal representative's 'phone number

3.13 Your legal representative's email address

3.14 Your legal representative's reference

Note 3.3

If you are a member of an organisation who is helping the person to be protected, please include your position in the organisation and the nature of the organisation.

3.15 What is the opinion of the person to be protected about this application?

Note 3.15

This will help the court consider whether the person to be protected is supportive of you applying on their behalf. The court can sometimes still make an order even if the person to be protected objects to the application, if it is necessary for their protection.

4. RESPONDENT'S DETAILS

4.1 Respondent's full name

First name(s)

Last name

4.2 Any other names the respondent has been known by

4.3 Their date of birth (dd/mm/yyyy)

4.4 Does the respondent live with you

	Yes
	No.

Yes

No.

4.5 Their current address

4.6 Their 'phone number (if you know it)

4.7 Their email address (if you know it)

4.8 Please provide the following information, if you know it—

- (a) what are the hours and location where the respondent works?
- (b) What are the hours and location where the respondent attends an educational establishment?
- (c) Details of the respondent religious commitments.

If not known, go to the next section.

Note Part 4

The 'respondent' is the person you are asking the court to make the order against. In any court papers or hearings this person will be called 'the respondent'. You will be called 'the applicant'.

Note 4.5

an address for the respondent is needed to any order can be 'personally served' on them. The order is usually handed directly to the respondent. See the second page of this form for more information and guidance.

If you don't know their address, include an alternative address, such as a family member of the respondent or workplace where you know they are likely to be.

It is very important to include an address for the respondent as the order cannot be enforced until it has been served on them or they are aware of it. This means the police or court may not be able to take any action if the respondent does something the order says they aren't allowed to do.

Note Part 4.8

When the court considers making a DAPO, it may need to take into account the time and location of where the respondent works, attend an education establishment or observes their religion. Do not worry if you do not have this information.

5. YOUR RELATIONSHIP WITH THE RESPONDENT

5.1 If your relationship with the respondent is one of the following, select the one which best describes your relationship.

	Married or in a civil partnership
	Formerly married or in a civil partnership
	Engaged or proposed civil partnership
	Formerly engaged or proposed civil partnership
	Live together as a couple
	Formerly lived together as a couple
	Boyfriend, girlfriend or partner who does not live with me
	Former boyfriend, girlfriend or partner who does not live with me
	We each have, or there has been a time when we have each had, a parental relationship in relation to the same child
	None of the above. go to question 5.4

5.2 When did your relationship start and when did it end

Start: (dd/mm/yyyy)

End (if applicable): (dd/mm/yyyy)

5.3 If you are or were previously married or in a civil partnership with the respondent, what date was your wedding or civil ceremony? (dd/mm/yyyy)

Note Part 5

To get a DAPO against the respondent, you will need to show the court that you have a connection to them. The courts call this being 'personally connected'. The questions in this section are used to decide if you are personally connected to the respondent for the purposes of this application.

Being parents to a child includes having parental responsibility for the child. If you're completing this application on someone else's behalf, please answer the questions on the rest of this form as if you are the person to be protected.

Note 5.1

'parental relationship' means either being a parent to a child or having parental responsibility for a child.

Note 5.2

If you don't know the exact date your relationship started or ended, give your best guess of the month and year.

5.4 What is the respondent's relationship to you (if not answered in question 5.1)?

My

<input type="checkbox"/> Father	<input type="checkbox"/> Mother	<input type="checkbox"/> Son
<input type="checkbox"/> Daughter	<input type="checkbox"/> Brother	<input type="checkbox"/> Sister
<input type="checkbox"/> Grandfather	<input type="checkbox"/> Grandmother	<input type="checkbox"/> Grandson
<input type="checkbox"/> Granddaughter	<input type="checkbox"/> Uncle	<input type="checkbox"/> Aunt
<input type="checkbox"/> Nephew	<input type="checkbox"/> Niece	<input type="checkbox"/> Cousin
Other—please specify		

Note 5.4

If the respondent is your relative by birth, please check the appropriate box. If the respondent is your relative by marriage/civil partnership or other association, please select other and specify. This includes in-laws and step relatives of you or your partner.

The respondent must be, or have been, someone listed in question 5.1 or a relative by birth, marriage/civil partnership or other association. If they are not, then you cannot apply for a DAPO and should seek legal advice.

5.5 Are there any ongoing court proceedings involving both of you?

<input type="checkbox"/>
No. go to question 5.7

5.6 Give details of court proceedings

Name of court	Case number	Type of case and any other details

Note 5.5

Such as a case about child arrangements (contact/residence) or divorce proceedings or a case being heard in the criminal courts.

5.5 Do you have any children, have parental responsibility for any children or need to protect other children with this application?

<input type="checkbox"/>
Yes. Go to section 6 - Your family

No. **Go to section 7 - Respondent's behaviour.**

6. YOUR FAMILY

6.1 who is this application for?

