

Initiating Application (Family Law)

Filed in:

- Family Court of Australia
 Family Court of Western Australia
 Federal Circuit Court of Australia
 Other (specify): _____



NOTE: Initiating applications can be eFiled through the Commonwealth Courts Portal (www.comcourts.gov.au). For more information see 'Applications and orders' at www.familycourt.gov.au/howdoi or www.federalcircuitcourt.gov.au/howdoi

COURT USE ONLY
Client ID
File Number
Filed at
Filed on
Court location
Court date
Time
Type of hearing

IMPORTANT: Information for respondents to the application is on page 10.

[_____]
Applicant's Name
[Husband/ Father/ Wife/ Mother/ Grandparent/ Other]

[_____]
Respondent's Name
[Husband/ Father/ Wife/ Mother/ Grandparent/ Other]

Part A The orders sought

1 Type of orders sought (mark all boxes that apply)

- Children (parenting) Financial (property and/or maintenance)
 Child support Other (specify): _____
 Declaration

Filed on behalf of: The Applicant

Prepared by _____ Lawyer's Code _____
Name of law firm _____
Address for service in Australia _____
_____ State _____ Postcode _____
Email* _____ DX _____
Tel _____ Fax* _____ Attention _____

* Please do not include email or fax details unless you are willing to receive documents from the Court and other parties in that way.

2 Final orders sought

(State precisely and briefly the final orders sought by the applicant – give a number to each order sought)

1.

3 Interim or procedural orders sought

(These orders can only be sought in this form if you are seeking final orders as well; otherwise, leave blank. State precisely and briefly the orders sought – give a number to each order sought.)

1.

Part B Details of the Parties

Details of Applicant/s

	Applicant 1	Applicant 2
4 Family name as used now		
5 Given names		
6 Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female
7 Residential address (incl postcode)		
	You do not have to state your residential address or your telephone number if you are concerned about family violence. You can repeat your contact address for service if you wish.	
8 Telephone number (home and mobile)		
9 Date of birth (day/month/year)	/ /	/ /
10 Usual occupation		
11 Mark box as applicable for each applicant	<input type="checkbox"/> present in Australia <input type="checkbox"/> ordinarily resident in Australia <input type="checkbox"/> an Australian citizen <input type="checkbox"/> domiciled in Australia	<input type="checkbox"/> present in Australia <input type="checkbox"/> ordinarily resident in Australia <input type="checkbox"/> an Australian citizen <input type="checkbox"/> domiciled in Australia
12 Description	<input type="checkbox"/> husband/father <input type="checkbox"/> wife/mother <input type="checkbox"/> party to a de facto relationship that has broken down <input type="checkbox"/> Other (specify): _____ _____	<input type="checkbox"/> husband/father <input type="checkbox"/> wife/mother <input type="checkbox"/> party to a de facto relationship that has broken down <input type="checkbox"/> Other (specify): _____ _____
13 Is an interpreter required?	<input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, state language & dialect: _____ _____	<input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, state language & dialect: _____ _____
14* Is the applicant of Aboriginal and/or of Torres Strait Islander origin?	<input type="checkbox"/> No <input type="checkbox"/> Yes Aboriginal <input type="checkbox"/> Yes Torres Strait Islander <input type="checkbox"/> Yes Aboriginal and Torres Strait Islander	<input type="checkbox"/> No <input type="checkbox"/> Yes Aboriginal <input type="checkbox"/> Yes Torres Strait Islander <input type="checkbox"/> Yes Aboriginal and Torres Strait Islander

* You are not required to answer this question, but it will greatly assist the Court if you do. The information sought is being collected to assist the Court in planning and delivering client services. It is possible that you may be contacted to participate in a review of a particular aspect of the Court's services, although your right not to participate will be respected. The information you provide may be shared with researchers approved by the Court, and may be included in publications in statistical form in a way that does not identify you.

