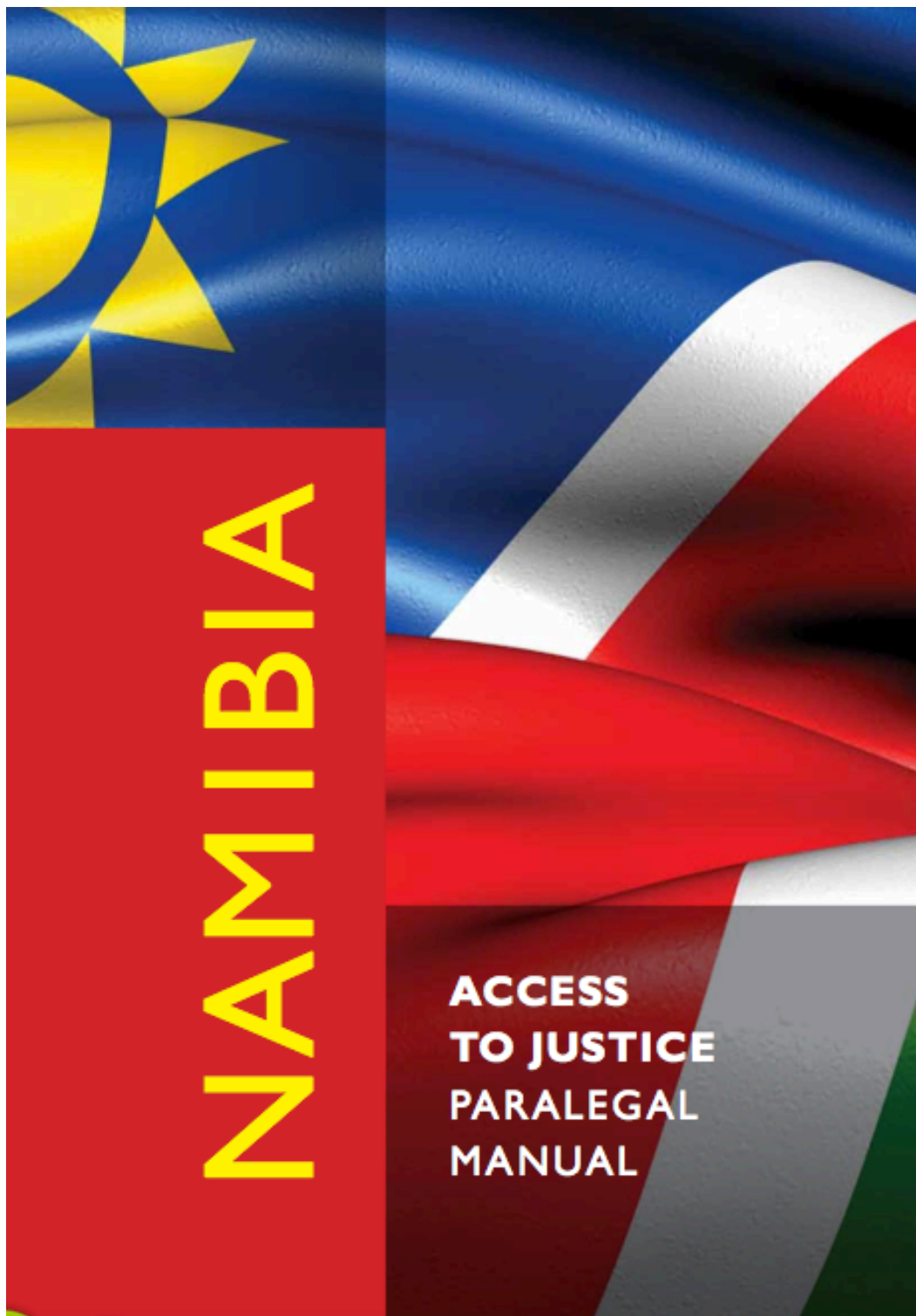


**Excerpt from:**



**FORM 1 –  
(Regulation 2)  
APPLICATION FOR PROTECTION ORDER  
Section 6(1) of the Combating of Domestic Violence Act, 2003**

**DEFINITIONS**

**COMPLAINANT** = the victim of the domestic violence (even if someone else applies for the protection order)

**RESPONDENT** = the person who committed the domestic violence

If the directions say to mark a question with a **TICK**, you can use a mark that looks like § or X.

