APPLICATION FOR DIVORCE

Filed in:

- [X] Federal Circuit Court of Australia
- [ ] Family Court of Australia
- [ ] Family Court of Western Australia
- [ ] Other (specify): _____

Commonwealth Courts Portal

NOTE: Applications for Divorce can be electronically filed using a separate interactive online form through the Commonwealth Courts Portal (**www.comcourts.gov.au**). There is no need to complete this form if you wish to eFile. Visit the *How do I...? Apply for a Divorce* page at **www.federalcircuitcourt.gov.au/howdoi** for more details.

Client ID	
File Number	
COURT USE ONLY	
Filed at	
Filed on	
Court location	
Court date	
Court time	

Part A The applicant/s

1. Who is/are making this application?

[X] Applicant [ ] Applicant and Applicant 2 together (joint)

	Applicant	Applicant 2
2. Do you want to attend the hearing? It may be compulsory for you to attend. *Page D – Divorce Kit*	[X] Yes [ ] No	[ ] Yes [ ] No

Part B The parties

	Applicant	Applicant 2/Respondent
3. Family name as used now	FIRMANN	BLOGGS
4. Full given names	Cindy Sue	Joe Frank
5. Gender*	[ ] Choose not to answer	[ ] Choose not to answer
	[ ] M (male)	[X] M (male)
	[X] F (female)	[ ] F (female)
	[ ] X (indeterminate/intersex/unspecified)	[ ] X (indeterminate/intersex/unspecified)
6. Date of birth (day / month / year)	23 / 06 / 79	03 / 03 / 77
7. Country of birth	Australia	Australia
8. If born outside Australia, date you started living in Australia (day / month / year)	/ /	/ /
9. What is your occupation?	Nurse	Carpenter

* You are not required to answer this question. The information assists to understand the diversity of family relationships in Australia and contributes to gender disaggregated data. The courts' privacy policies can be found on the websites www.federalcircuitcourt.gov.au and www.familycourt.gov.au

SAMPLE

10. Residential address If you have safety concerns, you do not need to disclose a residential address. *Page C – Divorce Kit*	12 Masters Road Ashmore State QLD Postcode 4214 Phone (0423) 442-966	32 Briggsy Street Southport State QLD Postcode 4215 Phone (0422) 747-888
11. Address for service *Page D – Divorce Kit*	[X] Same as residential address [ ] Lawyer's address (below) [ ] Other address (below)	[X] Same as residential address [ ] Lawyer's address (below) [ ] Other address (below)
If you do not have a service address for the other party and have taken all reasonable steps to find it, insert 'not known'. *Page D – Divorce Kit*	State Postcode	State Postcode
Name of lawyer (if applicable)		
Name of law firm (if applicable)		
Lawyer's code (if applicable)		
Phone	( )	( )
Fax	( )	( )
DX		
Email		

Part C Jurisdiction

	Applicant		Applicant 2/Respondent	
12. Mark yes or no to each statement below *Page E – Divorce Kit*				
(a) regards Australia as their home and intends to live indefinitely in Australia	[X] Yes	[ ] No	[ ] Yes	[ ] No
(b) is an Australian citizen by birth or descent	[X] Yes	[ ] No	[X] Yes	[ ] No
(c) is an Australian citizen by grant of Australian citizenship	[ ] Yes	[X] No	[ ] Yes	[X] No
(d) ordinarily lives in Australia & has done so for 12 months immediately before filing this application	[X] Yes	[ ] No	[X] Yes	[ ] No

SAMPLE

Part D Marriage and separation

13. Date and place of marriage on your marriage certificate (day / month / year)
Pages E & F – Divorce Kit

Date	31 / 07 / 03
Town/city	Southport
Country	Australia

14. Full names of both parties as they appear on the marriage certificate

Applicant	Cindy Sue Firmann
Applicant 2/Respondent	Joe Frank Bloggs

15. Date of separation (day / month / year)
Page F – Divorce Kit

Date	07 / 05 / 17

16a. At the date of separation, did you regard the marriage as over?
Page F – Divorce Kit

Applicant	[X] Yes	[ ] No
Applicant 2/Respondent	[ ] Yes	[ ] No

16b. If you answered no to question 16(a), on what date did you regard the marriage as over? (day / month / year)

Applicant	Date / /
Applicant 2/Respondent	Date / /

17a. Since the date of separation, have you and the other party lived together in the same home but not as a married couple?

