HM Courts & Tribunals Service

To be completed by the court

Date issued

Day | Month | Year

Case number

DA3

Application to vary or discharge a domestic abuse protection order (DAPO)

Part 3 of the Domestic Abuse Act 2021

Name the court to which you are applying:

You can use this form to apply to vary or discharge a domestic abuse protection order (DAPO) that has been made by the family court.

The application should be made to the court that last made the DAPO you are applying to vary or discharge. You can only use this form to apply to vary or discharge a DAPO if it was made by the family court.

If you want to change a DAPO made by another court, for example the magistrates' court – please apply to that court.

RCJ Advice can help you apply for an order

RCJ Advice (Royal Courts of Justice Citizens Advice) provides domestic abuse services that can help you with this application. They will put you in touch with legal advisors to discuss your options or be able to assist themselves. Go to https://supportnav.org.uk/ to ask for help with your application.

If you are experiencing domestic abuse

Visit www.gov.uk/report-domestic-abuse for a list of organisations that can provide help and advice about domestic abuse.

Call 999 if it's an emergency or you're in immediate danger.

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Applications without the person the DAPO is against being told

This only applies to you if you are the person who is protected by a DAPO, or someone applying on your behalf, including the police. In exceptional circumstances, such as if your safety is immediately being threatened, the court may make an order without telling the respondent (the person the order is against). This is called a 'without notice' order. It means the court can consider your application without the respondent present. A further 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 might 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 this application. Visit GOV.UK and search form **C8 – Confidential contact details**.

Do not include your contact details on any other documents sent to the court, such as supporting evidence.

If you are living in a refuge, it is very important that you keep your address details confidential and only include the address details on a form **C8 – Confidential contact details**.

Form C8
https://www.gov.uk/government/publications/form-c8-confidential-contact-details-family-procedure-rules-2010-rule-291

1. Your situation

Without notice order

The court may, in any case where it considers that it is just and convenient 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.

Please see the guidance on the right to help work out if this may be an option for you.

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

☐ Yes

☐ No. **Go to Section 2.**

1.2 Why do you want to apply without giving notice to the respondent? You can select more than one reason – read sidenote for help.

☐ **a)** there is risk of significant harm to me, 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 will be seriously prejudiced by the delay in effecting substituted service

Notifying the respondent of the application and order

If you are applying for yourself, you must not serve the application or order yourself. If you do not have a legal representative, the court official will do it for you for free, but you must complete form D89 to help them find and identify the respondent. Visit GOV.UK and search form 'D89' to complete the form. Include this form with your application.

Usually the respondent will be given the order by hand. In some cases, the court may decide that the order should be served in another way, such as by email or text message. This is called 'substituted' or 'alternative' 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.

Note 1.1 and 1.2: This 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 if an order is not made immediately. Harm means the respondent's behaviour that's abusive – see Section 7 for examples of types of harm **(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 (see over the page) – and any delay caused by this could affect your application or the health, safety or wellbeing of you or your child **(c)**

1.2 Why do you think one or more of the reasons you have chosen for question 1.1 may happen?

2. About you (the applicant)

2.1 Your full name

First name(s)

Last name

2.2 If you're applying on behalf of an organisation

What is the organisation's name?

What does the organisation do?

What is your position in the organisation?

2.3 Your address or the address of the organisation

Building and street

Second line of address

Town or city

County (optional)

Postcode

Note 2.3: If you do not wish to disclose your contact details you should leave this question blank and complete form **C8 Confidential contact details**.

2.4 Phone number (optional)

2.5 Your email address (if you have one)

2.5 Do you have a legal representative?

☐ Yes

☐ No. **Go to Section 4.**

3. Legal representation

3.1 Details of your legal representative

Legal representative's name

Name of firm

Building and street

Second line of address

Town or city

County (optional)

Postcode

DX number (if known)

3.2 Their phone number

3.3 Their email address

3.4 Reference number (if applicable)

4. Your application

4.1 Please tick the box below that applies to you.

I am:

- ☐ the person who is currently protected by the DAPO
- ☐ the person applying on behalf of the person to be protected
- ☐ Respondent – the person against whom the DAPO was made
- ☐ Chief officer of the police applying under section 44(3)(d) or (e) of the Domestic Abuse Act 2021.

4.2 Who originally applied for the DAPO – tick the box that applies.

- ☐ the person to be protected
- ☐ somebody on their behalf
- ☐ the court made a DAPO in other proceedings without anybody applying first.

Note 4.2: If you are applying on behalf of the person to be protected, you can only apply to vary or discharge the DAPO if you made the original DAPO application. If you're applying as the Chief officer of the police, it doesn't matter if you were not involved in the original application.