**DOMESTIC VIOLENCE**

*Domestic violence includes the following acts. It can also include acts which are not listed.*

**PHYSICAL ABUSE**

- physical assault or any use of physical force against the complainant;
- forcibly confining or detaining the complainant;
- physically depriving the complainant of access to food, water, clothing, shelter or rest.

**SEXUAL ABUSE**

- forcing the complainant to engage in any sexual contact;
- engaging in any sexual conduct that abuses, humiliates or degrades or otherwise violates the sexual integrity of the complainant;
- exposing the complainant to sexual material which humiliates, degrades or violates the complainant's sexual integrity;
- engaging in such contact or conduct with another person with whom the complainant has emotional ties.

**ECONOMIC ABUSE**

- the unreasonable deprivation of any economic or financial resources to which the complainant, (or a dependant of the complainant) is entitled under any law, requires out of necessity or has a reasonable expectation of use - including household necessities, and mortgage bond repayments or rent payments in respect of a shared household;
- unreasonably disposing of moveable or immovable property in which the complainant (or a dependant of the complainant) has an interest or a reasonable expectation of use;
- destroying or damaging property in which the complainant (or a dependant of the complainant) has an interest, a reasonable expectation of use;
- hiding or hindering the use of property in which the complainant (or a dependant of the complainant) has an interest or a reasonable expectation of use.

**INTIMIDATION**, which means intentionally inducing fear in the complainant (or a family member or dependant of the complainant) by -

- committing physical abuse against a family member or dependant of the complainant;
- threatening to physically abuse the complainant, or a family member or dependant of the complainant;
- exhibiting a weapon;
- any other menacing behaviour, including sending, delivering or causing to be delivered an item which implies menacing behaviour.

**HARASSMENT**, which means repeatedly following, pursuing or accosting the complainant (or a family member or dependant of the complainant), or making persistent unwelcome communications – such as -



- watching, or loitering outside or near the building or place where such person resides, works, carries on business studies or happens to be;
- repeatedly making telephone calls or inducing a third person to make telephone calls to such person, whether or not conversation ensues; or repeatedly sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects or messages to such person's residence, school or workplace.

TRESPASS, which means entering the residence or property of the complainant, without the express or implied consent of the complainant, where the persons in question do not share the same residence.

EMOTIONAL, VERBAL OR PSYCHOLOGICAL ABUSE, which means a pattern of degrading or humiliating conduct towards a complainant (or a family member or dependant of the complainant) including-

- repeated insults, ridicule or name calling;
- causing emotional pain;
- the repeated exhibition of obsessive possessiveness or jealousy, which is such as to constitute a serious invasion of the complainant's, or the complainant's dependant or family member's privacy, liberty, integrity or security.

THREATS or ATTEMPTS to do any of these acts.

PSYCHOLOGICAL ABUSE OF A CHILD includes a situation where someone other than a victim of domestic violence -

- repeatedly causes or allows a child to see or hear the physical, sexual, or psychological abuse of a person with whom that child has a domestic relationship;
- repeatedly puts a child at risk of seeing or hearing such abuse ;
- repeatedly allows a child to be put at risk of seeing or hearing such abuse.

In some cases, a SINGLE ACT can amount to domestic violence. A number of acts that form part of a PATTERN of behaviour may amount to domestic violence even though some or all of those acts, when viewed in isolation, may appear to be minor or trivial.

#### **DOMESTIC RELATIONSHIPS**

*Domestic relationships include only the following relationships.*

MARRIAGE: a male and female who are or were married to each other in a marriage according to any law, custom or religion, or who are or were engaged to be so married.

LIVING TOGETHER AS HUSBAND AND WIFE: a male and female who are living or have lived together in a relationship in the nature of marriage, although they are not, or were not, married to each other.

HAVING A CHILD TOGETHER: a male and female who have, have had or are expecting a child together - excluding situations where the child is conceived as a result of rape or where the parties contributed ova or sperm for an assisted reproductions technique but have no other relationship.

PARENT AND CHILD, whether biological or adoptive.

