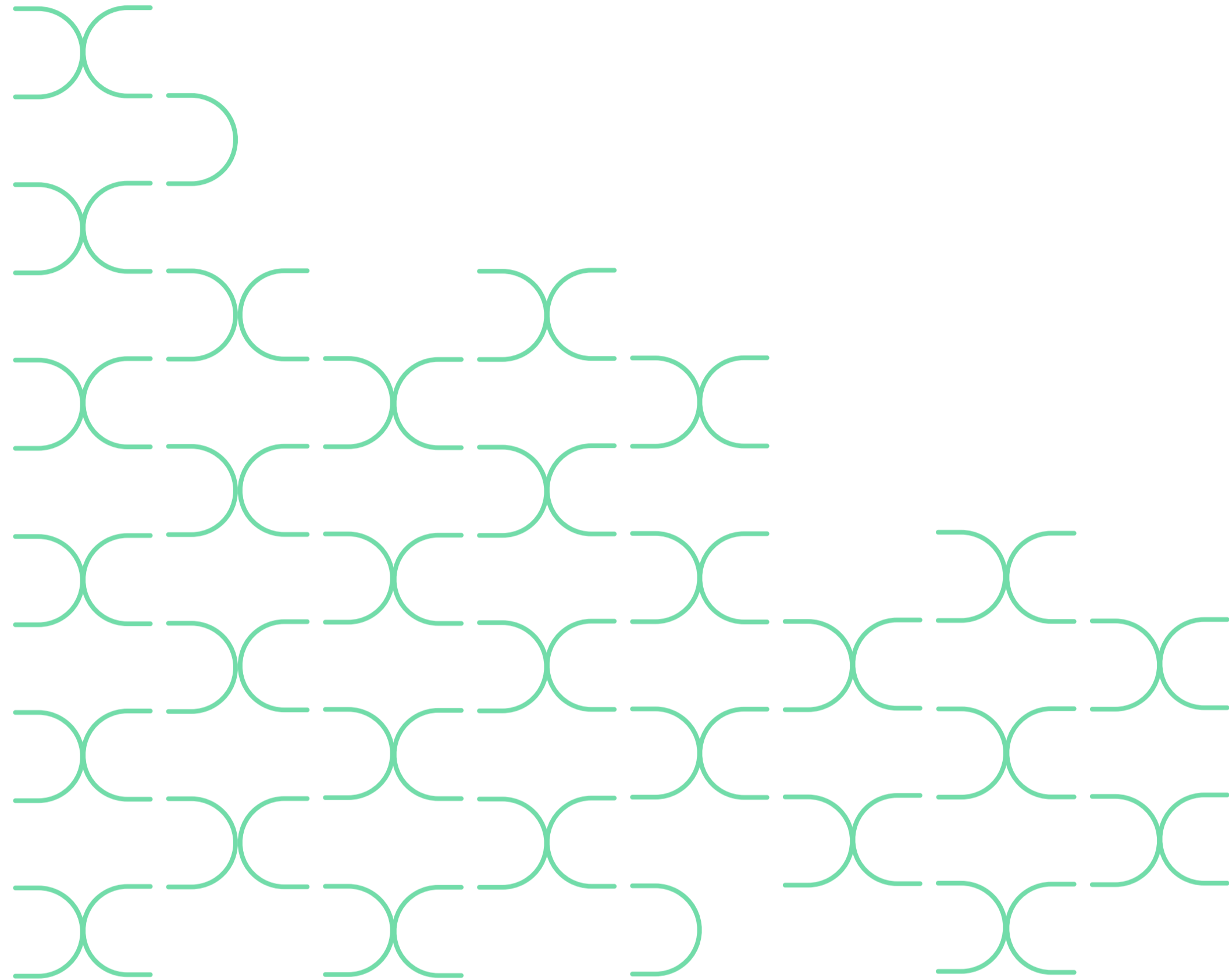




FEDERAL CIRCUIT
AND FAMILY COURT
OF AUSTRALIA



Family law

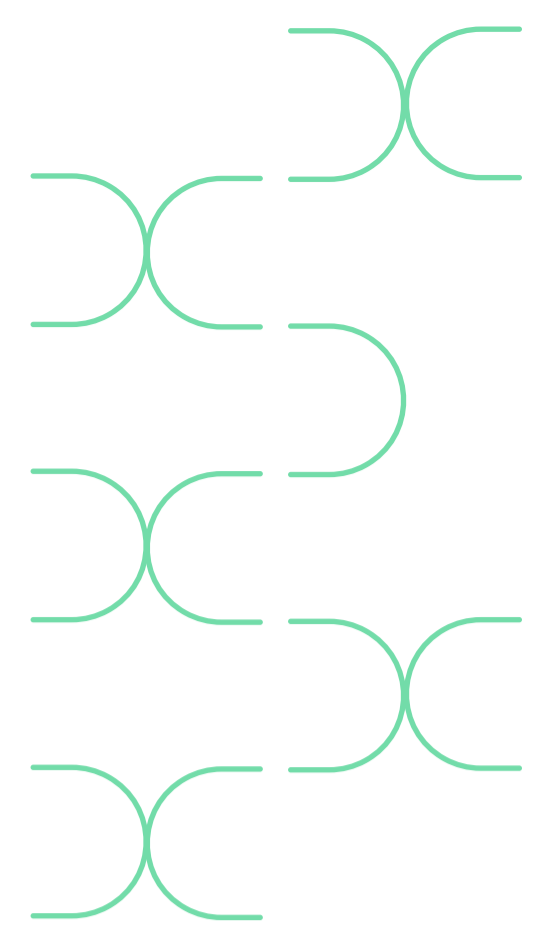


How to apply for a Divorce

This flowchart shows you how to apply for a Divorce in the Court, whether you are doing so together with your spouse, or on your own. It also includes checklists of key documents you may need to provide to the Court in support of your application, and helpful links to other resources that may assist.



I am a **SOLE APPLICANT** applying for Divorce on my own



Checklist

- I have proof that I am legally married
- I have been separated for more than 12 months
- There is no chance that my partner and I will reconcile



Documents you will need to file your application:

- Marriage Certificate, and if it is not in English, a translation by a certified translator
- Proof of jurisdiction – eg: Australian citizenship certificate, Australian passport or visa
- Counselling certificate if marriage less than 2 years



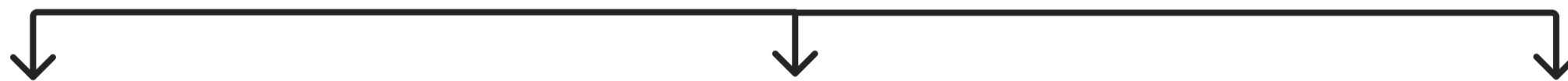
Filing application

- Register for the Commonwealth Courts Portal to e-file and access copies of Court orders
- Application for Divorce* and *Affidavit of eFiling* needs to be sworn before an authorised witness
- Pay Filing Fee



Now you are ready to serve your divorce application by hand or by post

See Divorce Service Kit



By hand

Forms required:

- Affidavit of Service by Hand*
- Acknowledgment of Service*
- Affidavit Proving Signature*

By post

Forms required:

- Affidavit of Service by Post*
- Acknowledgment of Service*
- Use Registered Post

What if I am unable to serve by hand or post?

You must file an *Application in a Proceeding* and *Affidavit* asking the Court to allow you to serve the application in another way (substituted service) or avoid service altogether (dispensation of service).

Reminder

- Make sure your *Affidavit of Service by Hand* and *Affidavit Proving Signature* or *Affidavit of Service by Post* are sworn or affirmed before an authorised witness
- Take the signed *Acknowledgment of Service* with you and have both documents witnessed by the same person



Hearing

You must attend if:

- There are children under 18 years
- You file an application for substituted service or dispensation of service
- A *Response to Divorce* has been filed

Unless you are otherwise advised, your divorce hearing will be heard electronically. The details for electronic attendance will be available on the Commonwealth Courts Portal following filing (see Court Events and Orders section), and on the court list from 4pm (AEST) the day before the hearing. You will only need access to a telephone to attend the divorce hearing electronically.

