

Application for Final Orders

FORM 1 Family Law Rules ~ RULE 2.01

Please type or print clearly and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any questions.

Filed in:

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

This form is used by an **applicant** who is seeking final Court orders, other than a divorce.

IMPORTANT: Information for respondents to the application is on page 9.

COURT USE ONLY

Client ID _____

File number _____

Filed at _____

Filed on _____

Court location _____

Court date _____

Time _____

- Procedural Hearing
 Case Assessment Conference
 Hearing

Part A About the final orders you [THE APPLICANT] are seeking

1 What type of orders are you seeking? Mark [X] all boxes that apply.

- Children** (Parenting – with whom a child lives, spends time or communicates)
 Financial (Property and/or maintenance - you must file a Financial Statement (Form 13) with this application)
 Child support (Other documents that must be filed with this application are set out in Rule 4.19)
 Other (eg. medical procedures, injunction for personal protection, passport application, nullity of a marriage or a declaration as to validity of a marriage)

Please specify _____

Part B About the parties

■ COMPLETE YOUR COLUMN AND AS MUCH OF THE OTHER COLUMN AS YOU CAN

2 **APPLICANT 1**

What is your family name as used now?

Given names?

Male Female

APPLICANT 2

What is your family name as used now?

Given names?

Male Female

RESPONDENT 1

Family name as used now

Given names

Male Female

RESPONDENT 2

Family name as used now

Given names

Male Female

APPLICANT 1

3

What is your contact address (address for service) in Australia?

You do not have to give your residential address. You may give another address at which you are satisfied that you will receive documents. If you give a lawyer's address, include the name of the law firm.

State	Postcode
Phone	Fax *
DX	
Lawyer's code	
Email *	

RESPONDENT 1

Respondent's address

State	Postcode
Phone	

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

4

Are you of Aboriginal and/or of Torres Strait Islander origin?

No Yes Aboriginal

Yes Torres Strait Islander Yes Aboriginal and Torres Strait Islander

5

When and in what country were you born?

DAY/MONTH/YEAR	COUNTRY
/ /	

Respondent's date of birth

DAY/MONTH/YEAR
/ /

6

What is your usual occupation?

7

In which country was your mother born?

8

In which country was your father born?

9

How well do you speak English?

Very well Well

Not well Not at all

10

If an interpreter is needed, in what language and in what dialect?

Note: If you require an interpreter, you must advise Court staff in advance.

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.

APPLICANT 1 (CONTINUED)

RESPONDENT 1 (CONTINUED)

11

Which of the following applies?

MARK [X] **EVERY** BOX THAT APPLIES TO APPLICANT 1 AND

- I am present in Australia
- I am ordinarily resident in Australia
- I am an Australian citizen
- I am domiciled in Australia (country to which I belong)

12

In this case which of the following descriptions applies?

- husband/father
- wife/mother
- other (specify) _____

Which of the following applies?

EVERY BOX THAT APPLIES TO RESPONDENT 1

- Present in Australia
- Ordinarily resident in Australia
- An Australian citizen
- Is domiciled in Australia (country to which respondent belongs)
- husband/father
- wife/mother
- other (specify) _____

If there is a second applicant or second respondent attach a separate sheet answering Items 3-12 for Applicant 2 and Items 3, 11 and 12 for Respondent 2.

Part C About the relationship(s) of parties

13

When did you and the respondent begin living together?

DATE: / /

NOT APPLICABLE

14

When and where did you and the respondent marry?

DATE	TOWN/CITY	COUNTRY
/ /		

15

When did you and the respondent finally separate?

DATE: / /

16

When and where did you and the respondent get divorced?

DATE	TOWN/CITY	COUNTRY
/ /		

Part D About the children

17

Child 1

Child's family name
Given names

Child's date of birth / /

Male Female

Full name of mother

Full name of father

State with whom the child lives

Child 2

Child's family name
Given names

Child's date of birth / /

Male Female

Full name of mother

Full name of father

State with whom the child lives

Child 3

Child's family name
Given names

Child's date of birth / /

Male Female

Full name of mother

Full name of father

State with whom the child lives

Child 4

Child's family name
Given names

Child's date of birth / /

Male Female

Full name of mother

Full name of father

State with whom the child lives

If you need more space for any other children, attach an extra page.