#### **FAMILY MEMBERS**

- people related by blood, marriage or adoption;
- people who are standing in the place of family members because of foster arrangements;
- people who would be family members related by marriage if a man and a woman who are living together as husband and wife had been formally married .

BUT ONLY IF THEY HAVE SOME CONNECTION OF A DOMESTIC NATURE, such as the sharing of a residence or one of them being financially or otherwise dependant on the other.



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BOYFRIEND/GIRLFRIEND: a male and female who are or were in an actual or a perceived intimate or romantic relationship.

A “domestic relationship” based on a past relationship (such as marriage or a romantic relationship which is now over) is considered to continue for at least one year after the relationship has come to an end. Where a child is born to any couple, their “domestic relationship” continues throughout the lifetime of that child and for one year after the death of the child. The court can extend these time periods if there are good reasons to do so.



**SECTION A. PARTICULARS OF COMPLAINANT (the victim of the domestic violence)**

**IF THE APPLICATION IS BEING MADE BY SOMEONE OTHER THAN THE VICTIM OF THE DOMESTIC VIOLENCE, THIS SECTION MUST STILL GIVE DETAILS ABOUT THE VICTIM.**

1. Surname	
2. Full first names	
3. Sex	..... male ..... female
4. Date of birth	
5. ID number (if available)	
6. Normal home address	
7. Home telephone number	
8. What is the telephone number of the place you (the victim) are staying now?	
9. Occupation	
10. Employer	
11. Work address	
12. Work telephone number	
13. What is the best address and telephone number to use to get in touch with you (the victim)?  Give the number of a friend or relative or some other contact if this will be helpful.	



14. What is your relationship (the victim's relationship) to the person who has committed the domestic violence?

I (the victim) has (or am expecting) a child by the respondent.

..... yes

..... no

I (the victim) am the ..... of the person who has committed the violence.  
(girlfriend/boyfriend, wife/husband, ex-wife/ex-husband, sister/brother, mother/father, etc)

If the relationship is based on a marriage, engagement or romantic relationship which no longer exists, give the date (or approximate date) on which the relationship came to an end: .....

If you (the victim) are a family member of the person who has committed the violence (such as aunt/uncle, niece/nephew, grandparent/grandchild, or cousin), explain what other connections exist between you and the abuser (sharing the same residence, financial support, etc):

.....  
.....  
.....

15. Do you (the victim) currently share a residence with the respondent (the person who committed the domestic violence)? If you (the victim) have temporarily moved somewhere else for safety, this does not change your normal place of residence.

..... **no**

..... **yes**

If yes, state how long the residence has been shared: .....

If yes, explain who else lives in the residence: .....

.....

16. Did you (the victim) previously share a residence with the respondent (the person who committed the domestic violence)?

..... **no**

..... **yes**

If yes, provide the approximate dates that you (the victim) shared a residence with the person who committed the domestic violence:

.....



**SECTION B. PARTICULARS OF PERSON MAKING THE APPLICATION ON BEHALF OF THE COMPLAINANT (if applicable)**

**COMPLETE THIS SECTION ONLY IF THE VICTIM OF DOMESTIC VIOLENCE IS NOT THE SAME PERSON WHO IS MAKING THE APPLICATION. FILL IN THE DETAILS OF THE PERSON MAKING THE APPLICATION IN THIS SECTION.**

**IF THE VICTIM OF THE DOMESTIC VIOLENCE IS THE SAME PERSON WHO IS MAKING THE APPLICATION, THEN SKIP SECTION B AND GO ON TO SECTION C.**

1. Surname	
2. Full first names	
3. Date of birth	
4. Sex	..... male ..... female
5. ID number (if available)	
6. Home address	
7. Home telephone number	
8. Occupation	
9. Employer	
10. Work address	
11. Work telephone number	
12. Capacity in which application is made ..... family member (your relationship to complainant): ..... ..... police officer ..... social worker ..... health care provider ..... teacher ..... traditional leader ..... religious leader ..... other (specify: .....	
13. Why are you bringing the application on behalf of the complainant?	



---

14. Do you have written consent from the complainant to bring the application?

..... **Written consent is attached.**

..... **Written consent is not necessary because the complaint is:**  
(Tick appropriate reason and explain as indicated)

..... **a minor**  
The complainant is aged.....

