

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?

- Husband
 Wife
 Husband and Wife together (joint)

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: |
|---|---|

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.
Page C – Divorce Kit

State	Postcode	State	Postcode
Phone ()		Phone ()	

10. Address for service
Page D – Divorce Kit

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

<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
Page E – Divorce Kit

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. Are there any children currently under 18 who:

(a) are children of you and your spouse? Yes No

(b) were treated as members of your family when you and your spouse separated? Yes No

Page G – Divorce Kit

If you answered no to both question 22 (a) and (b), go to Part G and remove pages 5-6

If you answered yes to either question 22 (a) or (b), indicate the total number of children: _____

If there are more than four children, attach extra pages as required.

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

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

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.

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

Signature

Place
Date / /

Place
Date / /

Before me (signature of witness)

Before me (signature of witness)

Full name of witness (print name)

Full name of witness (print name)

- Lawyer
 Justice of the Peace
 Other (specify):

- Lawyer
 Justice of the Peace
 Other (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'. 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 Law Courts 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 a Response to Divorce. You need to outline which facts you disagree with in the Response to Divorce. You do not need to 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, email enquiries@familylawcourts.gov.au or call 1300 352 000.

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.familylawcourts.gov.au, by calling **1300 352 000** 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.

.....
Signature of registry officer

.....
Print full name

.....
Date

Help in other languages

If you need to contact the Family Court, call the Translating and Interpreting Service on **13 14 50**. This is a free service.

If you need an interpreter to assist you at court, please tell court staff at least one week before your court appointment or hearing. Court staff will arrange a professional and independent interpreter to assist you free of charge.

ARABIC

إذا كنتم بحاجة إلى الاتصال بمحاكم قانون العائلة، اتصلوا بخدمة الترجمة الخطية والشفوية على الرقم 13 14 50. هذه الخدمة مجانية. وإذا كنتم بحاجة إلى مترجم لمساعدتكم في المحكمة، الرجاء إعلام موظفي المحكمة وذلك قبل موعدكم أو جلستكم في المحكمة بمدة أسبوعين على الأقل، وسيقوم موظفو المحكمة بالترتيب لترتيب مترجم مؤهل ومستقل لمساعدتكم مجاناً.

CANTONESE

如果您需要聯絡家事法院，請致電翻譯與傳譯服務處，電話：13 14 50。這是一項免費服務。如果您在出庭時需要傳譯員幫助，請在法庭預約或聆訊之前，至少提前兩周通知法院工作人員。法院工作人員會安排獨立的專業傳譯員免費為您提供幫助。

CROATIAN

Ako morate kontaktirati Obiteljski sud, nazovite Službu za prevodenje i tumačenje, na broj telefona 13 14 50. Ove su usluge besplatne. Ako vam je na sudu potreban tumač, molimo vas da o tome obavijestite naše osoblje, barem dva tjedna prije zakazanog sastanka ili sudskog postupka. Osoblje suda će za vas organizirati besplatnu pomoć profesionalnog i nezavisnog tumača.

FARSI

اگر نیاز به تماس گرفتن با دادگاه قانون خانواده دارید، به سرویس ترجمه کتبی و شفاهی، شماره ۱۳ ۱۴ ۵۰ تلفن بزنید. این یک سرویس رایگان است. اگر احتیاج دارید که یک مترجم در دادگاه کمکتان کند، لطفاً حد اقل دو هفته قبل از وقت ملاقات یا تشکیل جلسه دادگاه، به کارمندان دادگاه بگویید. کارمندان دادگاه ترتیبی خواهند داد که یک مترجم حرفه ای و بی طرف مجاناً به شما کمک کند.

ITALIAN

Se avete bisogno di mettervi in contatto con uno dei Tribunali della famiglia (Family Law Courts), telefonate al Servizio interpreti e traduttori al numero 13 14 50. Questo servizio è gratuito. Se avete bisogno dell'aiuto di un interprete presso il tribunale, siete pregato di farlo presente al personale del tribunale almeno due settimane prima dell'appuntamento o dell'udienza in tribunale. Un impiegato organizzerà la presenza di un interprete indipendente e di professione che vi aiuterà gratuitamente.