[X] Yes [ ] No

17b. If you answered yes to question 17(a), give dates of each period you and the other party lived together in the same home after separation. (day / month / year)
If relying on any period outlined here as part of the 12 months separation, go to *Page F – Divorce Kit*.

From	07 / 05 / 17
to	04 / 03 / 18
From	/ /
to	/ /

18a. Since the date of separation, have you and the other party lived together as a married couple?

[ ] Yes [X] No

18b. If you answered yes to question 18(a), give dates of each period you and the other party lived together as a married couple. (day / month / year)
If relying on any period outlined here as part of the 12 months separation, go to *Page G – Divorce Kit*.

From	/ /
to	/ /
From	/ /
to	/ /

19. Do you think it is likely that you and the other party will live together again as a married couple?
If yes, go to *Page G – Divorce Kit*.

[ ] Yes [X] No

20. At the date of filing this application, is it less than two years since you married?
If yes, go to *Page G – Divorce Kit*.

[ ] Yes [X] No

Part E Other court cases

21. Are there any current or pending cases in this or any other court about family law, child support, family violence, or abuse in relation to a child (including orders which have applied to a child or a member of the child's family), or child welfare, involving any of the parties and/or children listed in this application?

☐ Yes ☒ No

If yes, provide the following details for each current or pending case. Attach extra pages as required.

Court name and place	
Next court date	/ /
Names of parties and/or children	
Brief summary of current or pending case/s	

22. Are there any existing orders, binding agreements, parenting plans or undertakings to a court about family law, child support, family violence, or abuse in relation to a child (including orders which have applied to a child or a member of the child's family), or child welfare, involving any of the parties and/or children listed in this application?

☒ No

☐ Yes, attach document/s

☐ Yes, provide the following details for each item. Attach extra pages as required.

Court name and place (if applicable)	
Date	/ /
Names of parties and/or children	
Details of the order, binding agreement, parenting plan or undertaking	

Part F Children

23. Are there any children currently under 18 who:

a) are children of you and the other party? ☒ **Yes** ☐ **No**

b) were treated as members of your family when you and the other party separated? ☐ **Yes** ☐ **No**

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If you answered no to both question 23 (a) and (b) go to Part G and remove pages 5-6.

If you answered yes to either question 23 (a) or (b) indicate the total number of children: 2

	Family name	**Given names**	**Date of birth** (day / month / year)	**Gender** (M/F)
Child 1	BLOGGS	Tony John	04 / 01 / 05	M
Child 2	BLOGGS	Angie Jane	15 / 05 / 08	F
Child 3			/ /	
Child 4			/ /	