..... **mentally incapacitated**  
Explain nature of mental condition:

..... **unconscious**  
Explain briefly:

..... **regularly under the influence of alcohol or drugs**  
Describe the complainant's condition:

..... **at risk of serious physical harm**  
Explain briefly:





**SECTION C. PARTICULARS OF RESPONDENT (the person who committed the act of domestic violence)**

1. Surname	
2. Full first names	
3. Sex	..... male ..... female
4. Date of birth (if known)	
5. ID number (if known)	
6. Home address	
7. Home telephone number	
8. Occupation	
9. Employer	
10. Work address	
11. Work telephone number	
12. Other contact details for respondent	



**SECTION D. INFORMATION ABOUT THE ACTS OF DOMESTIC VIOLENCE**

**IT IS EXTREMELY IMPORTANT THAT YOU GIVE AS MUCH DETAILS AS POSSIBLE IN THIS SECTION.**

**I, .....** **OF** .....  
NAME ADDRESS

**DECLARE UNDER OATH THAT THE FOLLOWING IS TRUE AND CORRECT:**

**a) THE MOST RECENT INCIDENT OF ABUSE**

<b>1. Date of the most recent incident of abuse:</b>	..... date	..... month	..... year
<b>2. Details of the most recent incident of abuse:</b>          			
<b>3. Was a weapon used?</b>  ..... no  ..... yes describe weapon: .....			
<b>4. Were you (the victim) physically injured?</b>  ..... no  ..... yes give details: .....			
<b>5. Did you (the victim) see a doctor or a nurse or other health practitioner</b>  ..... no  ..... yes give details: .....  date: .....  name of doctor or nurse or health practitioner (if known): .....  name of hospital or clinic or health facility: .....  what treatment did you (the victim) get? .....			



**6. Did anyone else see or hear this incident of abuse?**

..... no

..... yes

name: .....

contact details of this person: .....

**7. Did any children see or hear this incident of abuse?**

..... no

..... yes

names: .....

ages: .....

give details: .....

**b) THE HISTORY OF ABUSE (PREVIOUS INCIDENTS)****1. How long has the abuse been happening?:****2. When was the first incident of abuse?**  
(if you can remember).....  
date                  month                  year**3. What kind of abuse has happened in the past?****4. Has the abuse been happening more often lately?**

..... no

..... yes  
explain: .....**5. Has the abuse become more severe lately?**

..... no

..... yes  
explain: .....**6. Does the respondent (the person who commits the abuse) own a weapon?**

..... no

..... yes  
what kind of weapon?.....

**7. Has the respondent used or threatened to use a weapon against you (the victim) in the past?**

..... no

..... yes

explain: .....

**8. Have you (the victim) ever been physically injured by past abuse?**

..... no

..... yes

give details: .....

**9. Did you (the victim) see a doctor or a nurse or other health practitioner because of the abuse in the past?**

..... no

..... yes

give details: .....

date(s): .....

name of doctor or nurse or health practitioner (if known): .....

name of hospital or clinic other health facility: .....

what treatment did you get? .....

**10. Has anyone else seen or heard any past incidents of abuse?**

..... no

..... yes

name: .....

contact details of this person: .....

**11. Did any children see or hear past incidents of abuse?**

..... no

..... yes

names: .....

ages: .....

give details: .....



<p><b>12. How has the abuse affected you (the victim)?</b> (examples: stress, missing work or school or losing a job, health problems, depression, etc)</p>
<p><b>13. Has the respondent (the person who is committing the abused) ever been convicted of any crime?</b></p> <p>..... not to the best of my knowledge</p> <p>..... no</p> <p>..... yes give details (crime and date of conviction if known): .....</p>
<p><b>14. Does the respondent (the person who is committing the abuse) use or abuse alcohol or drugs?</b></p> <p>..... not to the best of my knowledge</p> <p>..... yes</p> <p>..... no ..... alcohol ..... drugs .....alcohol and drugs</p> <p>give details: .....</p>
<p><b>15. Has the respondent (the person who is committing the abuse) made threats against you (the victim) or anyone else?</b></p> <p>..... not to the best of my knowledge</p> <p>..... yes</p> <p>..... no give details: .....</p>



**16. List other people who are being affected by the violence:****Name:** .....

Age: .....

