

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 – residence, contact, specific issues)
 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

APPLICANT 1

2 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.

RESPONDENT 1

Respondent's address

| | | | |
|---------------|----------|-------|----------|
| | | | |
| | | | |
| | | | |
| State | Postcode | State | Postcode |
| Phone | Fax * | Phone | |
| 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?

Respondent's date of birth

DAY / MONTH / YEAR COUNTRY

 / /

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)**11** Which of the following applies?**MARK [X] EVERY BOX THAT APPLIES TO APPLICANT 1 AND EVERY BOX THAT APPLIES TO RESPONDENT 1.**

- 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) _____

RESPONDENT 1 (CONTINUED)

Which of the following applies?

- 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

Child 1

17

| |
|---------------------|
| 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, domestic 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, domestic 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 I Your lawyer's declaration

If you are filing the 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.