	Child 1	Child 2
24. Name of child	Tony John Bloggs	Angie Jane Bloggs
25. Name of parent *Page H – Divorce Kit*	Cindy Sue Firmann	Cindy Sue Firmann
26. Name of parent *Page H – Divorce Kit*	Joe Frank Bloggs	Joe Frank Bloggs
27. Who does the child live with? *Page H – Divorce Kit*	[X] Applicant [ ] Applicant 2/ Respondent [ ] Other (specify):	[X] Applicant [ ] Applicant 2/ Respondent [ ] Other (specify):
28. Child's address *If the child lives at more than one address, please include both addresses. Page H – Divorce Kit* *If you have safety concerns, you do not need to disclose a residential address. Page C – Divorce Kit*	**Address 1** [X] Applicant [ ] Applicant 2/ Respondent [ ] Other (specify): 12 Masters Road Ashmore State QLD Postcode 4214	**Address 1** [X] Applicant [ ] Applicant 2/ Respondent [ ] Other (specify): 12 Masters Road Ashmore State QLD Postcode 4214
	Address 2 [ ] Applicant [X] Applicant 2/ Respondent [ ] Other (specify): 32 Briggsy Street Southport State QLD Postcode 4215	**Address 2** [ ] Applicant [X] Applicant 2/ Respondent [ ] Other (specify): 32 Briggsy Street Southport State QLD Postcode 4215
29. Current details for the child *Page H – Divorce Kit* **Time and communication with the child**	Tony lives mainly with me and spends alternate weekends and each Wednesday night with his father. He also enjoys half his school holidays with Dad. Tony has his own mobile phone and can call his Dad whenever he wants.	Angie lives mainly with me and spends alternate weekends and each Wednesday night with her father. She also enjoys half her school holidays with Dad. I allow Angie to use my mobile phone to talk to her Dad when she wants and when he calls.
Financial support	Joe pays me an agreed amount each week for Tony under a private agreement. Joe has been reliable paying this into my bank account.	Joe pays me an agreed amount each week for Angie under a private agreement. Joe has been reliable paying this into my bank account.
Health	Tony is a very healthy boy. His mild childhood asthma has improved as he became fitter training for rugby.	Angie is fit and healthy. She has no health concerns.
Education	Tony attends South Eastern College and is in grade 8. He is doing very well at school and plays in the school rugby team.	Angie is in grade 5 at Ashmore State School. She is a very keen student and she often tops her class in maths.
30. Do you plan to make any changes to these current arrangements? *Page H – Divorce Kit*	[ ] Yes [X] No If yes, attach extra pages providing details of significant changes planned.	[ ] Yes [X] No If yes, attach extra pages providing details of significant changes planned.

	Child 3	Child 4
31. Name of child		
32. Name of parent *Page H – Divorce Kit*		
33. Name of parent *Page H – Divorce Kit*		
34. Who does the child live with? *Page H – Divorce Kit*	☐ Applicant ☐ Applicant 2/ Respondent ☐ Other (specify):	☐ Applicant ☐ Applicant 2/ Respondent ☐ Other (specify):
35. Child's address *If the child lives at more than one address, please include both addresses.* *Page H – Divorce Kit* *If you have safety concerns, you do not need to disclose a residential address.* *Page C – Divorce Kit*	**Address 1** ☐ Applicant ☐ Applicant 2/ Respondent ☐ Other (specify): State Postcode	**Address 1** ☐ Applicant ☐ Applicant 2/ Respondent ☐ Other (specify): State Postcode
	Address 2 ☐ Applicant ☐ Applicant 2/ Respondent ☐ Other (specify): State Postcode	**Address 2** ☐ Applicant ☐ Applicant 2/ Respondent ☐ Other (specify): State Postcode
36. Current details for the child *Page H – Divorce Kit* **Time and communication with the child**		
Financial support		
Health		
Education		
37. Do you plan to make any changes to these current arrangements? *Page H – Divorce Kit*	☐ Yes ☐ No If yes, attach extra pages providing details of significant changes planned.	☐ Yes ☐ No If yes, attach extra pages providing details of significant changes planned.

SAMPLE

Part G Affidavit of applicant/s

Do not swear or affirm this affidavit until:

1. you and the other party have been separated for at least 12 months, and
2. you are with a person who is authorised to witness your signature.

If you are applying as a sole applicant, you only need to sign your part of the affidavit. You do not have to ask or arrange for the respondent to sign their part of the affidavit.

If you are applying together (joint application), each person must sign their part of the affidavit. You may do so at different times and before different witnesses or before the same witness at the same time.