Relationship to you (the victim): .....

How this person is being affected? .....

Does this person live with you (the victim)? ..... yes

..... no

**Name:** .....

Age: .....

Relationship to you (the victim): .....

How this person is being affected? .....

Does this person live with you (the victim)? ..... yes

..... no

**Name:** .....

Age: .....

Relationship to you (the victim): .....

How this person is being affected? .....

Does this person live with you (the victim)? ..... yes

..... no

**Name:** .....

Age: .....

Relationship to you (the victim): .....

How this person is being affected? .....

Does this person live with you (the victim)? ..... yes

..... no

**Name:** .....

Age: .....

Relationship to you (the victim): .....

How this person is being affected? .....

Does this person live with you (the victim)? ..... yes

..... no

**Name:** .....

Age: .....

Relationship to you (the victim): .....

How this person is being affected? .....

Does this person live with you (the victim)? ..... yes

..... no



---

**SECTION E. TERMS OF THE PROTECTION ORDER**


---

**THESE ARE THE CONDITIONS THAT YOU ARE ASKING THE COURT TO ORDER AGAINST THE RESPONDENT (THE ABUSER). TICK THE CORRECT BOXES, AND FILL IN ALL INFORMATION THAT IS REQUIRED.**

All protection orders direct the respondent not to commit any further acts of domestic violence against you (the victim) or your (the victim's) dependants, either directly or by getting the help of another person to carry out the violence. In the list below please tick the types of domestic violence which the respondent has already committed for special emphasis in the order:

physical abuse;  
 sexual abuse;  
 economic abuse (including destruction or damage to property);  
 intimidation;  
 harassment (including stalking);  
 trespass;  
 emotional, verbal or psychological abuse;  
 threats or attempts to carry out any of these acts;  
 exposing a child to acts of domestic violence against another person.

Please indicate what other conditions the court should include in the protection order:

**a) WEAPONS**

**The respondent must hand over to the police**

..... all firearms in his/her possession

..... other specific weapon(s) (describe:.....).

**The respondent's firearm licences must be suspended.**

**b) NO-CONTACT PROVISIONS**

..... The respondent must not come near me (the victim) wherever I may be.

..... The respondent must not enter or come near my (the victim's) residence, which is at the following address:  
 .....

..... The respondent must not enter or come near my (the victim's) workplace, which is at the following address:  
 .....

..... The respondent must not enter or come near my (the victim's) educational institution, which is at the following address:  
 .....

..... The respondent must not enter or come near the following place or address. (This can include the residence, workplace or educational institution of a child or dependant, a family member's residence, a temporary shelter or residence, or a place which is often visited.) Consent from the relevant persons must be attached if the respondent is going to be restricted from someone else's private residence.



place or address:

.....

reason why respondent should be restricted from this place or address:

.....

..... **The respondent must not communicate with me (the victim) in any way, except under the following conditions** (if any):

.....

..... **The respondent must not communicate with the following person(s) in any way, except under the following conditions** (if any). Consent from the person named (or from the parent or guardian in the case of a child) must be attached.

name: .....

age: .....

conditions (if any): .....

consent in respect of this person is attached: ..... yes

name: .....

age: .....

conditions (if any): .....

consent in respect of this person is attached: ..... yes

name: .....

age: .....

conditions (if any): .....

consent in respect of this person is attached: ..... yes

**c) EXCLUSIVE OCCUPATION OF A JOINT RESIDENCE**

(available only if there has been an act of physical violence)

..... **I (the victim) must have the exclusive right to occupy the joint residence at the following address.**

address:.....

Tick the appropriate answers:

The residence is *owned* by

..... me (the victim)

..... the respondent

..... the respondent and myself jointly.

The residence is *leased* by

..... me (the victim)

..... the respondent

..... the respondent and myself jointly.

The residence is on *communal land* which is allocated to

..... me (the victim)

..... the respondent

..... the respondent and myself jointly.





..... All of the contents of the joint residence must be left there for my use.

Give reasons: .....

.....

