



# Exemption Form Kit

FAMILY COURT OF WESTERN AUSTRALIA

## Is this kit for me?

This kit is for people who are making an application to the Court in relation to parenting orders.

The Family Court of Western Australia can not accept an application in relation to parenting orders unless it is filed with a certificate from a registered Family Dispute Resolution Practitioner or with a valid exemption form.

You will need to complete an exemption form if you do not have a certificate from a Family Dispute Resolution Practitioner.

The Court will only grant the exemption if you can show that your case belongs in one of the four exemption categories:

- Where there has been, or may be a risk of abuse or family violence.
- Where the matter is very urgent.
- Where the application concerns contravention of a court order, made less than 12 months ago, in circumstances where one party has shown a serious disregard for that order.
- Where you are unable to effectively participate in Family Dispute Resolution.

The exemption form is attached to the back of this Kit.

## How to complete the form

Start by entering your details, and the details of the other party:

- Write your full name in the box next to ‘Applicant’s Name’.
- Write the name of the other party to the application in the box next to ‘Respondent’s Name’. If there is more than one respondent write the names of all respondents in the box.
- Write your address. If you do not wish to use your home address you may use a care of address where you can be contacted.
- Write your occupation.

## Part 1: Abuse and family violence issues

If you are worried about possible abuse or family violence issues, or if abuse or family violence has already occurred, fill out this section.

Tick the boxes which best describe your situation. You can tick more than one box.

- If you have ticked any of the boxes in Part 1 (i) – (iv) you **MUST** tick boxes A and B;

OR:

- If you have **only** ticked box 1 (i) AND/OR 1(iii) you must tick box C.

Court staff will provide you with an information letter from a Family Counsellor.

OR

You can ring the Family Relationships Advice Line on 1800 050 321.

You will be given a copy of the “Acknowledgment – Information from a Family Counsellor or Family Dispute Resolution Practitioner” Form. Complete, sign and attach this document to your exemption form.

- If you have ticked any boxes in Part 1 you will also need to complete a Notice of Child Abuse or Family Violence (Form 4);

AND

Complete an affidavit setting out **ONLY** the evidence on which the allegations contained in that Notice are based. You will need to get your affidavit witnessed by a Justice of the Peace (see ‘Sign the form’ on the next page).

## **Part 2: Urgent matters**

Where your application requires an urgent court hearing date, you must also complete a letter addressed to the Duty Registrar advising them of the reason why you need an early hearing date.

Tick box 2 on the second page of the exemption form, attach your letter, and hand it in to the registry.

## **Part 3: Contravention applications**

Tick this box if you are applying to the court because a person has failed to comply with a parenting order made less than 12 months ago.

Your case can only be commenced without Family Dispute Resolution where the Court is satisfied that there are reasonable grounds to believe that the other party has shown a serious disregard for the orders.

You will need to get a “Contravention Kit (Form 18)” from the Family Court of WA registry or website [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au). Complete it, and hand it in with your exemption form.

## **Part 4: Unable to participate in Family Dispute Resolution**

If you are unable to participate effectively in Family Dispute Resolution you are required to write the reason why in box 3 on the second page of the exemption form.

If you need more space attach an extra page.

## **Sign the form**

- You need to sign the ‘Affidavit of Applicant’ section before an appropriate witness.
- A Justice of the Peace, lawyer or Notary Public can witness the form.
- Where you are filing an affidavit under Part 1 you must also have that affidavit witnessed.

A JP is usually available on level one of the Family Court of WA, opposite the registry counter. A list of Justices of the Peace in your suburb can be found by contacting the Department of the Attorney General at 1300 657 788 or by visiting [www.justice.wa.gov.au](http://www.justice.wa.gov.au).

## **What happens next?**

Make photocopies of the form, one for you and one for each of the people included in the ‘Respondent’ box on page 1 of the form.

Give the forms to the registry staff.

Your papers will be given to the Duty Registrar who will decide whether or not your case can commence without a certificate.

You will be notified of the Duty Registrar’s decision and given instructions about how to proceed.

## **What happens if I do not qualify for the exemption?**

If the Court is not satisfied that your case qualifies for an exemption from Family Dispute Resolution, you will need to obtain a certificate from a registered Family Dispute Resolution Practitioner before the Court will accept your application.

For more information about Family Dispute Resolution, or to find your nearest Family Relationships Centre:

- go to [www.familyrelationships.gov.au](http://www.familyrelationships.gov.au); or
- call the Family Relationship Advice Line on 1800 050 321, the line is open from 8:00am to 8:00pm Monday to Friday, and 10:00am to 4:00pm on Saturdays.

## Personal safety

If you have any concerns about your safety while attending court, please call 08 9224 8222 before your court appointment or hearing. Options for your safety at court will be discussed and arrangements put in place. By law, people must inform a court if there is an existing or pending family violence order involving themselves or their children.