Applicant

I ☐ swear / ☐ affirm that:

1. I am the applicant.
2. I have read this application.
3. The facts of which I have personal knowledge are true.
4. All other facts are true to the best of my knowledge, information and belief.

Signature

Place

Date / /

Before me (signature of witness)

Full name of witness (print name)

☐ Lawyer
☐ Justice of the Peace
☐ Authorised Staff Member of the Court
☐ Other authorised person (specify):

Applicant 2

I ☐ swear / ☐ affirm that:

1. I am the applicant.
2. I have read this application.
3. The facts of which I have personal knowledge are true.
4. All other facts are true to the best of my knowledge, information and belief.

Signature

Place

Date / /

Before me (signature of witness)

Full name of witness (print name)

☐ Lawyer
☐ Justice of the Peace
☐ Authorised Staff Member of the Court
☐ Other authorised person (specify):

Part H Lawyer's declaration

If you are representing yourself for this application, you do not need to sign this part. However, make sure you receive a copy of the information brochure 'Marriage, Families and Separation'. You will be provided with a copy when you file your application.

If a lawyer is representing you for this application, then your lawyer must give you a copy of the brochure 'Marriage, Families and Separation' and complete and sign the declaration below.

☐ I gave the applicant/s a copy of the brochure 'Marriage, Families and Separation'.

Signature of lawyer _____

Full name of lawyer:

Date: / /

Notice to Respondent of Application for Divorce

If you have made a **sole** application for divorce you must attach this notice to the front page of the Application for Divorce to be served on the respondent.

TO THE RECIPIENT OF THIS NOTICE

In the attached application the applicant is applying for a divorce. The Court has set down the hearing of this application at the time and place shown on page one of the application. You are only required to attend court if you do not want the divorce to be granted.

WHAT TO DO NEXT

1. Sign and date the *Acknowledgement of Service (Divorce)* at Part C.
2. Return the *Acknowledgement of Service (Divorce)* to the person who served the application on you. Keep the other documents for your records.
3. Check the details given by the applicant in the application to make sure they are correct to the best of your knowledge.
4. Carefully read the *Marriage, Families and Separation* brochure provided. It sets out the legal and possible social effects of divorce and the services provided to families by the court and other government and community agencies.

AFTER THE DIVORCE IS FINALISED

One month and one day after the divorce is granted, a **divorce order** will be available for you to download from the Commonwealth Courts Portal (the Portal). Divorce orders are digital orders with an electronic seal and signature and are the only type of proof of divorce the Court provides. The Portal also allows you to check the progress of the application and select to receive notifications.

To register for the Portal or if you need assistance, provide your file number (located on the front page of the application), full name, date of birth and name of the other party so we can verify your identity by:

- Emailing **registerme@comcourts.gov.au**
- LiveChat on the website **www.federalcircuitcourt.gov.au**
- Calling the National Enquiry Centre on **1300 352 000**

LIVE CHAT

Commonwealth Courts Portal

WHAT TO DO IF YOU:

WANT THE DIVORCE GRANTED BUT DISAGREE WITH SOME OF THE FACTS IN THE APPLICATION

File a *Response to Divorce* and outline the facts you disagree with. You do not need to attend the court hearing.

DO NOT WANT THE DIVORCE GRANTED

File a *Response to Divorce* and outline the reasons why you oppose the divorce. You should attend the hearing. If you do not attend, the court may make a decision about the divorce in your absence.

In certain circumstances you can ask the court to appear by telephone. For example, if you live some distance from the Court, you have an illness or disability, the costs of attending will cause you financial hardship or you have safety concerns. You must complete the *Telephone Link Attendance Request* form which you can then eFile on the Portal to make your request.

YOU MUST file and serve the *Response to Divorce*:

- within **28 days** of the application being served on you if you are **in Australia,** or
- within **42 days** of the application being served on you if you are **outside of Australia**.

You can eFile the *Response to Divorce*on the Portal. See 'Commonwealth Courts Portal' at **www.federalcircuitcourt.gov.au/howdoi** for more information.