..... The following items must be left at the joint residence for my use.

List: .....

.....

Give reasons: .....

.....

..... A police officer must remove the respondent from the joint residence.

..... A police officer must accompany the respondent to collect personal belongings from the joint residence.

**d) ALTERNATIVE ACCOMMODATION**

(available if the respondent is legally liable to support you and you do not wish to stay in the joint residence, or it is more appropriate for the respondent to stay in the joint residence)

..... The respondent must pay rent for suitable alternative accommodation for me (the victim) and dependants whom the respondent is legally liable to support.

address of alternative accommodation: .....

monthly rental: .....

..... The respondent must make the following arrangements for suitable alternative accommodation for me (the victim) and dependants whom the respondent is legally liable to support:

.....

.....

**e) PROPERTY**

..... A police officer must accompany me (the victim) to collect personal belongings from the joint residence.

..... The following items must be left in my (the victim's) possession:

List: .....

.....



<p>Give reasons: .....</p> <p>.....</p>
<p>..... <b>The respondent must not take, sell, damage, give away or otherwise deal in any property in which I (the victim) have an interest or a reasonable expectation of use.</b></p> <p>List any property which is of special concern: .....</p> <p>.....</p> <p>.....</p> <p>.....</p>

<p><b>f) MAINTENANCE</b></p> <p>..... <b>The respondent must pay temporary monthly maintenance in respect of the following children or dependants:</b></p> <p>name: .....</p> <p>age: .....</p> <p>monthly amount: .....</p> <p>name: .....</p> <p>age: .....</p> <p>monthly amount: .....</p> <p>name: .....</p> <p>age: .....</p> <p>monthly amount: .....</p> <p>name: .....</p> <p>age: .....</p> <p>monthly amount: .....</p> <p>name: .....</p> <p>age: .....</p> <p>monthly amount: .....</p>
--

<p><b>g) CUSTODY AND ACCESS OF CHILDREN</b></p> <p>..... <b>Temporary custody of the following children must be granted to me (the victim).</b></p> <p>List names: .....</p> <p>..... <b>Temporary custody of the following children must be granted to (list other person) .....</b></p> <p>List names: .....</p>
--



..... **The respondent is refused all contact with the following children.**  
List names: .....

..... **The respondent is granted contact with the following children only under the specified conditions:**

name: .....  
visiting arrangement: .....  
other conditions: .....

name: .....  
visiting arrangement: .....  
other conditions: .....

name: .....  
visiting arrangement: .....  
other conditions:.....

**h) OTHER ORDERS REQUESTED:**

..... **MY (THE VICTIM'S) PHYSICAL ADDRESS MUST NOT BE REVEALED TO THE RESPONDENT.**

**NAME THE POLICE STATION WHERE YOU (THE VICTIM) WOULD MOST LIKELY MAKE A REPORT IF THE RESPONDENT VIOLATES THE PROTECTION ORDER:**

\_\_\_\_\_

**WITNESSES**

**I would like these people to come to court to give evidence about the information stated in this application:**

NAME	BEST CONTACT ADDRESS	WHAT INFORMATION THIS WITNESS CAN GIVE THE COURT



---

**NOTE: You should now look back through this form and make sure that you have included all the relevant information. Then you must sign or make your mark in the space below, in front of a Commissioner of Oaths.**

**You must also put your initials or your mark in the corner of every page of this statement, in front of a Commissioner of Oaths.**

.....  
**SIGNATURE**

.....  
**DATE**

---

**CERTIFICATION  
for use by Commissioner of Oaths**

I hereby certify that before administering the oath / taking the affirmation I asked the Deponent the following questions and noted his/her answers in his/her presence as indicated below:

Do you know and understand the contents of the above declaration? .....

Do you have any objection to taking the prescribed oath? .....

Do you consider the above oath to be binding on your conscience? .....

Dated at .....this .....day of .....

I hereby certify that the Deponent has acknowledged that he/she knows and understands the contents of this declaration which was sworn to / affirmed before me, and the Deponent's signature / thumb mark/ mark was placed in my presence.

