

# Response to Initiating Application (Family Law)

Filed in:

- Family Court of Australia  
 Family Court of Western Australia  
 Federal Circuit Court of Australia  
 Other (specify): \_\_\_\_\_



**NOTE:** The *Response to Initiating Application* should be eFiled through the Commonwealth Courts Portal ([www.comcourts.gov.au](http://www.comcourts.gov.au)). For more information see 'Applications and orders' at [www.familycourt.gov.au/howdoi](http://www.familycourt.gov.au/howdoi)

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Client ID  
File Number  
Filed at  
Filed on  
Court location  
Next Court date

## Part A The parties

1 Full name of applicant(s) \_\_\_\_\_

2 Full name of respondent(s) \_\_\_\_\_

## Part B The orders sought by you the respondent

3 Type of orders sought (mark all boxes that apply)  
Only complete this part if you are seeking orders in a new subject matter to that sought by the applicant.

- Children (parenting)       Financial (property and/or maintenance)  
 Child support       Other (specify): \_\_\_\_\_  
 Declaration

### Filed on behalf of: The respondent

Prepared by \_\_\_\_\_ Lawyer's Code \_\_\_\_\_

Name of law firm \_\_\_\_\_

Address for service in Australia \_\_\_\_\_

\_\_\_\_\_ State \_\_\_\_\_ Postcode \_\_\_\_\_

Email\* \_\_\_\_\_ DX \_\_\_\_\_

Tel \_\_\_\_\_ Fax\* \_\_\_\_\_ Attention \_\_\_\_\_

\* Please do not include email or fax details unless you are willing to receive documents from the Court and other parties in that way. If there is a second respondent attach a separate page providing these details for that respondent.





## Part C Details of the parties

### Details of applicant/s (as set out in Part B of the *Initiating Application*)

	Applicant 1	Applicant 2
6 Family name as used now		
7 Given names		

### The details of you the respondent/s

	Respondent 1	Respondent 2
8 Family name as used now		
9 Given names		
10 Gender <sup>^</sup>	<input type="checkbox"/> Choose not to answer <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> X (indeterminate/intersex/unspecified)	<input type="checkbox"/> Choose not to answer <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> X (indeterminate/intersex/unspecified)
11 Residential address (incl postcode)	You do not have to state your residential address or your telephone number if you are concerned about family violence. You can repeat your contact address for service if you wish.	
12 Telephone number (home and mobile)		
13 Date of birth (day/month/year)	/    /	/    /
14 Usual occupation		
15 Mark box as applicable for each respondent	<input type="checkbox"/> present in Australia <input type="checkbox"/> ordinarily resident in Australia <input type="checkbox"/> an Australian citizen <input type="checkbox"/> domiciled in Australia	<input type="checkbox"/> present in Australia <input type="checkbox"/> ordinarily resident in Australia <input type="checkbox"/> an Australian citizen <input type="checkbox"/> domiciled in Australia
16 Description	<input type="checkbox"/> party to a marriage <input type="checkbox"/> party to a de facto relationship that has broken down <input type="checkbox"/> Parent <input type="checkbox"/> Grandparent <input type="checkbox"/> Other (specify): _____	<input type="checkbox"/> party to a marriage <input type="checkbox"/> party to a de facto relationship that has broken down <input type="checkbox"/> Parent <input type="checkbox"/> Grandparent <input type="checkbox"/> Other (specify): _____
17 Is an interpreter required?	<input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, state language & dialect: _____	<input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, state language & dialect: _____
18 Is the respondent of Aboriginal and/or of Torres Strait Islander origin? <sup>~</sup>	<input type="checkbox"/> No <input type="checkbox"/> Yes Aboriginal <input type="checkbox"/> Yes Torres Strait Islander <input type="checkbox"/> Yes Aboriginal and Torres Strait Islander	<input type="checkbox"/> No <input type="checkbox"/> Yes Aboriginal <input type="checkbox"/> Yes Torres Strait Islander <input type="checkbox"/> Yes Aboriginal and Torres Strait Islander

<sup>^</sup> You are not required to answer this question. The information assists to understand the diversity of family relationships in Australia and contributes to gender disaggregated data. The courts' privacy policies can be found on [www.federalcircuitcourt.gov.au](http://www.federalcircuitcourt.gov.au) and [www.familycourt.gov.au](http://www.familycourt.gov.au).

<sup>~</sup> You are not required to answer this question, but it will greatly assist the courts if you do. The information sought is being collected to assist the courts in planning and delivering client services. It is possible that you may be contacted to participate in a review of a particular aspect of the courts' services, although your right not to participate will be respected. The information you provide may be shared with researchers approved by the courts, and may be included in publications in statistical form in a way that does not identify you.