You only. **go to section 7**

You and your children.

Note 6.2

Parental responsibility means all the responsibilities and rights that a parent has towards their child. A mother automatically has parental responsibility of her child from birth. A father usually has parental responsibility if he's either married to the child's mother or named on the child's birth certificate.

6.2 Details of the child or children to be protected by this order:

Child's full name	Child's date of birth	Your relationship to the child	Do you and the respondent both have parental responsibility for this child?	Respondent's relationship to the child

6.3 Are there any ongoing court proceedings involving both of you?

Yes

No. **go to Section 7—Respondent's behaviour**

Note 6.3

Such as a case about child arrangements (contact/residence) or divorce/dissolution/judicial separation or one where the respondent has asked for an order against you.

6.4 Court proceedings involving both of you:

Name of court	Case number	Type of case and any other details

6.5 Tell us how any child(ren) are affected by the respondent's behaviour.

7. RESPONDENT'S BEHAVIOUR

7.1 What would you like the court to order?

	The respondent stops doing something (go to 7.2)
	The respondent to do something specific (go to 7.3)
	The respondent to wear an electronic tag (go to 7.4)
	Who can stay or return to your home (go to section 8)

Note 7

This section is to capture a summary of the type of behaviours from the respondent that you want to stop or prevent. This can include abuse that has continued after the relationship has ended.

7.2 what do you want to stop the respondent from doing?

	Being violent or sexually abusive towards me or threatening me
	Harassing or intimidating me
	Controlling or coercing me
	Using or manipulating the children to abuse or control me
	Abusing me economically or financially
	Online abuse such as posting or publishing about me either in print or digitally
	Being abusive psychologically or emotionally
	Contacting me directly or through someone else
	Contacting my employer or place of work
	Causing damage to my possessions
	Causing damage to my home
	Coming into my home
	Coming near my home
	Coming near my place of work or children's school or nursery
	Another type of abuse (go to 7.5)

Note 7.2

You can choose more than one option for 7.2. Economic or financial abuse could include preventing you from working or blocking access to a bank account. Coercive control is behaviour that can be humiliating, isolating or controlling and leave you feeling like you have no freedom or sense of self. Online abuse could be: sending you threatening messages by text or email; controlling access to your phone, email or going online; intercepting your emails or text messages.

7.3 Is there any specific you want the respondent to do?

	The respondent to attend a behaviour change programme
	The respondent to attend another programme to help them with their addiction or mental health
	Something else—use the space below to explain

Note 7.3

This question is to help the court understand if it would be helpful to order the respondent to attend a course or a programme to help the respondent with their addiction or with how they have in an intimate personal relationship.

7.4 Do you want the respondent to wear an electronic tag to monitor their movements?

	Yes, I believe they should wear a tag because:
--	------------------------------------------------

No

7.5 Is there anything else that you want the respondent to stop doing or to be asked to do that you have not already told us in this section?

	No
	Yes, give further details below.

Note 7.4

The court can order the respondent is electronically monitored. This would mean the respondent would wear a tag. The court can order this when it is necessary to make sure the respondent is keeping to the order, especially if they are not supposed to enter an exclusion zone around your home or they should stay at their own home during certain hours. This requirement is subject to availability of electronic tags in the Falkland Islands.

8. YOUR HOME

8.1 are you asking the court to make an order that includes a property?

Yes
No. go to section 9

8.2 What address do you want the order to apply to?

Building and Street/ Property name:

Second line of address:

Town/Farm/Camp/Island:

8.3 Who currently lives at this address?

Me
The respondent
The respondent's relatives
My child(ren)
Someone else—tell us who they are and what they think about you applying for this order.

8.4 if you currently do not live there, do you wish to return?

Yes
No (got to 8.6)

8.5 who currently lives at that address you wish to return to?

The respondent
The respondent's relatives, please specify

Children—go to question 8.6
Other—please specify

Note 8

Only complete this section if you are asking the court to make an order that relates to a property, for example where a court decides who lives or stays in a property, or who should be excluded from a property.

If you are not applying for something in relation to a property, please go to the next section 'Going to court' (section 9).

Note 8.3

If selecting 'someone else' please provide their name and why they live there, for example they rent a room, they are a lodger, they are a relative, they are a dependent parent.

You only need to tell us about the opinion of somebody else if they live there and are connected to you or the respondent, if the respondent also lives there. This could be, for example, if the respondent's mother also lives there with you both. See section 5 about who counts as being connected to each other for the purposes of the court making an order.

8.6 If any children live at the address, please provide their name(s) and age(s).

Do not complete this question if you want to keep your child or children's information confidential from the respondent. See notes on page 2 for more information and instructions.

A) any children that both you and the respondent are parents of or responsible for:

<u>Child's name</u>	<u>Child's age</u>

B) other children that you are the parent of or are responsible for that the respondent is not:

Do not complete this question if you want to keep your child or children's information confidential from the respondent. See notes on page 2 for more information and instructions.