Details of Respondent/s

Respondent 1

Respondent 2

15 Family name as used now		
16 Given names		
17 Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female
18 Residential address (incl postcode)	<p>You do not have to state your residential address or your telephone number if you are concerned about family violence. You can repeat your contact address for service if you wish.</p>	
19 Date of birth (day/month/year)	/ /	/ /
20 Usual occupation		
21 Mark box as applicable for each respondent	<input type="checkbox"/> present in Australia <input type="checkbox"/> ordinarily resident in Australia <input type="checkbox"/> an Australian citizen <input type="checkbox"/> domiciled in Australia	<input type="checkbox"/> present in Australia <input type="checkbox"/> ordinarily resident in Australia <input type="checkbox"/> an Australian citizen <input type="checkbox"/> domiciled in Australia
22 Description	<input type="checkbox"/> husband/father <input type="checkbox"/> wife/mother <input type="checkbox"/> party to a de facto relationship that has broken down <input type="checkbox"/> Other (specify): _____ _____	<input type="checkbox"/> husband/father <input type="checkbox"/> wife/mother <input type="checkbox"/> party to a de facto relationship that has broken down <input type="checkbox"/> Other (specify): _____ _____
23 Is an interpreter required?	<input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, state language & dialect: _____ _____	<input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, state language & dialect: _____ _____
24* Is the applicant of Aboriginal and/or of Torres Strait Islander origin?	<input type="checkbox"/> No <input type="checkbox"/> Yes Aboriginal <input type="checkbox"/> Yes Torres Strait Islander <input type="checkbox"/> Yes Aboriginal and Torres Strait Islander	<input type="checkbox"/> No <input type="checkbox"/> Yes Aboriginal <input type="checkbox"/> Yes Torres Strait Islander <input type="checkbox"/> Yes Aboriginal and Torres Strait Islander

* You are not required to answer this question, but it will greatly assist the Court if you do. The information sought is being collected to assist the Court in planning and delivering client services. It is possible that you may be contacted to participate in a review of a particular aspect of the Court's services, although your right not to participate will be respected. The information you provide may be shared with researchers approved by the Court, and may be included in publications in statistical form in a way that does not identify you.

Part C Relationship of Parties

25 Date parties commenced to live together (day/month/year)	/ /	or	<input type="checkbox"/> Not applicable
26 Date of marriage (day/month/year)	/ /	or	Not applicable
27 Date of final separation (day/month/year)		or	Not applicable
28 Date of divorce (day/month/year)	/ /	or	Not applicable

Part D Children

(Complete details for each child. If more space is required for extra children, attach an extra page)

	Child 1	Child 2
29 Family name		
30 Given names		
31 Date of birth (day/month/year)	/ /	/ /
32 Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female
33 Mother's family name		
34 Mother's given names		
35 Father's family name		
36 Father's given names		
37 With whom does the child live?		

	Child 3	Child 4
38 Family name		
39 Given names		
40 Date of birth (day/month/year)	/ /	/ /
41 Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female
42 Mother's family name		
43 Mother's given names		
44 Father's family name		
45 Father's given names		
46 With whom does the child live?		

Part E For applications for parenting orders

- 47 Has the applicant obtained a certificate from a registered family dispute resolution practitioner?
(Refer to section 60I of the *Family Law Act 1975*).

No Yes

If yes, attach a copy of the certificate to this application and go to Part F of this form.

If no, to obtain an exemption from filing a certificate you must either complete and file the form *Affidavit - non-Filing of Family Dispute Resolution Certificate* or include the factual basis for the exemption in the affidavit you file in support of any order you are seeking.

48 Has the applicant received advice from a family counsellor or a family dispute resolution practitioner about the services and options (including alternatives to court action) available in circumstances of abuse or violence? (Refer to section 60] of the *Family Law Act 1975*).

No Yes

Part F Other court cases and orders

Ongoing cases

49a Are there any ongoing cases in this or any other court about family law, child support, family violence or abuse in relation to a child, or child welfare issues that involve any of the parties or children listed in this application?

No Yes

If yes, provide the following details for each ongoing case.
(Attach extra pages as required.)

	/	/
b Court name and place		
c Next Court date		
d Name of parties		
e State the nature of the orders sought (eg property settlement, parenting orders, child support)		

Existing orders, agreements or undertakings

50a Are there any existing orders, agreements, parenting plans or undertakings to a court about family law, child support, family violence or abuse in relation to a child (including family violence orders which have applied to a child or a member of the child's family), or child welfare issues concerning any of the parties or children listed in this application?

No Yes

If yes, either **attach copies** of any orders, agreements, parenting plans or undertakings or provide details below.
(If there is more than one order etc, attach extra pages as required.)

	/	/
b Court name and place		
c Date		
d Names of parties to the order, agreement, parenting plan or undertaking		

Part G For property and/or spouse/de facto spouse maintenance applications

If the parties were in a de facto relationship that has broken down, complete Part H

- 51** Have the parties entered into a financial agreement or a part VIIIAB Financial Agreement under the *Family Law Act 1975* or under any relevant state or territory legislation?

No Yes

- 52** If either party has a superannuation interest, have the parties entered into a binding superannuation agreement in relation to that superannuation interest?