## Part D The facts in dispute

- 19 Are there any facts in the *Initiating Application* which **are not** agreed?

No Go to Part E  
 Yes Give details

## Part E Other court cases and orders

- 20 Since the filing of the *Initiating Application*, has there been any new case started or order made in this or any other court about family law, child support, family violence or abuse in relation to a child (including orders which have applied to a child or a member of the child's family), or child welfare issues that involve any of the parties or children listed in the *Initiating Application*?

No Go to Part F  
 Yes Give details

## Part F For property and/or spouse/de facto spouse maintenance applications

Complete this part only if property and/or spouse/de facto spouse maintenance orders are not sought in the *Initiating Application* and property and/or spouse/de facto spouse maintenance orders are sought by you in this response.

- 21 Have the parties entered into a financial agreement or Part VIIIAB financial agreement under the *Family Law Act 1975* or under any relevant state or territory legislation?

No  Yes

- 22 If either party has a superannuation interest, have the parties entered into a binding superannuation agreement in relation to that superannuation interest?

No  Yes

- 23 Is any party currently bankrupt or currently a debtor in bankruptcy proceedings started by either a creditor's petition or a debtor's petition or currently a debtor subject to a personal insolvency agreement?

No  Yes

- 24 Is there a proceeds of crime order or current forfeiture application in relation to any of the property of any of the parties?

No  Yes

If yes, attach a sealed copy of the order or application.

## Part G For maintenance applications only

Complete this part only if maintenance orders are not sought in the *Initiating Application* and maintenance orders are sought in this response.

**25a** Is there an existing order for maintenance?

No Go to Part I  Yes

If yes, either **attach copies** of any orders or provide details below. (If there is more than one order, attach extra pages as required.)

**b** Court name and place where the order was made

**c** Order date  
(If the order was made in another court it will need to be registered by filing a sealed copy).

**d** Names of parties to the order.

/ /

## Part H De facto relationship jurisdiction – financial causes

(subsection 4(1) of the *Family Law Act 1975* defines de facto financial cause)

Complete **all** the boxes below if relying on the Court's jurisdiction to make orders for the benefit of a party to a de facto relationship that has broken down.

### Entitlement to apply and geographic requirements

- 26a** Did your de facto relationship break down on or after 1 March 2009 or if resident in South Australia on or after 1 July 2010? (See important notes for completing Part H.)  No  Yes
- b** Is the period or the total of the periods of the de facto relationship at least two years?  No  Yes
- c** Is there is a child of the de facto relationship?  No  Yes
- d** Has the applicant made substantial contributions and a failure to make an order or declaration would result in serious injustice to the applicant?  No  Yes
- e** Is, or was, the relationship registered under a prescribed law of a state or territory of Australia?  No  Yes
- f** Were both parties to the relationship ordinarily resident in one or more of the Australian territories or New South Wales, Queensland, Victoria, Tasmania, or South Australia for at least one third of the domestic relationship or at the date the relationship broke down?  No  Yes
- g** Did the applicant make substantial contributions in one or more of the Australian territories or New South Wales, Queensland, Victoria, Tasmania, or South Australia?  No  Yes

## Part I Cross-vested jurisdiction

(Complete only if relying on cross-vested jurisdiction. Note: An affidavit **must** be filed – see rule 4.06 of the Family Law Rules 2004)

- 27** If relying on a cross-vesting law, specify the territory law relied on

**28 Respondent 1****Respondent 2**

<p><b>1</b> I believe that the facts of which I have personal knowledge are true.</p> <p><b>2</b> All other facts are true to the best of my knowledge, information and belief and the orders sought in this application are supported by evidence.</p> <p><b>3</b> I am aware that I have a duty to the Court and to each other party to give full and frank disclosure – in a timely manner – of all information relevant to the issues in the case.</p>	<p><b>1</b> I believe that the facts of which I have personal knowledge are true</p> <p><b>2</b> All other facts are true to the best of my knowledge, information and belief and the orders sought in this response are supported by evidence.</p> <p><b>3</b> I am aware that I have a duty to the Court and to each other party to give full and frank disclosure – in a timely manner – of all information relevant to the issues in the case.</p>
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**I have read and understood this Statement of Truth (please tick)**

**I have read and understood this Statement of Truth (please tick)**

Signature of Respondent 1

Signature of Respondent 2

Date:     /     /

Date:     /     /