MACEDONIAN

Ako treba da se javite vo Semejniot sud, javete se vo Prevoduvачката служба na 13 14 50. Oваа услуга e besplatna. Ako vi e potreben prevoduvач za da vi pomaga vo sudot, ve molime kajete mu na personalot na sudot najmalку две недели pred vašiot zakazan razgovor ili rasprava. Personalot na sudot ќе ангажира професионален и независен prevoduvач besplatno da vi pomaga.

MANDARIN

如果你要与家庭法院联系，请致电口笔译服务处，电话号码13 14 50。这项服务免费。如果你需要在法院需要口译员的协助，请至少在你的法庭预约或听证日期前两个星期告诉法院工作人员。法院工作人员将安排独立的专业口译员为你免费提供协助。

POLISH

Jeśli potrzebujesz skontaktować się z Sądem Rodzinnym, zadzwoń do Serwisu Tłumaczy Ustnych i Pisemnych pod nr. 13 14 50. Usługa ta jest bezpłatna. Jeśli potrzebujesz, aby tłumacz asystował Ci w sądzie, powiadom o tym personel sądu na co najmniej dwa tygodnie przed terminem rozprawy lub spotkania w sądzie. Personel sądu zamówi dla Ciebie nieodpłatnie niezależnego, wykwalifikowanego tłumacza.

RUSSIAN

Если вам нужно связаться с Семейным Судом, то позвоните в Телефонную переводческую службу по номеру 13 14 50. Эта услуга предоставляется бесплатно. Если вам нужен переводчик в суде, то сообщите об этом работникам суда не менее чем за две недели до назначенной встречи или судебного заседания. Работники суда вызовут для вас профессионального независимого переводчика, услуги которого предоставляются бесплатно.

SERBIAN

Ako treba da kontaktirate Porodični sud, nazovite Službu prevodilaca i tumača na 13 14 50. Usluga je besplatna. Ako vam je potreban prevodilac da vam pomogne na sudu, molimo vas da to kažete sudskom osoblju najmanje две недеље pre vašeg zakazanog razgovora ili sudске rasprave. Sudsko osoblje ће ангажовати професионалног и независног prevodilaca da вам помогне besplatno.

SPANISH

Si necesitara contactar al Juzgado de Familia, llame al Servicio de Traducción e Interpretación en el 13 14 50. Este servicio es gratuito. Si necesitara la asistencia de un intérprete en el juzgado, por favor comuníquese al personal del juzgado con un mínimo de dos semanas de antelación de su cita o audiencia en el juzgado. El personal del juzgado concertará los servicios de un intérprete profesional, independiente y gratuito para usted.

TURKISH

Aile Mahkemesi ile görüşmeniz gerekiyorsa, 13 14 50 numaralı telefonda Tercümanlık Hizmetini arayınız. Bu servis ücretsizdir. Mahkemede size bir tercümanın yardımı olmasını istiyorsanız, mahkeme randevunuzdan ya da duruşma gününden en az iki hafta önce bunu mahkemeye bildirin. Mahkeme size ücretsiz olarak profesyonel ve tarafsız bir tercüman temin edecektir.

VIETNAMESE

Nếu cần liên lạc với Tòa án Gia đình, xin gọi cho Dịch vụ Thông Phiên dịch qua số 13 14 50. Dịch vụ này miễn phí. Nếu cần có thông dịch giúp quý vị tại tòa, xin báo cho nhân viên tòa án biết ít nhất hai tuần lễ trước ngày hẹn với tòa án hoặc phiên xử. Nhân viên tòa án sẽ sắp xếp thông dịch chuyên nghiệp và độc lập để trợ giúp quý vị miễn phí.