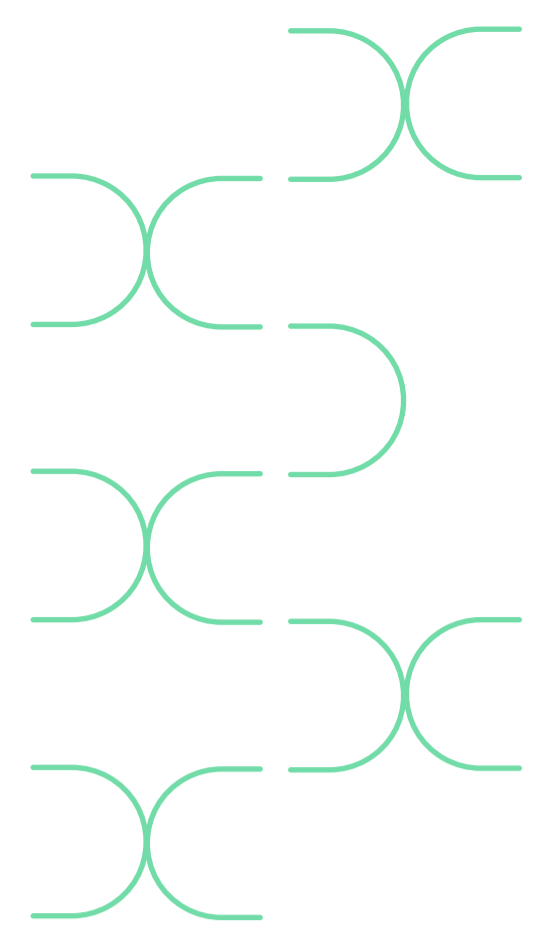


Proof of divorce

- Your divorce order can be downloaded from the Commonwealth Courts Portal one month and one day after the divorce is granted



My SPOUSE and I are applying for Divorce together



Checklist

- We have proof that we are legally married
- We have been separated for more than 12 months
- There is no chance that we will reconcile



Document

You will need to file your application:

- Marriage certificate
- Translation by a certified translator if not in English
- Proof of jurisdiction – eg: Australian citizenship certificate, Australian passport or visa
- Counselling certificate if marriage less than 2 years



Filing application

- Register for the Commonwealth Courts Portal to e-file and access copies of Court orders
- Application for *Divorce* and *Affidavit of eFiling* needs to be sworn before an authorised witness
- Pay Filing Fee



Hearing

- You are not required to attend the hearing for a joint application

Your divorce hearing will be heard electronically. The details for electronic attendance will be available on the Commonwealth Courts Portal following filing (see Court Events and Orders section), and on the court list from 4pm (AEST) the day before the hearing. You will only need access to a telephone to attend the divorce hearing electronically.

