|  |  |
| --- | --- |
| **Filed in:**(   ) Federal Magistrates Court ofAustralia (   ) Family Court ofAustralia (   ) Family Court of Western Australia (   ) Other (specify):  | Client ID File number |
| COURT USE ONLYFiled atFiled onCourt locationCourt dateCourt time |

Note: Applications for Divorce (and certain accompanying documents) can now be electronically filed through the Commonwealth Courts Portal (www.abc.gov.au). For more information see the User Guide to e-Filing Divorce Applications in Family Law, available at www.abc.gov.au

|  |  |
| --- | --- |
| 1. Who is/are making this application? | Husband Wife Husband and Wife together (joint) |
| 2a. Do you want to attend the hearing?It may be compulsory for you to attend.Page D – Divorce Kit | **Husband**(   ) Yes       (   ) No | **Wife**(   ) Yes       (   ) No |
| If yes, will you need an interpreter at the hearing? |   (   )Yes       (   ) NoIf yes, state language and dialect: | (   )Yes         (   ) NoIf yes, state language and dialect: |

**Part B                 Husband and Wife**

|  |  |  |
| --- | --- | --- |
|  | **Husband** | **Wife** |
| **3. Family name as used now** |   |   |
| **4. Full given names** |   |   |
| **5. Date of birth (day / month / year)** |   |   |
| **6. Country of birth** |   |   |
| **7. If born outside Australia, date you started living****in Australia****(day / month / year)** |   |   |
| **8. What is your occupation?** |   |   |
| **9. Residential             addressIf you have safety concerns, you do not need to disclose a residential address.****Page C – Divorce Kit** | State                PostcodePhone  (  ) | State                   PostcodePhone  (  ) |
| **10. Address for service Page D – Divorce Kit** | ( ) Same as residential address( ) Lawyer’s address (below)(  ) Other address (below) | ( ) Same as residential address( ) Lawyer’s address (below)( ) Other address (below) |
| **If you do not have a              service address for your spouse and have taken all reasonable steps to find it, insert ‘not known’.Page D – Divorce Kit** | **State        Postcode** | **State        Postcode** |
| **Name of lawyer (if applicable)** |  |  |
| **Name of law firm (if applicable)** |  |  |
| **Lawyer’s code (if applicable)** |  |  |
| **Phone** |  |  |
| **Fax** |  |  |
| **DX** |  |  |
| **Email** |  |  |

**Part C                     Jurisdiction**

|  |  |  |
| --- | --- | --- |
|  | **Husband** | **Wife** |
| **11. Mark yes or no to each statement below Page E – Divorce KitThe Husband/Wife:****(a) regards Australia as his/her home and intends to live indefinitely in  Australia** | (   ) Yes  (   ) No | (   ) Yes  (   ) No  |
| **(b) is an Australian citizen by birth or descent** | (   ) Yes     (   ) No  | (   ) Yes      (   ) No  |
| **(c) is an Australian citizen by grant of Australian citizenship** | (   ) Yes      (   ) No  | (   ) Yes      (   ) No  |
| **(d) ordinarily lives in  Australia & has done sofor 12 months immediately before filing this application** | (   ) Yes      (   ) No  | (   ) Yes      (   ) No  |

**Part D                    Marriage and separation**

|  |  |
| --- | --- |
| **12. Date and place of marriage on your marriage certificate (day / month / year) Pages E & F – Divorce Kit** | Date      /      /Town/cityCountry |
| **13. Full names of both parties as they appear on the marriage certificate** | HusbandWife |
| **14. Date of separation (day / month / year) Page F – Divorce Kit** | Date      /      / |
| **15a. At the date of separation, did you regard the marriage as over?Page F – Divorce Kit** | Husband  (   ) Yes  (   ) NoWife        (   ) Yes  (   ) No |
| **15b. If you answered no to question 15(a), on what date did you regard the marriage as over? (day / month / year)** | Husband Date      /      /Wife Date      /      / |
| **16a. Since the date of separation, have you and your spouse lived together in the same home but not as husband and wife?** | (   ) Yes  (   ) No |
| **16b. If you answered yes to question 16(a), give dates of each period you and your spouse lived together in the same home after separation. (day / month / year) If relying on any period outlined here as part of the 12 months separation, go to Page F – Divorce Kit.** | From      /      /to      /      /From      /      /to      /      / |
| **17a. Since the date of separation, have you and your spouse lived together as husband and wife?** | (   ) Yes  (   ) No |
| **17b. If you answered yes to question 17(a), give dates of each period you and your spouse lived together as husband and wife. (day / month / year) If relying on any period outlined here as part of the 12 months separation, go to Page G – Divorce Kit.** | From      /      /to      /      /From      /      /to      /      / |
| **18. Do you think it is likely that you and your spouse will live together again as husband and wife?If yes, go to Page G – Divorce Kit.** | (   ) Yes     (   ) No |
| **19. At the date of filing this application, is it less than two years since you married?If yes, go to Page G – Divorce Kit.** | (   ) Yes     (   ) No |

