

Response to an Application for Final Orders

FORM 1A Family Law Rules ~ RULE 9.01

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

Filed in:

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

This form is used by the **respondent/s** named in an **Application for Final Orders (Form 1)**. By using this form the respondent either opposes the orders sought or asks the Court to make other orders.

You may need to file an affidavit.

Client ID _____

File number _____

Filed at _____

Filed on _____

Court location _____

Next Court date _____

Part A About the additional final orders you are seeking

ONLY COMPLETE THIS PART IF YOU ARE SEEKING ORDERS IN A NEW SUBJECT MATTER TO THAT SOUGHT BY THE APPLICANT.

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

Children (Parenting – residence, contact, specific issues)

Financial (Property and/or maintenance – you must file a Financial Statement (Form 13) with this response)

Child support (Other documents that must be filed with this response are detailed in the Court brochure *Child Support Applications*)

Part B About the parties

APPLICANT 1

2 Family name as at Item 2 of the Application

Given names

Male Female

APPLICANT 2

Family name as at Item 2 of the Application

Given names

Male Female

RESPONDENT 1

Your family name as used now

Given names

Male Female

RESPONDENT 2

Your family name as used now

Given names

Male Female

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 *		

* **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**

/	/	
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6 What is your usual occupation?

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◆ **7** In which country was your mother born?

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◆ **8** In which country was your father born?

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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?

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

If there is a second respondent, attach a separate page, answering Items 3–10 for Respondent 2.

◆ 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 G For property and/or spouse maintenance applications

COMPLETE THIS PART ONLY IF PROPERTY AND/OR SPOUSE MAINTENANCE ORDERS ARE NOT SOUGHT IN THE APPLICATION FOR FINAL ORDERS (FORM 1) AND YOU ARE SEEKING PROPERTY AND/OR SPOUSE MAINTENANCE ORDERS IN THIS RESPONSE.

- 16 Have the parties entered into a binding financial agreement under Part VIIIA of the Family Law Act or under any relevant State or Territory legislation?

No
 Yes

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

No
 Yes

- 18 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

Part H Proceeds of crime legislation – for property and spouse maintenance applications

- 19 Is there a proceeds of crime order or current forfeiture application in relation to any of the property of any of the parties (see *Proceeds of Crime Act 2002* (C'wlth))?

No
 Yes **ATTACH A SEALED COPY OF THE ORDER OR APPLICATION**

Part I For maintenance applications only

COMPLETE THIS PART ONLY IF MAINTENANCE ORDERS ARE NOT SOUGHT IN THE APPLICATION FOR FINAL ORDERS (FORM 1) AND YOU ARE SEEKING MAINTENANCE ORDERS IN THIS RESPONSE.

- 20 Is there an existing order for maintenance?

No **GO TO PART J**
 Yes **GIVE THE FOLLOWING DETAILS**

Court name and place where the order was made

Order date

	/	/
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If the order was made in another Court it will need to be registered by filing a sealed copy.

Part J Affidavit of respondent(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 first respondent

I have read this response

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 response 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 am the second respondent

I have read this response

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 response 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 Respondent 1

Place Date / /

Before me (signature of witness)

Full name of witness (please print)

Justice of the Peace

Notary public

Lawyer

Signature of Respondent 2

Place Date / /

Before me (signature of witness)

Full name of witness (please print)

Justice of the Peace

Notary public

Lawyer

* delete whichever is inapplicable

This response was prepared by respondent/s

lawyer

PRINT NAME AND LAWYER'S CODE