No Yes

- 53** Is any party currently bankrupt or currently a debtor in bankruptcy proceedings started by either a creditor's petition or a debtor's petition or currently a debtor subject to a personal insolvency agreement?

No Yes

- 54** Is there a proceeds of crime order or current forfeiture application in relation to any of the property of any of the parties?

No Yes

If yes, attach a sealed copy of the order or application.

Part H De facto relationship jurisdiction – financial causes

Complete **all** the boxes below if relying on the Court's jurisdiction to make orders for the benefit of a party to de facto relationship that has broken down.

Entitlement to apply and geographic requirements

- 55a** Did your de facto relationship break down on or after 1 March 2009 or if resident in South Australia on or after 1 July 2010?* (See important notes for completing Part H.)

No Yes

- b** Is the period or the total of the periods of the de facto relationship at least two years?

No Yes

- c** Is there is a child of the de facto relationship?

No Yes

- d** Has the applicant made substantial contributions and a failure to make an order or declaration would result in serious injustice to the applicant?

No Yes

e Is, or was, the relationship registered under a prescribed law of a State or Territory of Australia?

No Yes

f Were both parties to the relationship ordinarily resident in one or more of the Australian Territories or New South Wales, Queensland, Victoria, Tasmania or South Australia for at least one third of the domestic relationship, or at the date the relationship broke down?

No Yes

g Did the applicant make substantial contributions in one or more of the Australian Territories or New South Wales, Queensland, Victoria, Tasmania or South Australia?

No Yes

Part I Cross-vested jurisdiction

(Complete only if relying on cross-vested jurisdiction. Note: An affidavit **must** be filed – see Rule 4.06 of the *Family Law Rules 2004*)

56 If relying on a cross-vesting law, specify the Territory law relied on

Part J Lawyer's declaration

57 If the applicant is filing this application without a lawyer, this part need not be completed. However the applicant should obtain a copy of the information brochure *Marriage, Families and Separation* from Court staff when filing the application. If a lawyer is filing the application, then the lawyer must give the applicant a copy of the brochure and sign the following declaration.

I gave the applicant(s) a copy of the courts' brochure *Marriage, Families and Separation*.

Signature of lawyer

Full name of lawyer:

Date: / /

58 Applicant 1**Applicant 2**

<ol style="list-style-type: none">1. I believe that the facts of which I have personal knowledge are true.2. All other facts are true to the best of my knowledge, information and belief and the orders sought in this application are supported by evidence.3. I am aware that I have a duty to the Court and to each other party to give full and frank disclosure – in a timely manner - of all information relevant to the issues in the case.	<ol style="list-style-type: none">1. I believe that the facts of which I have personal knowledge are true.2. All other facts are true to the best of my knowledge, information and belief and the orders sought in this application are supported by evidence.3. I am aware that I have a duty to the Court and to each other party to give full and frank disclosure – in a timely manner - of all information relevant to the issues in the case.
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I have read and understood this Statement of Truth (please tick)

I have read and understood this Statement of Truth (please tick)

Signature of Applicant 1

Signature of Applicant 2

Date: / /

Date: / /

Important notice to respondent(s)

You should seek legal advice about this application.

If you do not want the Court to make the orders sought in this application or if you want the Court to make other orders, YOU MUST:

For proceedings in the Federal Circuit Court of Australia

- file at the Court a *Response*, an affidavit, a *Notice of Risk* in parenting matters, and other relevant documents – including, in financial matters, a *Financial Statement* available from the Courts website www.federalcircuitcourt.gov.au
- deliver a copy of the response, affidavit and other relevant documents to the applicant's address for service within 28 days, and
- attend at the hearing. **Please note: If you do not attend the hearing orders may be made in your absence.**

For proceedings in the Family Court of Australia

- at least 7 days before the Court date shown on page one of this application, file at the Court a *Response to Initiating Application* and a *Notice of Child Abuse, Family Violence or Risk of Family Violence* in parenting matters where you allege child abuse, family violence or risk of family violence, and in a financial case, a *Financial Statement*. These forms are available on the Courts' website www.familycourt.gov.au
- file an affidavit if interim or procedural orders are sought by either party. A form of affidavit in support of a response seeking or opposing interim parenting orders is available on the Courts' website www.familycourt.gov.au
- file other documents, as required, depending on the orders you seek (see Rule 4.18 of the Family Law Rules 2004)
- serve on all other parties copies of the documents filed, at least 7 days before the Court date shown on page one of this application, and
- attend at the hearing. **Please note: If you do not attend the hearing orders may be made in your absence.**