

Affidavit – Non-Filing of Family Dispute Resolution Certificate

Family Law Act 1975 – SECTION 60I(9)

Federal Circuit and Family Court of Australia (Family Law) Rules 2021 – RULE 4.02

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:

- Federal Circuit and Family Court of Australia
- Family Court of Western Australia
- Other (specify) _____

Filed on behalf of:

Full name: _____

Client ID _____

File number _____

Filed at _____

Filed on _____

Court location _____

Court date _____

PLEASE READ BEFORE COMPLETING THIS AFFIDAVIT

If you are also applying for interlocutory orders; that is, interim or procedural orders which will happen until a Final Hearing can take place, then you do not need to complete this affidavit.

As you will need to complete an affidavit in support of the interlocutory orders you seek in your *Initiating Application (Family Law)*, you should also set out the factual basis for seeking an exemption from filing a certificate from a family dispute resolution practitioner in that affidavit.

You do not need to complete this affidavit if there is a consent order or if you are applying for orders in response to an application.

PLEASE COMPLETE:

Name of person swearing/affirming this affidavit (SEE PART B)

Date of swearing/affirming ____ / ____ / ____

Part A About the parties

APPLICANT 1

Family name as used now

Given names

APPLICANT 2

Family name as used now

Given names

RESPONDENT 1

Family name as used now

Given names

RESPONDENT 2

Family name as used now

Given names

What is the contact address (address for service) in Australia for the party filing this affidavit?

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. You must also give an email address.

State	Postcode
Phone	
DX	
Lawyer's code	
Email	

Part B About you (the deponent)

What is your family name used now?

Your given names?

--	--

Gender

Male

Female

X

Usual occupation

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What is your address?

You do not have to give your residential address. You may give another address at which you are satisfied that you will receive documents.

State	Postcode

Signature of person making this affidavit (deponent)	Signature of witness
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Part C Evidence

- Tick all the options which apply to your case. Remember you are swearing/affirming that these statements are true. Do not tick a sentence unless it is true.
- Where there is a space below a sentence providing for you to give further details, you **must** provide further information to support the statement. It is not sufficient to simply tick that particular sentence.
- Where further details are required, set out the facts divided into consecutively numbered paragraphs. Attach extra pages if you need more space. Please ensure that the pages are numbered. You and the witness to your affidavit must sign at the bottom of each additional page. Make sure that the page containing Part D is always the last page of this affidavit.

I allege that there (tick all that apply to you)

- has been abuse of the child/children by one of the parties to the proceedings;
- would be a risk of abuse of the child/children if there were to be a delay in applying for the order;
- has been family violence by one of the parties to the proceedings;
- is a risk of family violence by one of the parties to the proceedings.

In support of my allegation, I provide the following information:

State briefly but clearly the facts you rely upon to support your allegation. You only need to provide sufficient information to satisfy the Court that there are reasonable grounds to believe what you are alleging above.

1.

2.

All the following apply in my case:

- a) My application is made about a particular issue;
- b) There is a Court order under Part VII of the *Family Law Act 1975* which was made within 12 months of the date I am seeking to file my current application for final orders;
- c) My application is made in relation to a contravention of a parenting order by another person;
- d) The person contravening the order has behaved in a way that shows a serious disregard for his or her obligations under the Order.

In support of this allegation, I provide the following information:

State briefly but clearly the facts you rely upon to support your allegation. You only need to provide sufficient information to satisfy the Court that there are reasonable grounds to believe what you are alleging above.

1.

2.

My application is made in circumstances of urgency.

In support of my allegation, I provide the following information:

State briefly but clearly the facts you rely upon to support your allegation. You only need to provide sufficient information to satisfy the Court that there are reasonable grounds to believe what you are alleging above.

1.

2.

Signature of person making this affidavit (deponent)

Signature of witness

I or one of the other parties I have named in the proceedings is unable to participate effectively in family dispute resolution.

In support of my allegation, I provide the following information:

State briefly but clearly the facts you rely upon to support your allegation. You only need to provide sufficient information to satisfy the Court that there are reasonable grounds to believe what you are alleging above.

1.

2.

An application has been made to the Court for another order in proceedings in which a certificate has been filed.

In support of my allegation, I provide the following information:

State briefly but clearly the facts you rely upon to support your allegation. You only need to provide sufficient information to satisfy the Court that there are reasonable grounds to believe what you are alleging above.

1.

2.

Signature of person making this affidavit (deponent)

Signature of witness

Part D Signature

I swear* /affirm* the contents of this affidavit are true

Signature of Deponent

Place Date / /

Before me (signature of witness)

Full name of witness (please print)

- Justice of the Peace
- Notary public
- Lawyer
- Authorised Staff Member of the Court

* delete whichever is inapplicable

This affidavit was prepared / settled by deponent/s
 lawyer

PRINT NAME AND LAWYER'S CODE