.....  
**Signature of Commissioner of Oaths**

FULL NAMES:

DESIGNATION:  
(police officers must state rank)

ADDRESS:

**NOTE: THE COMMISSIONER OF OATHS MUST ALSO INITIAL EVERY PAGE OF THE AFFIDAVIT.**



**FORM 14**  
**(Regulation 14)**  
**RECORD OF DOMESTIC VIOLENCE INCIDENT**  
**Section 27(1) of the Combating of Domestic Violence Act**

<b>POLICE STATION</b>	<b>O. B. NUMBER</b>	<b>NAME OF POLICE OFFICER</b>
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**SECTION A. PARTICULARS OF COMPLAINANT (the victim of the domestic violence)**

<b>1. Surname</b>	
<b>2. Full first names</b>	
<b>3. Sex</b>	<input type="checkbox"/> ..... male <input type="checkbox"/> ..... female
<b>4. Date of birth</b>	
<b>5. ID number (if available)</b>	
<b>6. Home address</b>	
<b>7. Home telephone number</b>	
<b>8. Occupation</b>	
<b>9. Employer</b>	
<b>10. Work address</b>	
<b>11. Work telephone number</b>	
<b>12. The complainant is the .....of the person who has committed the violence.</b> (girlfriend/boyfriend, wife/husband, ex-wife/ex-husband, sister/brother, mother/father, etc)	
<b>13. Does the complainant share a residence with the respondent (the person who committed the domestic violence)?</b> .....no      .....yes      ..... unknown	



**SECTION B. PARTICULARS OF RESPONDENT (the person who committed the act of domestic violence)**

1. Surname	
2. Full first names	
3. Sex	.....male ..... female
4. Date of birth (if known)	
5. ID number (if known)	
6. Home address	
7. Home telephone number	
8. Occupation	
9. Employer	
10. Work address	
11. Work telephone number	

**SECTION C. THE DOMESTIC VIOLENCE INCIDENT**

Date of incident: .....

Date incident reported to police: ..... Time reported: .....

The domestic violence took the form of (tick all that apply):

- ..... physical abuse;
- ..... sexual abuse;
- ..... economic abuse (including destruction or damage to property);
- ..... intimidation;
- ..... harassment (including stalking);
- ..... trespass;
- ..... emotional, verbal or psychological abuse ;
- ..... threats or attempts to carry out any of these acts; and
- ..... exposing a child to acts of domestic violence against another person.

Give a brief description of the incident: .....

.....

.....

.....

.....




..... A weapon was used in the domestic violence. (describe: .....)

..... The complainant had visible injuries (describe: .....)

..... The complainant sought medical assistance.

..... Previous incidents of domestic violence involving the same parties have been reported.

Provide details and dates if possible:.....

---

..... Children or dependants of the victim are possibly at risk.

Give names, ages and details if possible:.....

---

**SECTION D. POLICE ACTION TAKEN**

..... A charge was laid  
 ..... by the victim of the violence.  
 ..... by someone acting on behalf of the victim of the violence.

Give case number: .....

..... A charge was initially laid but later withdrawn by the complainant.

..... A formal warning was given.

..... The complainant was assisted to apply for a protection order.

..... Additional police protection was supplied to the complainant (explain:.....)

..... The complainant was taken to a shelter or other safe place.

..... The complainant was referred to a social worker or counselling group.

..... The complainant was transported to a clinic or hospital for medical attention.

..... The complainant was assisted to collect personal belongings in safety.

**Other:** .....

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# ABOUT THIS MANUAL

This reference manual is intended to act as a guide to paralegals (Namibia's community educator/advocates) and other people and organisations that provide advice regarding Namibians' legal, civil, and human rights. The manual draws on the extensive experience of the community-based paralegals who, since 1998, have been serving their communities on a volunteer basis working under the auspices of the Namibia Paralegal Association (NPA). These paralegals assist Namibians with the challenges they face in their everyday lives.

The manual was written and designed by a team of lawyers and law students working in collaboration with the NPA, with a view toward enriching the reader's understanding of certain areas of law, the kinds of challenges that people face in trying to advocate for their rights, and the strategies that can be used to address them. The manual is designed to help paralegals and other readers find answers to some of the most pressing social and economic problems facing Namibians today. The manual includes chapters dedicated to specific areas of the law and forms that can be reproduced for use in addressing specific problems.

