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Caloundra | Sunshine Coast



Family Court Process Preparation Checklist

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All You Need to Know to Prepare for
Family Court Without Mistakes



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FAMILY COURT PROCESS

Family law can be daunting, particularly when navigating the complexities of the family court system. By understanding the legal processes and preparing thoroughly, you can safeguard your interests. In this guide, we'll delve into family law, court procedures, and practical tips for organising your case to ensure a smoother experience.

Let's get started



Step 1: Separation

Draft an Affidavit for Separation Under One Roof

- Describe living arrangements before and after separation.
- Provide evidence of financial separation (e.g., utility bills, bank accounts).
- If one party cannot draft an affidavit, a third-party affidavit can support the case.

Update Insurance Policies

- Ensure your health, car, and home insurance policies reflect your individual status.

Separate Finances

- Open individual bank accounts.
- Close joint credit cards or accounts.
- Set up direct debits for personal expenses.

Inform Government Agencies

- Notify Centrelink, the ATO, and other relevant bodies about your separation.
- Update your address and marital status



Step 2: Divorce Process

Obtain Your Marriage Certificate

- A certified copy is required if not in English.

Provide Identification

- Include documentation to prove eligibility (e.g., passport, driver's licence).

Counselling Certificate

- Required for marriages under two years; attend mandatory counselling sessions.

Application Types

- **Joint Application:** Both parties sign the Affidavit for eFiling Application (Divorce).
- **Sole Application:** Serve divorce papers to your spouse; retain proof of service.

Court Attendance

- Attend the hearing if you have children under 18 years old.



Step 3: Parenting and Property Matters

Parenting Orders

- Attend Family Dispute Resolution (FDR) sessions to resolve parenting disputes.
- Draft a parenting plan if both parties agree on arrangements.

Property Orders

- Provide full financial disclosure, including assets, liabilities, and income.
- Complete pre-action procedures, including a genuine attempt to resolve the matter before filing.



Step 4: Family Law Litigation Process

Prepare for the First Court Event

- Submit a proposal for interim orders.
- Provide a Case Outline Document to the Court at least two days before the hearing.

Dispute Resolution Conferences

- **Parenting Disputes:** Attend a Dispute Resolution Conference.
- **Financial Matters:** Participate in a Conciliation Conference.
- **Judicial Settlement:** Engage as a last resort before trial.

Compliance and Readiness Hearing

- Ensure all documents are filed, and both parties are ready for the final hearing.

Final Hearing Preparation

- **Opening Address:** Outline your case and its key points.
- **Evidence Presentation:** Ensure witnesses are available for cross-examination.
- **Legal Arguments:** Submit arguments to the Court, backed by evidence and legislation.



Step 5: General Tips for Family Court Success

Organise Your Documents

- Keep copies of all correspondence, court filings, and receipts.
- Create a timeline of events to support your case.

Seek Professional Guidance

- Consult a family lawyer for legal advice tailored to your situation.
- Engage a mediator to resolve disputes without litigation.

Maintain Composure

- Be respectful and concise in all court interactions.
- Focus on the best interests of the child (if applicable).

Stay Informed

- Familiarise yourself with family court rules and procedures in your state or territory.
- Review the Family Court's resources online for updates.



Additional Resources



Australian Government Family Court

www.familycourt.gov.au



Separation and Divorce Checklist

www.ag.gov.au/families-and-marriage/



Free Legal Aid Services

www.legalaid.nsw.gov.au



Family Dispute Resolution Providers

www.fcfcoa.gov.au/fl/family-dispute-resolution

We hope this guide has provided you with the tools and confidence to navigate the family court process smoothly. If you need further assistance or personalised advice, our experienced team at Ferrall & Co is here to help.





Conclusion


Navigating the family court process can feel overwhelming, but with proper preparation and the right support, you can approach it with confidence and clarity. By following the steps outlined in this guide, you'll be well-equipped to handle each stage of the process, minimise stress, and focus on achieving the best outcome for your situation.

At Ferrall & Co, we understand the challenges of family law and are committed to providing compassionate, expert guidance tailored to your unique circumstances. Whether you need advice, representation, or just someone to help you understand your options, our team is here to support you every step of the way.

Contact Us Today

 Call Us: (07) 5491 2159

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Let us guide you through your family law journey with expert care and support.

