Service Divorce

Any document you file with the Court (and some others) will need to be "served" on the other party or parties to the matter. Please note that the process and forms are different for Divorce than other family law matters.

Address for Service

Application forms and Affidavits have your essential contact information on the front page. This is taken to be your address for service. It can be your details or your lawyer's contact details if you're represented.

If this address for service ever changes throughout the course of your matter, for example if you started off represented by a lawyer and then have to self-represent, you will need to file a completed *Notice of Address for Service* form with the Court and serve this on the other party(s).

If you include an email address in addition to a physical address (street or P.O. Box) on your Address for Service, then you are consenting to having documents served on you by being sent to this email address instead of by hard copy post.

Normal / Ordinary Service

Normal (also known as ordinary) service applies to the service of most documents after the first initiating application.

Service by post is an acceptable method of normal service. Remember it is always best to lodge postal articles over the counter for proof of posting and more reliable item tracking. Make sure you take a note of the date you post the documents, and preferably post them over the counter at Australia Post so that the time and date appear on your receipt.

Posted documents are not deemed to have been received by the other party until five business days after you have posted them, even if you use Express Post or Priority post stamps.

Normal service by email is only acceptable if the other party has included an email address in their address for service. Email service is deemed to be received on the day it is sent. It's a good idea to include a "read receipt" when you serve documents by email so that you are notified when it is read by the recipient.

Normal Service by facsimile (fax) is acceptable if the other party has provided a fax number on their address for service, but this is not a popular option. When serving by fax, you must obtain a 'send receipt' which is attached to the *Affidavit of Service* form. Service by fax is deemed to be received on the same day it is sent.

Serving your Spouse's Lawyer

If your spouse already has legal representation and they have agreed in writing to accept service, you may serve the documents on them instead of your spouse directly.

Postage Best Practices

Best practice when posting hard copy documents (whether or not they need to be formally served) include:

1. Do not fold the documents. Send them in a large envelope for A4 documents (C5 size).
2. Send the documents by Registered Post. This means they must be signed for when they are received which is helpful because there is proof of receipt but it can be a problem when you are sending documents to the home address of the other party, but they're out at work all day. Think it through first.
3. Alternatively, send the documents by Express Post. This will enable the item to be tracked so although there's no signed proof of being received, the tracking information may be sufficient evidence of this. Note however, that the Court will still allow up to five business days for delivery even when using Express Post.
4. **Important**: whichever method of posting is used you must lodge the item over the counter at the Post Office. This is so that:
    a. you have proof of postage on the receipt including the time and date (keep this receipt); and
    b. the tracking will start from that moment and place.

    Items posted in roadside Australia Post mailboxes are not tracked from the time they are picked up by the mail van. They may not be tracked until the point of delivery so lost mail cannot be located using tracking numbers.

Time Frames

You must serve your spouse with a **Response to Divorce** documents within:

1. 28 days after you have been served with the Application for Divorce if they are in Australia; or
2. 42 days after you have been served with the Application for Divorce if they are overseas.

If you are **only serving an Affidavit** (not a Response to Application), you need to file and serve your spouse at least seven days before your Divorce hearing.

Be sure when arranging service by post that up to five business days are allowed for postal delivery in the ordinary course of business.