4.3 I am applying to

- ☐ vary – make any changes to the DAPO including asking for it to be made longer or shorter
- ☐ discharge – bring the DAPO to an early end

4.4 the DAPO dated

Day Month Year

Note 4.4: please include a copy of the most recent DAPO made by the family court (if another court made the most recent DAPO, you will have to apply to that court instead to make changes to that order).

4.5 Give details of the DAPO which you would like the court to make. List all the conditions you would like the court to change and how this is different from the last DAPO.

Note 4.5: Explain what changes you would like the court to make to the DAPO and how this is different from the most recent DAPO. For example, you can ask the court to make the DAPO last for a longer or shorter period, or you could ask for some conditions to be changed. This could include making changes to the exclusion zone, who can stay at the property, something specific that you would like the respondent to do or changes about electronic tagging. See **DA1 Application for a domestic abuse protection order (DAPO)** for more examples about what you can ask the court to include.

5. Your reasons for applying

5.1 State briefly your reasons for applying.

Note 5.1: Include evidence in support of your application. This will be your witness statement. If you prefer, you can submit a separate witness statement.

If you're the person to be protected, and you're applying to remove some conditions or cut the order short, please give reasons why you're asking for that.

5.2 Please explain what has happened since the last DAPO was made and why the order should be changed.

Note 5.2: If you're the person who is protected by the order, you can, for example, include information about new incidents of domestic abuse and how this has affected you and any children. You may also want to include information about anyone you told about these incidents or anyone who witnessed this behaviour This could include a personal contact such as a family member, a friend or a colleague. Or it could be a professional person such as the police or a doctor.

5.3 Do you know if there a police officer who would like to give evidence about this application?

☐ Yes. Their name and contact details are: (if known)

☐ No

☐ I don't know

Note 5.3: Do not worry if you're not sure about this. The court will ask the police if they would like to provide any evidence about this application.

6. People to be served with this application

6.1 Give the title, full name and address (where known) of

a. the person the DAPO is against

Full name

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

Phone number

Email address

b. the person protected by the DAPO, if that person is not making the application

Note b: If you have asked for these details to be kept confidential by completing form **C8**, leave this part blank.

Full name

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

c. the mortgage company and mortgage number or landlord (if known), if you're asking for something in relation to the property, for example who should be allowed to stay or return to the home.

Name of mortgage company or landlord

Your mortgage number, if you know it

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

7. Going to court

7.1 Do you need an interpreter at court?

☐ Yes

☐ No. **Go to question 7.3.**

7.2 Please tell us what language and/or dialect.

Language

Dialect

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

☐ Yes

☐ No

7.4 Explain how your disability affects you, giving as much information as you can.

7.5 Special measures can be put in place to keep you separate from the respondent when you attend court. Please select any of the following measures 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 courtroom

☐ to join the hearing by video link rather than in person

Note 7: The court will try to provide you and any witnesses with the special assistance that you ask for. However, this is not always possible and can depend on the facilities available at your local court.

It is a good idea to contact the court before your court hearing to find out whether they can supply the special assistance that you have requested.

If you're applying on someone else's behalf, please indicate if you will need any special assistance yourself.

Note 7.3: 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 in the same way as a person without a disability.

Explaining how your disability affects you will help court staff or the judge to consider any help we can provide.

Note 7.5: A privacy screen would mean the respondent would not be able to see you while in the courtroom.

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.

Help with cross-examination

Provisions in section 65 of the Domestic Abuse Act 2021 have the effect of preventing an individual accused of abuse from questioning in person a party or witness in the case who is the victim of the abuse, and also prevents a victim of abuse from questioning in person the accused individual, in specified circumstances

If the court directs that the proceedings be listed for a hearing where oral evidence may be given, form **EX740** (person making the abuse accusation) or form **EX741** (person accused of abuse) 'Application and information needed by the court to consider whether to prevent (prohibit) questioning (cross-examination) in person' may need to be completed so that the court can consider whether questioning in person should be prevented. The court will send the appropriate form with the court order.

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** that 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

Day Month Year

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 page 3 of this form for more information and instructions about serving the documents.

What to do next

If you have completed your form 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, attach the **C8 – Confidential contact details** form as a separate attachment.

If you have completed the form and statement by hand, we will need 3 copies of your application form or 4 copies if you're asking the court to order something in relation to a property. If you have legal representation (a solicitor) you can ask them to make copies. If you do not have legal representation, you only need to provide one copy of each document.

You can take your application to the family court which is taking DAPO applications or send it there by post.

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 an order, this must be served on the respondent in all cases.

You must not serve the application or order yourself. If you do not have a legal representative, a court official can serve these for you for free but you must complete form '**D89 - Request for personal service by court bailiff**' so that the court can find and recognize the respondent visit GOV.UK and search form '**D89**' to complete this form. Include this form with your application.