After filing the response **you must** serve a copy on the other party. For a step-by-step guide to service see 'Service' at **www.federalcircuitcourt.gov.au/howdoi**

PROPERTY AND MAINTENANCE is dealt with separately. If you want to apply to the Court about property or maintenance you must file a separate application **within 12 months** of the date the divorce is finalised. Otherwise you will need the Court's permission to apply. For more information see 'Applications and orders' at **www.federalcircuitcourt.gov.au/howdoi**

ALL the Court forms mentioned in this notice are available on the website **www.federalcircuitcourt.gov.au**

LEGAL ADVICE – You can obtain free legal advice by contacting the Family Relationships Advice Line on 1800 050 321 (+61 7 3423 6878) or Legal Aid in your state or territory. A lawyer can help you understand your rights and responsibilities.

Where to file your divorce application

You can file your divorce application, online via **www.comcourts.gov.au**, by post, or in person at any one of the following family law registries.

AUSTRALIAN CAPITAL TERRITORY

Canberra
(Nigel Bowen Commonwealth Law Courts)
Cnr University Ave and Childers St
Canberra ACT 2600
GPO Box 9991 Canberra 2601

NEW SOUTH WALES

Albury
Level 1, 463 Kiewa St Albury NSW 2640
PO Box 914 Albury NSW 2640

Dubbo
Cnr Macquarie and Wingewarra Sts Dubbo NSW 2830
PO Box 1567 Dubbo NSW 2830

Lismore
Level 2, 29-31 Molesworth St Lismore NSW 2480
PO Box 9 Lismore NSW 2480

Newcastle
61 Bolton St Newcastle NSW 2300
PO Box 9991 Newcastle NSW 2300

Parramatta
1-3 George St Parramatta NSW 2123
PO Box 9991 Parramatta NSW 2123

Sydney
(Lionel Bowen Commonwealth Law Courts)
97-99 Goulburn St, Sydney NSW 2000
GPO Box 9991 Sydney NSW 2001

Wollongong
Level 1, 43 Burelli St, Wollongong NSW 2500
PO Box 825 Wollongong NSW 2500

NORTHERN TERRITORY

Darwin
Supreme Court Building, State Square,
Darwin NT 0800
GPO Box 9991 Darwin NT 0801

QUEENSLAND

Brisbane
(Harry Gibbs Commonwealth Law Courts)
119 North Quay Brisbane QLD 4000
GPO Box 9991 Brisbane QLD 4001

Cairns
Level 3 and 4, 104 Grafton St Cairns QLD 4870
PO Box 9991 Cairns QLD 4870

Rockhampton
46 East St (Cnr Fitzroy St) Rockhampton QLD 4700
PO Box 9991 Rockhampton QLD 4700

Townsville
Level 2, 143 Walker St Townsville QLD 4810
PO Box 9991 Townsville QLD 4810

SOUTH AUSTRALIA

Adelaide
(Roma Mitchell Commonwealth Law Courts)
3 Angas St Adelaide SA 5000
GPO Box 9991 SA 5001

TASMANIA

Hobart
(Edward Braddon Commonwealth Law Courts)
39-41 Davey St Hobart Tas 7000
GPO Box 9991 Hobart Tas 7001

Launceston
Level 3, ANZ Building,
Cnr Brisbane and George Sts Launceston Tas 7250
PO Box 9991 Launceston Tas 7250

VICTORIA

Dandenong
53-55 Robinson St Dandenong Vic 3175
PO Box 9991 Dandenong Vic 3175

Melbourne
(Owen Dixon Commonwealth Law Courts)
305 William St Melbourne Vic 3000
GPO Box 9991 Melbourne Vic 3001

WESTERN AUSTRALIA

Perth
Family Court of Western Australia
150 Terrace Rd Perth WA 6000
GPO Box 9991 Perth WA 6848
08 9224 8222