



Family Court of Western Australia

**DIVORCE APPLICATIONS
WHERE PARTIES HAVE BEEN MARRIED FOR LESS THAN 2
YEARS**

If on the date of making your divorce application to the Family Court you have not been married and separated for a total period of 2 years you must satisfy the Court that the parties have considered a reconciliation with the assistance of a marriage counsellor. You will need to have a PART H certificate signed by the counsellor for each party.

To meet this requirement, the following steps should be taken:

- 1 Make an appointment with a Counsellor at one of the following approved counselling services:-

Family Court Counselling Service

Level 3, 150 Terrace Road, Perth

Telephone: 08 9224 8248 or 1 800 199 228

Centrecare

456 Hay Street, Perth

Telephone 08 9325 6644

Relationships Australia (WA) Inc

115 Cambridge Street, West Leederville

Telephone: 9489 6363

Branches at:

112 Forrest Road, Armadale

Telephone: 9399 1015

1 Ord Street, Fremantle

Telephone: 9336 2144

70 Davidson Terrace, Joodalup

Telephone: 9301 2000

27 The Crescent, Midland

Telephone: 9250 1242

124 Spencer Street, Bunbury

Telephone: 9721 5288

Lotteries House, 7 Anzac Place, Mandurah

Telephone: 9535 5711

Anglicare

23 Adelaide Terrace, East Perth

Telephone: 9325 7033

Kinway

23 Adelaide Terrace, East Perth

Telephone: 9263 2050

1/87 Aberdeen Street, Albany

Telephone: 1 800 812 511

- 2 Invite your former partner to the counselling appointment that you have arranged. Give him/her advance notice of the date/time and place. If your former partner is unable to attend the counselling appointment you have arranged, a separate appointment can be made, if necessary at separate venues, if for instance, your former partner lives in the country.
- 3 At the counselling session, you will be asked to give consideration to the possibility of reconciliation, then at the end of the counselling session you should ensure that the counsellor completes a certificate in the form of the attached Part H to say that you have attended.
- 4 The signed certificates should be filed with your application for divorce.

IF COUNSELLING DOES NOT TAKE PLACE

In the event that counselling has not taken place, the hearing of your divorce cannot take place unless the Court is satisfied that special circumstances exist. In that situation you may either:

- 1 File with your divorce application a letter or Form 2 requesting the Court to proceed with the hearing and an affidavit setting out the facts you rely upon to satisfy the Court that there are special circumstances in your case. The application will then be listed in a divorce list. If the Court is not satisfied that your application should proceed without counselling, you may not be entitled to recover your filing fee and you should raise this issue with the Magistrate in Court. If the Court is satisfied that special circumstances exist in your case, the divorce hearing will proceed at that time; or
- 2 File a Form 2 and affidavit seeking permission to file your divorce application. That application will be listed in a general list (approximately 4 weeks from the date of filing) and determined by a Magistrate at the hearing. A filing fee is not payable for a Form 2. If permission is given you may then file your divorce application following the normal guidelines in place.

The normal requirements for service of documents upon the other party apply to each of the above options.

The abovementioned documents are available from the Family Court Registry or our website at www.familycourt.wa.gov.au.

It is strongly recommended that you obtain legal advice in this situation and a list of some of the legal services available can be provided to you upon request.

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