## Seek legal advice

You should get legal advice before deciding what to do. A lawyer can help you understand your legal rights and responsibilities, and explain how the law applies to your case. A lawyer can also help you reach an agreement with the other party without going to court.

You can get legal advice from a:

- Legal Aid Office;
- Community Legal Centre, or
- Private law firm.

**Court staff can help you with questions about court forms and the court process, but cannot give you legal advice.**

## Need more information?

For more information about the Family Court of WA, including access to the legislation, forms or publications listed in this brochure:

- go to [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au);
- call 08 9224 8222 or 1800 199 228; or
- visit the Family Court of WA registry.

## Who else can help?

- **Legal Aid WA**  
[www.legalaid.wa.gov.au](http://www.legalaid.wa.gov.au)  
1300 650 579
- **Community Legal Centres Association of WA**  
[www.communitylaw.net](http://www.communitylaw.net)  
08 9221 9322
- **Law Society of Western Australia**  
[www.lawsocietywa.asn.au](http://www.lawsocietywa.asn.au)  
08 9322 7877
- **Aboriginal Legal Service of Western Australia**  
[www.als.org.au](http://www.als.org.au)  
08 9265 6666 or 1800 019 900
- **Law Council of Australia – Family Law Section**  
[www.familylawsection.org.au](http://www.familylawsection.org.au)  
02 6246 3788

This brochure provides general information only and is not provided as legal advice. If you have a legal issue, you should contact a lawyer before making a decision about what to do or applying to the Court. The Family Court cannot provide legal advice. The Family Court respects your right to privacy and the security of your information.  
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FAMILY COURT OF WESTERN AUSTRALIA

# EXEMPTION FORM

For filing an application starting a case for parenting orders or an application alleging contravention of a parenting order after 1 July 2008

Client ID .....

File No (P)PTW .....

Filed on .....

Court date .....

Time .....am / pm

<b>APPLICANT'S NAME</b>	
<b>RESPONDENT'S NAME</b>	
<b>YOUR ADDRESS</b>	
	State                  Postcode
<b>YOUR OCCUPATION</b>	

I claim to be entitled to file the accompanying application without a certificate from a Family Dispute Resolution Practitioner for the following reason/s:

[PLEASE TICK EVERY BOX THAT APPLIES]

**1** I claim there are reasonable grounds to believe that:

(i) there has been abuse of a child the subject of the application by one of the parties to this case; or

(ii) there would be a risk of abuse of a child the subject of the application if there was a delay in the filing of the application; or

(iii) there has been family violence by one of the parties to this case; or

(iv) there is a risk of family violence by one of the parties to this case.

**Where you have ticked ANY boxes in 1 (above) you must also tick boxes A and B below**

**A**  I seek to file a Notice of child abuse or family violence at the same time as this application; AND

**B**  I also seek to file an affidavit setting out the evidence on which the allegations contained in the above Notice of child abuse or family violence are based.

**Continued over page ->**

**Where you have ONLY ticked box 1 (i) and/or 1 (iii), you must also tick box C below**

**C**  I have received information from a Family Counsellor or Family Dispute Resolution Practitioner about the services and options (including alternatives to court action) available to me and seek to file an "Acknowledgment – Information from a Family Counsellor or Family Dispute Resolution Practitioner" Form.

Written advice is available from the registry of the Family Court of WA, or you can ring the Family Relationships Advice Line. The acknowledgement form is available from the registry of the Family Court of WA, regional Magistrates Courts or from the website [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au).

**2**  The application is of such urgency that I should not be required to obtain a certificate from a Family Dispute Resolution Practitioner.

(I attach a letter to the Duty Registrar setting out the basis of the urgency).

**3**  The application alleges contravention of a parenting order that was made less than 12 months ago and alleges behaviour that shows a serious disregard of obligations under that order.

(I attach my Form 18 to this application).

**4**  One of the parties to this case is unable to participate effectively in family dispute resolution (whether because of an incapacity of some kind, physical remoteness from dispute resolution services or for some other reason). That incapacity is as a result of:

[DESCRIBE REASON] \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Attach an extra page if you need more space]

**Affidavit of applicant (to be signed in the presence of the witness)**

I swear/affirm that:

1. I am the applicant.
2. I have read this document.
3. The facts in it and any attachment/s that are within my personal knowledge are true.
4. All other facts are true to the best of my knowledge, information and belief.

Signature

Sworn/affirmed

\_\_\_\_\_

Place: \_\_\_\_\_ Date:    /    /

Before me (signature of witness)

Full name of witness (please print)

\_\_\_\_\_

\_\_\_\_\_

Justice of the Peace

Notary public

Lawyer

FCWA EXEMPTION 100708