**Part E                            Other court cases**

|  |  |
| --- | --- |
| **20. Are there any current or pending cases in this or any other court about family law, child support, family violence or child welfare involving any of the parties and/or children listed in this application?** | (   ) Yes  (   ) NoIf yes, provide the following details for each current or pending case. Attach extra pages as required. |
| **Court name and place** |   |
| **Next court date** |   /      / |
| **Names of parties and/or children** |   |
| **Brief summary of current or pending case/s** |   |
| **21. Are there any existing orders, binding agreements, parenting plans or undertakings to a court about family law, child support, family violence or child welfare involving any of the parties and/or children listed in this application?** | (   ) No(   ) Yes, attach document/s(  ) Yes, provide the following details for each item. Attach extra pages as required. |
| **Court name and place (if applicable)** |   |
| **Date** |     /      / |
| **Names of parties and/or children** |   |
| **Details of the order, binding agreement, parenting plan or undertaking** |   |

**Part F Children**

**22. Are there any children currently under 18 who:**

**(a) Are children of you and your spouse?    (   ) Yes (   ) No**

**(b) Were treated as members of your family when you and your spouse separated?  (   ) Yes    (   ) No**

Page G – Divorce Kit

If you answered no to both question 22 (a) and (b), go to Part G and remove pages 5-6

If you answered yes to either question 22 (a) or (b), indicate the total number of children:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|   | **Family Name** | **Given Names** | **Date of birth(day / month / year)** | **Gender (M/F)** |
| **Child 1** |   |   |   |   |
| **Child 2** |   |   |   |   |
| **Child 3** |   |   |   |   |
| **Child 4** |   |   |   |   |

|  |  |  |
| --- | --- | --- |
|   | **Child 1** | **Child 2** |
| **23. Name of child** |   |   |
| **24. Name of father Page H – Divorce Kit** |   |   |
| **25. Name of mother Page H – Divorce Kit** |   |   |
| **26. Who does the child live with?Page H – Divorce Kit** | (   ) Husband  (   ) Wife(   ) Other (specify): | (   ) Husband  (   ) Wife(   ) Other (specify): |
| **27. Child’s address If the child lives at more than one address, please include both addresses. Page H – Divorce Kit****If you have safety concerns, you do not need to disclose a residential address.****Page C – Divorce Kit** | **Address 1**(  ) Husband  (  ) Wife(  ) Other (specify):State       Postcode | **Address 1**(  )Husband  (  ) Wife               (   ) Other (specify):  State       Postcode |
|  | **Address 2**(  ) Husband  (  ) Wife(  ) Other (specify):State       Postcode | **Address 2**(  ) Husband  (  ) Wife(  ) Other (specify):State       Postcode |
| **28. Current details for the child Page H – Divorce Kit Time and communication with the child** |   |   |
| **Financial support** |   |   |
| **Health** |   |   |
| **Education** |   |   |
| **29. Do you plan to make any changes to these current arrangements?Page H – Divorce Kit** |   |   |

|  |  |  |
| --- | --- | --- |
|   | **Child 3** | **Child 4** |
| **30. Name of child** |   |   |
| **31. Name of father Page H – Divorce Kit** |   |   |
| **32. Name of mother Page H – Divorce Kit** |   |   |
| **33. Who does the child live with?  Page H – Divorce Kit** | (   ) Husband  (   ) Wife(   ) Other (specify): | (   ) Husband  (   ) Wife(   ) Other (specify): |
| **34. Child’s addressIf the child lives at more than one address, please include both addresses. Page H – Divorce Kit****If you have safety concerns, you do not need to disclose a residential address.****Page C – Divorce Kit** | **Address 1**(  ) Husband  (  ) Wife(  ) Other (specify):State       Postcode | **Address 1**(  ) Husband  (  ) Wife(  ) Other (specify):State       Postcode |
|  | **Address 2**(  ) Husband  (  ) Wife(  ) Other (specify):State       Postcode | **Address 2**(  ) Husband  (  ) Wife(  ) Other (specify):State       Postcode |
| **35. Current details for the child Page H – Divorce KitTime and communication with the child** |   |   |
| **Financial support** |   |   |
| **Health** |   |   |
| **Education** |   |   |
| **36. Do you plan to make any changes to these current arrangements? Page H – Divorce Kit** | (  ) Yes  (   ) NoIf yes, attach extra pages providing details of significant changes planned. | (   ) Yes  (   ) NoIf yes, attach extra pages providing details of significant changes planned |

**Part G Affidavit of applicant/s**

Do not swear or affirm this affidavit until:

1. You and your spouse have been separated for at least 12 months, and

2. you are with a person who is authorized to witness your signature.

