



HOW TO WRITE FURTHER AND BETTER PARTICULARS

Your case returns to Court on at am / pm.

On that date your case is listed for

You must file further and better particulars on or before:

The respondent must file further and better particulars on or before:

A magistrate has ordered you to provide the court with further and better particulars. You must bring the original document plus two copies to the Family Violence Intervention Order registry at Broadmeadows Magistrates' Court by 4pm on the date the magistrate specified.

What are further and better particulars?

A sample further and better particulars document is included with this information sheet.

In order to make a family violence intervention order the magistrate hearing your case must be satisfied that the respondent committed family violence against you and is likely to do so again, unless the intervention order is made.

Further and better particulars tell the magistrate hearing your case why you need an intervention order. In other words, the further and better particulars explain what family violence you have experienced, and why it is likely to happen again.

The document should set out – in the order in which they happened – each incident of family violence the respondent has committed against you. You should give the date, time and location of each incident.

Your further and better particulars should include the name of any person (witness) who saw or heard the incident of family violence, or who you told about the incident. You should give a brief summary of what each witness can say about each incident. If your case goes to contested hearing these people should attend court to give sworn evidence about what they saw, heard or were told.

You should also provide copies of any documents that you wish to rely on as evidence such as emails, police statements, medical reports, photographs or text message screenshots.

What is the best way to write my further and better particulars?

You should provide a brief summary of each incident of family violence, in chronological order. You should use simple, clear and direct language to describe each incident.

If you cannot remember the date or time for an incident, then you should give an estimate. For example, you could say, "In approximately January 2015".

If family violence happened so often that it isn't possible to refer to each incident, then you should do your best to summarise what happened. For example, you could say, "In the second half of 2015 the violence happened so often that I cannot remember each incident. The respondent generally assaulted me two to three times per week".

What is the legal definition of family violence?

The law says that family violence is:

- Behaviour that is:
 - physically or sexually abusive
 - emotionally or psychologically abusive
 - economically abusive
 - threatening or coercive
 - controlling or dominating and causes the victim to fear for their wellbeing or for the wellbeing of another family member

The legal definition of family violence also includes behaviour that causes a child to hear or witness, or otherwise be exposed to the effects of the above behaviour.

What happens with my further and better particulars?

Once you provide two copies of your further and better particulars to the Court, one copy will be given to the other party and the other will go to the magistrate presiding over your case – whether

at the directions hearing or final hearing.

Why does the Court expect me to provide it with further and better particulars?

The magistrate hearing your case must make sure that both sides of the dispute get a fair hearing. In order to defend your allegations, the respondent must know what they are and be given the opportunity to challenge them. It will cause problems for your case if you raise new allegations or evidence at the time your case is heard.

Your further and better particulars will also help the Court to make sure enough time is set aside for the hearing of your case and that any special arrangements (like interpreters or video links) are set up in time for the final hearing. Your further and better particulars will also help the magistrate hearing your case to understand why you need an intervention order.

When do I have to provide my further and better particulars?

You must provide them to the Family Violence Intervention Order Registry by 4pm on the date specified in the order of the magistrate who required you to provide them. If the order did not specify a date, then you should provide them prior to the directions hearing date.

What will happen if I don't file further and better particulars?

If you do not file your further and better particulars, then there is a risk that the following might happen:

- at the final hearing of your case you will only be allowed to bring up the events described in your original application
- your case will be delayed
- you will be ordered to pay the respondent's legal costs
- your application for an intervention order will be struck out

**IN THE MAGISTRATES' COURT
OF VICTORIA
AT BROADMEADOWS**

Case No: (Put in your case number here)

BETWEEN:

(Your name)

Applicant

of (Your address or C/O the Court
if you wish your address to remain unknown)

-and-

(Other party's name)

Respondent

of
(other party's address)

APPLICANT'S FURTHER AND BETTER PARTICULARS

Filed by the applicant: (Your name)

Prepared by The Applicant

Address of Applicant: (Your address-n can be c/o court)

Tel: (your no if not private)

Facsimile: (Yours if applicable)

Please outline truthfully all the information relating to family violence in this document. This document will be seen by the Court as well as the other person in this court case.

1. On 19 August 2010 at approximately 8pm my husband X slapped me on the face while yelling abuse at me. He yelled for 30 minutes and said " You are a stupid bitch etc etc. (put in all words) I rang my mother and asked her to come and take me to her house. She heard him still yelling at me. I was there from 13th April 2011 to 15 May 2011. (This is an example only)
2. (Go through all prior incidents, chronologically from most recent to furthest, as best as you can, in numbered paragraphs. Put in dates where possible, places they occurred, witnesses' names and anything else relevant.

If they were so many it is impossible to identify them all say something like:”
 The violence occurred at least every day/week /whatever and included verbal
 abuse/physical violence/threats / whatever and give details of the sorts of things
 that happened. But you will still need to name at least 3 specific incidents.

3. If you reported anything to the police list date, station and to whom reported and attach a copy of your statement or the police report of the incident. Try to get a copy if you don't have it and take it to court with you.
4. List all (threatening/harassing) text messages and attach screenshots/transcripts of the messages. If there are many, put a transcript of the worst ones in the Further and Better particulars and attach a printout of them all and refer to it in the Further and better Particulars. (F&BPS)).
5. Also include any threatening/harassing messages from Facebook and other online social media accounts.
6. If you have any recordings and the other person knows you recorded it, you may be able to rely on this at the hearing. You should download any videos and recordings onto a disc or flash drive.

You must mention in your F &BPs any event and any evidence/proof you wish to raise or use at the Hearing or you will not be able to use it or talk about it.

| Name of Witness (can be called to attend court at Contested Hearing) | Summary of their evidence |
|---|----------------------------------|
| | |

Dated : (Today's date)

(you sign here)

.....

(Your name)

The Applicant