<u>Child's name</u>	<u>Child's age</u>

8.7 is the property specially adapted in any for you, your children or anyone else living there?

Yes. The property is specially adapted in the following way:

No.

Note 8

Only complete this section if you are asking the court to make an order that relates to a property, for example where a court decides who lives or stays in a property, or who should be excluded from a property.

If you are not applying for something in relation to a property, please go to the next section 'Going to court' (section 9).

Note 7.2

If selecting 'someone else' please provide their name and why they live there, for example they rent a room, they are a lodger, they are a relative, they are a dependent parent.

You only need to tell us about the opinion

8.8 Is there a mortgage on the property?

Yes

No. go to question 8.12

Note 8.8

Please do not select 'Yes' if thinking of a mortgage your landlord may have. See question 8.14 for landlord information.

8.9 Who is named on the mortgage? Please select all that apply

Me

The respondent

Someone else—please specify

Note 8.9

If selecting 'someone else', please provide their name and their relationship to you and/or the respondent.

8.10 What is the name and address of the mortgage lender?

8.11 Is the property rented?

Yes

No. **go to section 8.14**

8.12 Who is named on the rental agreement? Please select all that apply

Me

The respondent

Someone else—please specify

8.13 What is the name and address of the landlord?

8.14 Who owns the home

Me

The respondent

Someone else—please specify

Note 8.14

Answer this question if you've said there is no mortgage in the property and it's not rented. This could be because, for example, the mortgage has been paid off or the property has been inherited.

8.15 What exactly do you want to happen with your living situation

- I want to be able to stay in my home
- I want to be able to return to my home
- I do not want the respondent to be able to enter my home
- I want to keep the respondent away from the area surrounding my home
- I want to limit where in the home the respondent can go

8.16 Is there anything else you want to be considered by the court?

Note 8.15

There are several options available to you when you the court to order something in relation to your home, for example, removing the respondent from the property altogether or limiting areas of the property they can live in, for example, that they cannot go into a specific room, such as a bedroom.

Note 8.16

This should include information about where you and your children will be able to live if unable to stay in your home or return to it.

Please also include details of any hardship you might face if you are not able to stay in your home or return to it. For example, you may not be able to attend your workplace or your child may not be able to attend their school or nursery.

If you can also demonstrate that the respondent is able to live elsewhere and is not entirely dependent upon the home, this may support your application.

9. GOING TO COURT

9.1 Do you need an interpreter at court?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No. Go to question 10.3

9.2 Please tell us what language and/or dialect

Language

Dialect

9.3 Do we need to provide something different in court or when we contact you, because of a disability?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

9.4 Please detail how your disability affects you and explain how we can support you.

9.5 Special measures can be put in place to keep you separate from the respondent when you attend court. Please select any of the following measure you would like to request.

- A separate waiting room in the court building
- A separate entrance and exit from the court building
- To be shielded by a privacy screen in the court room
- To join the hearing by video link rather than in person

Note 9

The court will try to provide you and any witnesses with the special assistance that you ask for.

Note 9.3

We know that people with disabilities sometimes need our help and support to use our services. This can mean that we need to provide something different so you can access and use our services with ease.

Explaining how your disability affects you and how we can support you will ensure that this is done in the best way possible.

Note 9.5

A privacy screen would mean the respondent would not be able to see you while in the court room.

Privacy screens and video link:

It is the judge's decision whether to allow use of a privacy screen or a hearing by video link.

STATEMENT OF TRUTH

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe the facts stated in this form and any continuation sheets are true.

The applicant believes that the facts stated in this form and any continuation sheets are true. I am authorised by the applicant to sign this statement.

Signature

Applicant

Applicant's legal representative

Date

Full name

Name of applicant's legal representative's firm

If signing on behalf of firm or company give position or office held

You can sign the application by hand or type your name in if completing electronically.

This application is to be served on the respondent.

You must not serve the documents yourself on the person you are seeking the order against. See the first page of this form for more information and instructions about serving the documents.

What to do next

You will need to include a supporting witness statement with your application. You can find a template statement and guidance for how to complete it alongside this form. Visit www.courts.gov.fk and search 'DA1TS'

If you have completed the form and statement electronically, please email them with any supporting documents to your local family court. If you are asking the court to keep your contact details confidential, please attach the [C8 confidential contact details form](#) as a separate attachment.

If you have completed the form and statement by hand, you can post the form to:

Courts & Tribunals Service

Town Hall

Ross Road

Stanley

Or deliver to the court office by hand at the same address.

Notifying the respondent of the application and order

After the court has received and accepted your application, a copy must then be given to the respondent. This is called 'serving the application'. However, if the court has agreed to hear your case without the respondent being told, then they must not be served with the application. If the court grants the order, this must be served on the respondent in all cases.

You must not serve the application yourself