Initiating Application (Family Law)

Filed in:

☒ Federal Circuit and Family Court of Australia

☐ Family Court of Western Australia

☐ Other (specify):

Commonwealth Courts Portal

Note: Initiating applications should be eFiled through the Commonwealth Courts Portal - **www.comcourts.gov.au**.

COURT USE ONLY
Client ID
File Number
Filed at
Filed on
Court location
Court date
Time
Type of hearing

IMPORTANT: Information for respondents to the application is on page 10.

[Harry HEATHROB]
Applicant's Name
[Party to a marriage / ~~Party to a de facto relationship~~ / ~~Parent~~ / ~~Grandparent~~ / ~~Other~~]

[Wanda WONDERFUL]
Respondent's Name
[Party to a marriage / ~~Party to a de facto relationship~~ / ~~Parent~~ / ~~Grandparent~~ / ~~Other~~]

Part A The orders sought

1 Type of orders sought (mark all boxes that apply)

☐ Parenting ☒ Financial (property and/or maintenance)

☐ Other (specify):

Note: You must complete and file a *Genuine Steps Certificate* with this application.

Filed on behalf of: The applicant

Prepared by: Captain Cicero — Lawyer's Code: CCC

Name of law firm: Blue Ocean Law Group

Address for service in Australia: C/- Work Club, L8/99 Elizabeth Street Opp. NSW Supreme Court

State: NSW — Postcode: 2000

Email: cC@blueocean.law

Tel	1800-0-Adapt	Attention	

2 Final orders sought

(State precisely and briefly the final orders sought by the applicant. Please give a number to each order sought.)

1.

3 Interlocutory orders sought

(These orders can only be sought in this form if you are seeking final orders as well; otherwise, leave blank. State precisely and briefly the orders sought. Please give a number to each order sought.)

If you seek interlocutory orders, you must file an affidavit which sets out the facts relied on in support of your application.

Part B Details of the parties

DETAILS OF APPLICANT/S

		Applicant 1	Applicant 2
4	Family name as used now	Heathrob	
5	Given names	Harry	
6	Gender	☐ Choose not to answer ☒ M (male) ☐ F (Female) ☐ X (indeterminate/intersex/unspecified)	☐ Choose not to answer ☐ M (male) ☐ F (Female) ☐ X (indeterminate/intersex/unspecified)
7a	Residential address (incl. postcode)	2 Lovers Lane, Garfield VIC 3814	
7b	Email address	hh@me.com	
8	Phone number (home & mobile)	H: 03 3333 3333 M: 777 777 777	
		You do not have to state your residential address, email address or telephone number if it is not safe to do so. You can repeat your contact address for service if you wish.	
9	Date of birth (day/month/year)	20/12/1990	
10	Usual occupation	Actor	
11	Mark box as applicable for each applicant	☒ Present in Australia ☐ Ordinarily resident in Australia ☐ An Australian citizen ☐ Domiciled in Australia	☐ Present in Australia ☐ Ordinarily resident in Australia ☐ An Australian citizen ☐ Domiciled in Australia
12	Description	☒ Party to a marriage ☐ Party to a de facto relationship that has broken down ☐ Parent ☐ Grandparent ☐ Other (specify):	☐ Party to a marriage ☐ Party to a de facto relationship that has broken down ☐ Parent ☐ Grandparent ☐ Other (specify):
13	Is an interpreter required?	☒ No ☐ Yes If Yes, sate the language & dialect:	☐ No ☐ Yes If Yes, sate the language & dialect:
14	Is the applicant of Aboriginal and/or Torres Strait Islander origin?	☐ No ☐ YES Aboriginal ☐ YES Torres Strait Islander ☐ YES Aboriginal and Torres Strait Islander	☐ No ☐ YES Aboriginal ☐ YES Torres Strait Islander ☐ YES Aboriginal and Torres Strait Islander