If you are applying as a sole applicant, you only need to sign your part of the affidavit. You do not have to ask or arrange for your spouse to sign his or her part of the affidavit.

If you are applying as husband and wife together, each person must sign their part of the affidavit. You may do so at different times and before different witnesses or before the same witness at the same time.

**Husband**

I swear / affirm that:

1. I am the applicant.

2. I have read this application.

3. The facts of which I have personal knowledge are true.

4. All other facts are true to the best of my knowledge, information and belief.

**Wife**

I swear / affirm that:

1. I am the applicant.

2. I have read this application.

3. The facts of which I have personal knowledge are true.

4. All other facts are true to the best of my knowledge, information and belief.

|  |  |
| --- | --- |
| Signature | Signature |
| PlaceDate      /      / | PlaceDate      /      / |
| Before me (signature of witness) | Before me (signature of witness) |
| Full name of witness (print name) | Full name of witness (print name) |

(  ) Lawyer                                 (  ) Lawyer

(  ) Justice of the Peace              (  ) Justice of the Peace

(  ) Other (specify):                    (  ) Other (specify):

**Part H            Lawyer’s declaration**

If you are representing yourself for this application, you do not need to sign this part. However, make sure you receive a copy of the information brochure ‘Marriage, Families and Separation’. Registry staff will provide you with a copy when you file your application.

If a lawyer is representing you for this application, then your lawyer must give you a copy of the brochure ‘Marriage, Families and Separation’ and complete and sign the declaration below.

I gave the applicant/s a copy of the brochure ‘Marriage, Families and Separation’.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of lawyer

Full name of lawyer:

Date:      /      /

FCWA F3\_31 March 2010 V1

**Notice of Application for Divorce**

You only need to complete this notice if you have made a sole application. Once you have printed the name and address of your spouse, attach this notice to the front page of the Application for Divorce to be served on your spouse.

**To** (name of spouse)

**Contact address** (address for service)

|  |
| --- |
| **TO THE RECIPIENT OF THIS NOTICE**In the attached application your spouse is applying for divorce. The Court has set down the hearing of this application at the time and place shown on page one of the Application for Divorce.What steps you need to take1 You should sign, date and return the Acknowledgment of Service to the person who served the Application for Divorce on you.2 You should check the details given by your spouse in the application to make sure they are correct to the best of your knowledge. You should also carefully read the enclosed brochure ‘Marriage, Families and Separation’. It sets out the legal and possible social effects of divorce and the services provided to families by the Family Court and other government and community agencies.3 If you want the divorce granted, you do not have to go to court or do anything else. A copy of the divorce order will be made available to you, either by post or through the Commonwealth Courts Portal (if you are a registered user) after the order has become final.4 If you want the divorce granted but disagree with facts in the application, you may file an affidavit. You need to outline which facts you disagree with in the affidavit and attend the hearing.5 If you do not want the divorce granted, you must file a Response to Divorce. You need to outline the reasons why you oppose the divorce in the Response to Divorce. You should attend the hearing. If you do not attend, the Court may decide the divorce application in your absence.In certain circumstances, you can apply to the Court in writing to appear by telephone. For example, you live some distance from the Court; you have an illness or disability, the expense with attending or safety concerns. For more information call 08 9224 8222 or toll free 1800 199 228 to speak to a CallCentre Officer at the Family Court of Western Australia.**Response to Divorce**If you want to file a Response to Divorce, you need to file it at a family law registry:* If served inAustralia– within 28 days of the application being served, or
* If served outside ofAustralia– within 42 days of the application being served.

After filing the Response to Divorce with the Court, you must serve a copy of it on your spouse in accordance with the rules of the Court. You can get a copy of this form from www.abc.gov.au, by calling 08 9224 8222 or at your nearest family law registry.**Property and maintenance**If you want to apply to the Court about property or your own maintenance, you must file a separate application within 12 months of the date the divorce becomes final. Otherwise, you will need the Court’s permission to apply. |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_               \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Principal Registrar                                                                             Date