

APPLICATION FOR DIVORCE – FORM 3

Filed in:

- Federal Magistrates Court of Australia
- Family Court of Australia
- Family Court of Western Australia
- Other (specify):



Note: Applications for Divorce (and certain accompanying documents) can now be electronically filed through the Commonwealth Courts Portal (www.comcourts.gov.au). For more information see the *User Guide to eFiling Divorce Applications in Family Law*, available at www.familylawcourts.gov.au

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?

<input type="checkbox"/> Husband	<input type="checkbox"/> Wife	<input type="checkbox"/> Husband and Wife together (joint)
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2a. Do you want to attend the hearing?
It may be compulsory for you to attend.
Page D – Divorce Kit

Husband	Wife
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

2b. If yes, will you need an interpreter at the hearing?

<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state language and dialect:	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state language and dialect:
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Part B Husband and Wife

3. Family name as used now

4. Full given names

5. Date of birth
(day / month / year)

6. Country of birth

7. If born outside Australia, date you started living in Australia
(day / month / year)

8. What is your occupation?

Husband	Wife
/ /	/ /
/ /	/ /

9. Residential address

If you have safety concerns, you do not need to disclose a residential address.
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10. Address for service

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If you do not have a service address for your spouse and have taken all reasonable steps to find it, insert 'not known'.

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Name of lawyer
(if applicable)

Name of law firm
(if applicable)

Lawyer's code
(if applicable)

Phone

Fax

DX

Email

State	Postcode	State	Postcode
Phone ()		Phone ()	
<input type="checkbox"/> Same as residential address		<input type="checkbox"/> Same as residential address	
<input type="checkbox"/> Lawyer's address (below)		<input type="checkbox"/> Lawyer's address (below)	
<input type="checkbox"/> Other address (below)		<input type="checkbox"/> Other address (below)	
State	Postcode	State	Postcode
()		()	
()		()	

Part C

Jurisdiction

11. Mark yes or no to each statement below

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The Husband/Wife:

- (a) regards Australia as his/her home and intends to live indefinitely in Australia
- (b) is an Australian citizen by birth or descent
- (c) is an Australian citizen by grant of Australian citizenship
- (d) ordinarily lives in Australia & has done so for 12 months immediately before filing this application

Husband	Wife
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Part D

Marriage and separation

- 12. Date and place of marriage on your marriage certificate** (day / month / year)
Pages E & F – Divorce Kit
- 13. Full names of both parties as they appear on the marriage certificate**
- 14. Date of separation** (day / month / year)
Page F – Divorce Kit
- 15a. At the date of separation, did you regard the marriage as over?**
Page F – Divorce Kit
- 15b. If you answered no to question 15(a), on what date did you regard the marriage as over?** (day / month / year)
- 16a. Since the date of separation, have you and your spouse lived together in the same home but not as husband and wife?**
- 16b. If you answered yes to question 16(a), give dates of each period you and your spouse 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*.
- 17a. Since the date of separation, have you and your spouse lived together as husband and wife?**
- 17b. If you answered yes to question 17(a), give dates of each period you and your spouse lived together as husband and wife.**
(day / month / year)
If relying on any period outlined here as part of the 12 months separation, go to *Page G – Divorce Kit*.
- 18. Do you think it is likely that you and your spouse will live together again as husband and wife?**
If yes, go to *Page G – Divorce Kit*.
- 19. At the date of filing this application, is it less than two years since you married?**
If yes, go to *Page G – Divorce Kit*.

Date	/	/
Town/city		
Country		
Husband		
Wife		
Date	/	/
Husband	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Wife	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Husband	Date	/ /
Wife	Date	/ /
<input type="checkbox"/> Yes	<input type="checkbox"/> No	
From	/	/
to	/	/
From	/	/
to	/	/
<input type="checkbox"/> Yes	<input type="checkbox"/> No	
From	/	/
to	/	/
From	/	/
to	/	/
<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Part E Other court cases

20. Are there any current or pending cases in this or any other court about family law, child support, family violence, 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

21. Are there any existing orders, binding agreements, parenting plans or undertakings to a court about family law, child support, family violence, 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

22. How many children are there of your marriage currently under 18 (include children treated as members of your family when you last separated)?

If none, go to Part G on page 7 and remove pages 5 and 6

	Family name	Given names	Date of birth (day / month / year)	Gender (M/F)
Child 1			/ /	
Child 2			/ /	
Child 3			/ /	
Child 4			/ /	

Part G Affidavit of applicant/s

Do not swear or affirm this affidavit until:

1. you and your spouse 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 your spouse to sign his or her part of the affidavit.

If you are applying as husband and wife together, 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.

Husband

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
 Notary Public

Wife

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
 Notary Public

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'. Registry staff will provide you 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 of Application for Divorce

You only need to complete this notice if you have made a sole application. Once you have printed the name and address of your spouse, attach this notice to the front page of the Application for Divorce to be served on your spouse.

To (name of spouse)

Contact address (address for service)

TO THE RECIPIENT OF THIS NOTICE

In the attached application your spouse is applying for divorce. The Court has set down the hearing of this application at the time and place shown on page one of the Application for Divorce.

What steps you need to take

- 1 You should sign, date and return the Acknowledgment of Service (Divorce) to the person who served the Application for Divorce on you.
- 2 You should check the details given by your spouse in the application to make sure they are correct to the best of your knowledge. You should also carefully read the enclosed brochure 'Marriage, Families and Separation'. It sets out the legal and possible social effects of divorce and the services provided to families by the Family Court and other government and community agencies.
- 3 If you want the divorce granted, you do not have to go to court or do anything else. A copy of the divorce order will be made available to you, either by post or through the Commonwealth Courts Portal (if you are a registered user) after the order has become final.
- 4 If you want the divorce granted but disagree with facts in the application, you may file an affidavit. You need to outline which facts you disagree with in the affidavit and attend the hearing.
- 5 If you do not want the divorce granted, you must file a Response to Divorce. You need to outline the reasons why you oppose the divorce in the Response to Divorce. You should attend the hearing. If you do not attend, the Court may decide the divorce application in your absence.

In certain circumstances, you can apply to the Court in writing to appear by telephone. For example, you live some distance from the Court, you have a illness or disability, the expense with attending or safety concerns. For more information, call **08 9224 8222** or **1800 199 228**.

Response to Divorce

If you want to file a Response to Divorce, you need to file it at a family law registry:

- if served in Australia – within 28 days of the application being served, or
- if served outside of Australia – within 42 days of the application being served.

After filing the Response to Divorce with the Court, you must serve a copy of it on your spouse in accordance with the rules of the Court. You can get a copy of this form from **www.familycourt.wa.gov.au**, by calling **08 9224 8222** or **1800 199 228** or at your nearest family law registry.

Property and maintenance

If you want to apply to the Court about property or your own maintenance, you must file a separate application within 12 months of the date the divorce becomes final. Otherwise, you will need the Court's permission to apply.

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Principal Registrar

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Date