DETAILS OF RESPONDENT/S

		Respondent 1	Respondent 2
15	Family name as used now	Wonderful	
16	Given names	Wanda	
17	Gender	☐ Choose not to answer ☐ M (male) ☒ F (Female) ☐ X (indeterminate/intersex/unspecified)	☐ Choose not to answer ☐ M (male) ☐ F (Female) ☐ X (indeterminate/intersex/unspecified)
18a	Residential address (incl. postcode)	22 Lovers Lane, Garfield VIC 3814	
18b	Email address	ww@me.com	
19	Date of birth (day/month/year)	15/04/1994	
20	Usual occupation	Actor	
21	Mark box as applicable for each applicant	☒ Present in Australia ☐ Ordinarily resident in Australia ☐ An Australian citizen ☐ Domiciled in Australia	☐ Present in Australia ☐ Ordinarily resident in Australia ☐ An Australian citizen ☐ Domiciled in Australia
22	Description	☒ Party to a marriage ☐ Party to a de facto relationship that has broken down ☐ Parent ☐ Grandparent ☐ Other (specify):	☐ Party to a marriage ☐ Party to a de facto relationship that has broken down ☐ Parent ☐ Grandparent ☐ Other (specify):
23	Is an interpreter required?	☒ No ☐ Yes If Yes, sate the language & dialect:	☐ No ☐ Yes If Yes, sate the language & dialect:
24	Is the respondent of Aboriginal and/or Torres Strait Islander origin?	☐ No ☐ YES Aboriginal ☐ YES Torres Strait Islander ☐ YES Aboriginal and Torres Strait Islander	☐ No ☐ YES Aboriginal ☐ YES Torres Strait Islander ☐ YES Aboriginal and Torres Strait Islander

Part C Relationship of parties

25	Date parties commenced living together (day/month/year)	01/11/2018	or ☐ Not applicable
26	Date of marriage (day/month/year)	22/12/2020	or ☐ Not applicable
27	Date of final separation (day/month/year)	27/08/2021	or ☐ Not applicable
28	Date of divorce (day/month/year)		or ☒ Not applicable

Part D Children

		Child 1	Child 2
29	Family name		
30	Given names		
31	Date of birth (day/month/year)		
32	Gender	☐ Choose not to answer ☐ M (male) ☐ F (Female) ☐ X (indeterminate/intersex/unspecified)	☐ Choose not to answer ☐ M (male) ☐ F (Female) ☐ X (indeterminate/intersex/unspecified)
33	Parent 1 family name		
34	Parent 1 given names		
35	Parent 2 family name		
36	Parent 2 given names		
37	With whom does the child live?		

		Child 3	Child 4
38	Family name		
39	Given names		
40	Date of birth (day/month/year)		
41	Gender	☐ Choose not to answer ☐ M (male) ☐ F (Female) ☐ X (indeterminate/intersex/unspecified)	☐ Choose not to answer ☐ M (male) ☐ F (Female) ☐ X (indeterminate/intersex/unspecified)
42	Parent 1 family name		
43	Parent 1 given names		
44	Parent 2 family name		
45	Parent 2 given names		
46	With whom does the child live?		

Part E For application for parenting orders

47	Has the applicant obtained a certificate from a registered family dispute resolution practitioner? (Refer to section 60I of the *Family Law Act 1975*).	☐ No ☐ Yes If yes, attach a copy of the certificate to this application and go to Part F of this form. If no, to obtain an exemption from filing a certificate you must either complete and file the form *Affidavit - Non-Filing of Family Dispute Resolution Certificate* or include the factual basis for the exemption in the affidavit you file in support of any order you are seeking.

48 Has the applicant received advice from a family counsellor or a family dispute resolution practitioner about the services and options (including alternatives to court action) available in circumstances of abuse or violence? ☐ No ☐ Yes

(Refer to section 60J of the *Family Law Act 1975*).

Part F Other court cases and orders

ONGOING CASES

49a	Are there any ongoing cases in this or any other court about family law, child support, family violence or abuse in relation to a child, or child welfare issues that involve any of the parties or children listed in this application?	☒ No ☐ Yes If yes, provide the following details for each ongoing case. (Attach extra pages as required.)
b	Count name and place	
c	Next Court date	
d	Name of parties	
e	State the nature of the orders sought (eg property settlement, parenting orders, child support)	