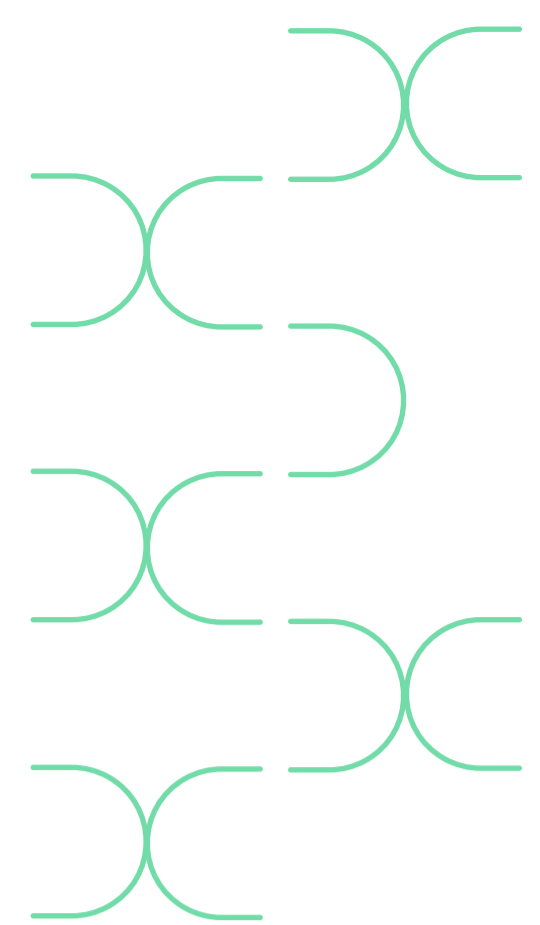
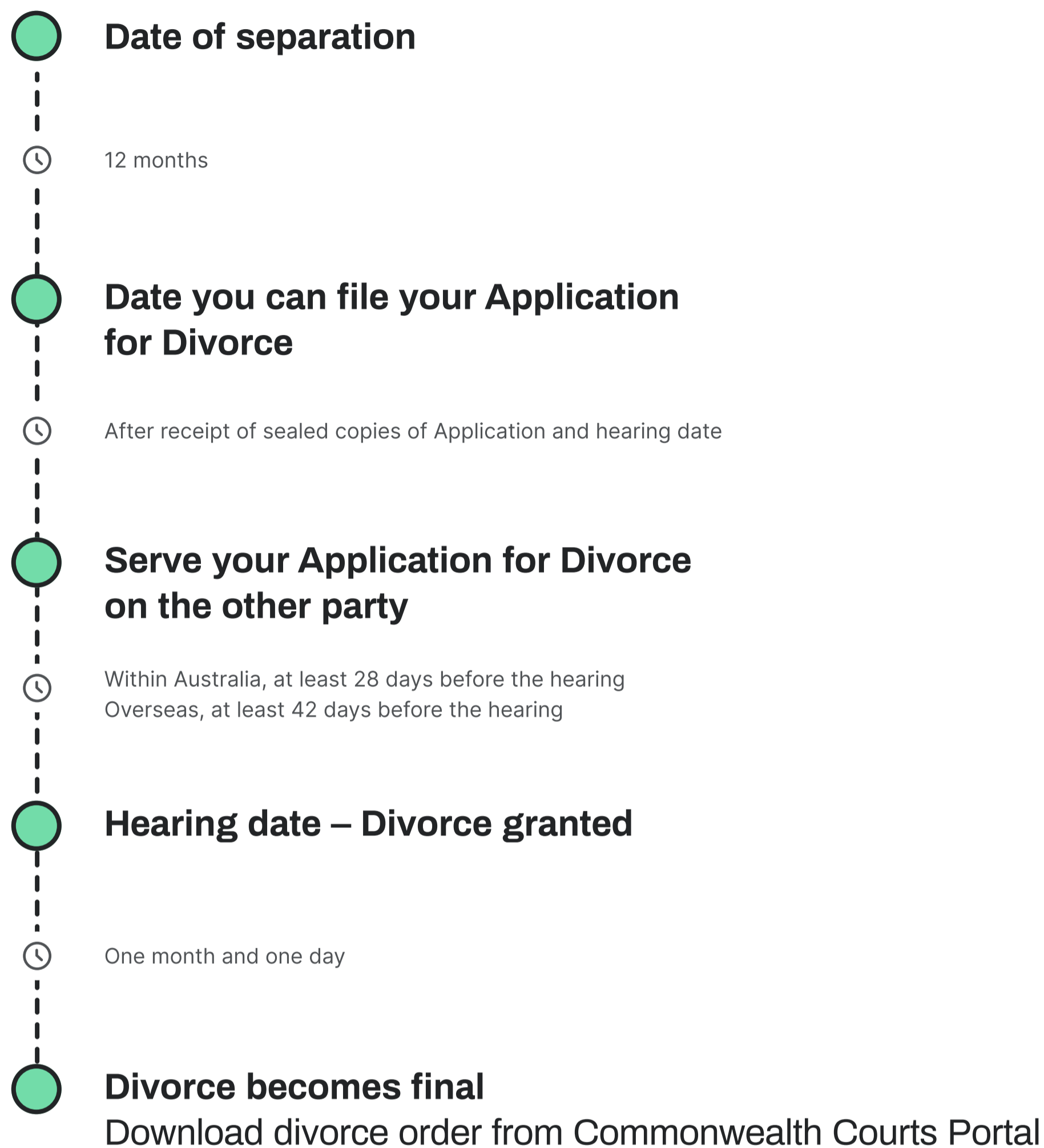


Proof of divorce

- Your divorce order can be downloaded from the Commonwealth Courts Portal one month and one day after the divorce is granted



Timeline of Divorce process



Other tips:

- ✓ If you have changed your name since you were married, you must file an affidavit stating your current name and attaching a copy of a change of name certificate or other official documentation confirming the change.
- ✓ Please ensure you provide sufficient detail about the arrangements for your children (time spent with each party, details of their education, health and financial support) otherwise you will be asked to file an affidavit providing more detailed information.
- ✓ If you and your spouse are separated but have been living under the same roof in the 12 month period before filing your *Application for Divorce*, you will need to file an affidavit about how your relationship changed.
- ✓ You cannot remarry until your divorce is finalised and becomes effective – the divorce process usually takes a number of months from when you file your application.
- ✓ If you need more time to complete any step in this process, you can ask the Court for an adjournment of your hearing date.
- ✓ Please make sure you provide an email address in your application, so that if the Court needs to contact you, it can be done quickly.