Frequently Asked Questions

2018 eFiling Enhancement Release

What are the benefits of the 2018 eFiling release?

- More documents can be eFiled, including application/response types, via a direct upload process (unguided) with significantly reduced data re-entry.
- Fee reductions and exemption (for financial hardship) applications can now be lodged online.
- Special considerations including safety, urgency, interpreter requests and/or other practical assistance for court events, such as a hearing loop, can be lodged online.
- Documents up to 30MB in size can now be eFiled (original limit was 10MB). 100 page limit still applies.
- Parenting Orders seeking Family Dispute Resolution exemptions can now be eFiled.
- Notice of Child Abuse, Family Violence or Risk of Family Violence (Application for Consent Orders) available to upload with the unguided Application for Consent Order.

What does 'guided' and 'unguided' mean?

- **Guided** – selecting the guided option provides procedural assistance when answering the application question. Based on the answers, the user is presented with help text and links to fact sheets relevant to that question. The user will also be directed to upload supporting documents prior to submitting the application.
- **Unguided** – selecting the unguided option allows upload of a PDF of a completed application document. A small number of online questions are required to be completed to create the file. The unguided process offers limited procedural guidance and is designed for someone who is familiar with family law proceedings. Using this process means the user understands and accepts the responsibility of ensuring correct information and proper documents are provided.

Are the existing guided applications (eForms) still available?

Yes. The following existing guided applications (eForms) continue to be available in the Portal:

- Application for Divorce
- Initiating Application
- Application in a Case
- Response to Initiating application and Application in a Case, and
- Application for Consent Orders (Family Court).

Yes, there is an eLearning module available on the websites. See 'eLearning guides' at www.federalcircuitcourt.gov.au/dcp and www.familycourt.gov.au/dcp

Can divorce applications be eFiled using the unguided process?

No. Divorce applications must be filed using the existing 'guided' eForm.

Can Subpoenas be eFiled?

No, not yet. The system changes needed to be able to eFile subpoenas could not be made this year, so the Request for Subpoena is not part of the 2018 release.

How are sealed copies for service obtained?

All documents that are eFiled are sealed by the Court electronically and are available to be printed for service from the Portal. You should not serve the documents until you have confirmation from the Court that they have been accepted. See the step-by-step guide How do I serve family law documents?

Note: PDF service documents now have bookmarks that make it easier to navigate the documents and find content to be reviewed or signed.

Can Portal passwords be reset online?

Yes. Passwords are reset from the homepage of the Portal www.comcourts.gov.au. Once logged in, users can also update their username or email address. Go to 'Your Profile' then 'Personal details'.

How do barristers get access to a file(s) in the Portal?

Firms can give barristers access to files only when a barrister has requested access via the Portal. Firms should be careful to ensure they only allow access to the specific file/s required and not all of the firm's files. See the step-by-step guide 'How do I request access to a law firms files?'.

Can a fee exemption due to financial hardship be made when eFiling?

Yes, for the following applications users can seek a fee exemption due to financial hardship but only by using the 'unguided' process:

- Initiating applications
- Applications in a Case
- Response applications, and
- Applications for Consent orders (Family Court).

Note: A reduced fee due to financial hardship can also be sought for application for divorce using the guided eForm.

Can urgent considerations be requested when eFiling?

Yes. Users can now seek urgency when eFiling an application using the 'unguided' process, however there are conditions around such a request. In **very limited** circumstances, an application may be heard by the Court urgently. In family law, this may be if there is an immediate risk to a child, or there is an imminent risk to property. An application for urgency is referred to a Registrar to determine if the case warrants urgent consideration by the Court.

Note: If urgency considerations are sought, users are not able to choose a listing date as the listing is dependent on the decision of the registrar.

Can assistance or safety concerns be notified when eFiling?

Yes, however users will need to use the 'unguided' process. This provides the option to answer questions about potential extra requirements when eFiling your application.

Is it possible to eFile a parenting orders application when an Affidavit – Non-filing of Family Dispute Resolution Certificate is required?

Yes.

What is not included in the 2018 eFiling release?

The following changes were not able to be included in the first release:

- Request for Subpoena.
- Appeals, Contravention, Hague, Nullity/Validity, Special Medical, Enforcements, Arbitration, Review of Decision and Child Protection.
- Changes to existing eForms (except for financial hardship for divorce and 60I exemptions on Initiating Application eForms).
- Draft engrossed orders/terms on initiating applications.
- FCC initiating applications where the only order being sought is the adoption of a step-child.
- Documents by a third party e.g. Requests to intervene and Objections.

When is the next eFiling release scheduled?

The Court is considering the next steps for additional enhancements to the eFiling solution on the Portal. The timing for the next release is being assessed in conjunction with other court projects. Further information is likely to be available in 2019.

Where can I find further support and information about the 2018 eFiling release?

There are resources, eLearning modules and step-by-step guides available on the courts' websites: www.federalcircuitcourt.gov.au/dcp and www.familycourt.gov.au/dcp

For Portal support, email support@comcourts.gov.au or live chat.