EXISTING ORDERS, AGREEMENTS OR UNDERTAKINGS

50a	Are there any existing orders, agreements, parenting plans or undertakings to a court about family law, child support, family violence or abuse in relation to a child (including family violence orders which have applied to a child or a member of the child's family), or child welfare issues concerning any of the parties or children listed in this application?	☒ No ☐ Yes If yes, provide the following details for each ongoing case. (Attach extra pages as required.)
b	Count name and place	
c	Date	
d	Name of parties to the order, agreement, parenting plan or undertaking	

Part G For property and/or spouse/de facto spouse maintenance applications

If the parties were in a de facto relationship that has broken down, complete Part H

51	Have the parties entered into a financial agreement or a part VIIIAB Financial Agreement under *the Family Law Act 1975* or under any relevant state or territory legislation?	☒ No	☐ Yes
52	If either party has a superannuation interest, have the parties entered into a binding superannuation agreement in relation to that superannuation interest?	☒ No	☐ Yes
53	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
54	Is there a proceeds of crime order or current forfeiture application in relation to any of the property of any of the parties?	☒ No	☐ Yes

If yes, attach a sealed copy of the order or application

Part H De facto relationship jurisdiction – financial causes

(subsection 4(1) of *Family Law Act 1975* defines de facto financial cause)

Complete **all** the boxes below if relying on the Court's jurisdiction to make orders for the benefit of a party to de facto relationship that has broken down.

ENTITLEMENT TO APPLY AND GEOGRAPHIC REQUIREMENTS

55a	Did your de facto relationship break down on or after 1 March 2009 or if resident in South Australia on or after 1 July 2010? (See important notes for completing Part H.)	☐ No	☐ Yes
b	Is the period or the total of the periods of the de facto relationship at least two years?	☐ No	☐ Yes
c	Is there is a child of the de facto relationship?	☐ No	☐ Yes
d	Has the applicant made substantial contributions and a failure to make an order or declaration would result in serious injustice to the applicant?	☐ No	☐ Yes

e	Is, or was, the relationship registered under a prescribed law of a state or territory of Australia?	☐ No	☐ Yes
f	Were both parties to the relationship ordinarily resident in one or more of the Australian territories or New South Wales, Queensland, Victoria, Tasmania or South Australia for at least one third of the domestic relationship, or at the date the relationship broke down?	☐ No	☐ Yes
g	Did the applicant make substantial contributions in one or more of the Australian territories or New South Wales, Queensland, Victoria, Tasmania or South Australia?	☐ No	☐ Yes

Part I Cross-vested jurisdiction

(Complete only if relying on cross-vested jurisdiction. Note: An affidavit **must** be filed – see Rule 9.10)

56	If relying on a cross-vesting law, specify the Territory law relied on	

Part J Lawyer's declaration

57 If the applicant is filing this application without a lawyer, this part need not be completed. However, the applicant should obtain a copy of the information brochure Marriage, Families and Separation from the Court when filing the application. If a lawyer is filing the application, then the lawyer must give the applicant a copy of the brochure and sign the following declaration.

I gave the applicant(s) a copy of the Court's brochure *Marriage, Families and Separation*.

_____

Signature of lawyer

Full name of lawyer: Captain Cicero

Date:

Part K Statement of Truth of the contents of this document

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APPLICANT 1	APPLICANT 2
1. The facts of which I have personal knowledge are true. 2. All other facts are true to the best of my knowledge, information and belief and the orders sought in this application are supported by evidence. 3. I am aware that I have a duty to the Court and to each other party to give full and frank disclosure – in a timely manner – of all information relevant to the issues in the case. 4. I have read and complied with there-action procedures required of me as outlined in Schedule 1 of the Rules, and completed a *Genuine Steps Certificate*.	1. The facts of which I have personal knowledge are true. 2. All other facts are true to the best of my knowledge, information and belief and the orders sought in this application are supported by evidence. 3. I am aware that I have a duty to the Court and to each other party to give full and frank disclosure – in a timely manner – of all information relevant to the issues in the case. 4. I have read and complied with there-action procedures required of me as outlined in Schedule 1 of the Rules, and completed a *Genuine Steps Certificate*.
I have read and understood this Statement of Truth (please tick) ☐	**I have read and understood this Statement of Truth (please tick)** ☐
Signature of Applicant 1	Signature of Applicant 2
Date	Date