Part E

About other Court cases and orders

- 18 Are there any **ongoing cases** in this or any other Court about family law, child support, family violence or child welfare that involve any of the parties or any of the children listed on this form?

- No** GO TO ITEM 19
- Yes** GIVE THE FOLLOWING DETAILS

Court name and place	Next Court date
	/ /

State the names of the parties

State the nature of the orders sought (EG: PROPERTY SETTLEMENT, PARENTING ORDERS, CHILD SUPPORT)

IF THERE IS MORE THAN ONE CASE PLEASE ATTACH AN EXTRA PAGE, NUMBERING IT ITEM 18 – PAGE 2

- 19 Are there any **existing orders**, agreements, parenting plans or undertakings to a court about family law, child support, family violence or child welfare concerning any of the parties or children listed on this form?

- No** GO TO ITEM 20
- Yes** EITHER attach a full copy of the order, agreement, parenting plan or undertaking or set out details below (attach an extra page if you need more space, numbering the page/s Item 19 page 2 and so on).

Attached is a copy/copies of the following (mark [X] the boxes that apply):

- order undertaking
- parenting plan agreement

OR

- GIVE THE FOLLOWING DETAILS

Court name and place	Date
	/ /

Names of the parties to the order/agreement/parenting plan/undertaking

CONTINUE ON PAGE 6 FOR DETAILS OF THE ORDER / AGREEMENT / PARENTING PLAN / UNDERTAKING

Part H Affidavit of applicant(s)

PLEASE DO NOT COMPLETE THIS PART OF THE FORM UNTIL YOU ARE WITH A PERSON WHO IS LEGALLY ABLE TO WITNESS YOUR SIGNATURE

You must complete the following affidavit. You must sign it in the presence of a Justice of the Peace, notary public or lawyer. The person witnessing the affidavit will fill in the place and date.

I swear* /affirm* that:

- I am the applicant
- I have read this Application
- The facts of which I have personal knowledge are true
- 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
- I am aware that I have a duty to the Court and to each other party to give full and frank disclosure of all information relevant to the issues of the case, in a timely manner

I swear* /affirm* that:

- I am the second applicant
- I have read this Application
- The facts of which I have personal knowledge are true
- 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
- I am aware that I have a duty to the Court and to each other party to give full and frank disclosure of all information relevant to the issues of the case, in a timely manner

Signature of Applicant 1

Signature of Applicant 2

Place Date / /

Place Date / /

Before me (signature of witness)

Before me (signature of witness)

Full name of witness (please print)

Full name of witness (please print)

- Justice of the Peace
- Notary public
- Lawyer

- Justice of the Peace
- Notary public
- Lawyer

* delete whichever is inapplicable

This application was prepared by applicant/s lawyer

PRINT NAME AND LAWYER'S CODE

PRINT NAME AND LAWYER'S CODE

Please go to page 9 for an Important Notice to Respondent/s

Part I

Your lawyer's declaration

If you are filing this application yourself then you do not need to complete this part. However make sure you receive a copy of the information brochure *Marriage, Families and Separation*. Court staff will give you this brochure when you file your application. If a lawyer is filing the application for you then the lawyer must give you a copy of the brochure and complete and sign the declaration that follows.

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

Signature of lawyer

Print full name

Date / /

Important Notice to the Respondent/s

If you oppose the orders sought in this application or want the Court to make other orders **you must:**

- file with the Court a Response (Form 1A) **and**
~ **in a financial case** a Financial Statement (Form 13).
- serve copies of the documents filed by you on each other party at least seven days before the court date shown on page 1 of this form; **and**
- attend the hearing. If you do not attend the hearing orders may be made in your absence.

You may also need to file other documents depending on the orders you seek in response.

[See Rule 4.19 and Rule 9.02]

If this application seeks orders about maintenance or child support, when you are served with the application you should receive a brochure called, either, *Maintenance Applications* or *Child Support Applications*.

You should seek legal advice about this application.