

APPLICATION FOR DIVORCE

Filed in:

☒ **Federal Magistrates Court Of
Australia**

Client ID

File number MFC 2008 (inserted by court)

COURT USE ONLY

Filed at **Melbourne**

Filed on

Court Location **Melbourne**

Court date

Court time

Part A The applicant

1. Who is making
this application?

☒ Wife

2a. Do you want to
attend the
hearing?

It may be compulsory
for you attend.

Part D - Divorce Kit

Husband

☐ Yes ☐ No

Wife

☒ Yes ☐ No

2b. If yes, will you
need an
interpreter at the
hearing?

☐ Yes ☒ No

If yes, state language and dialect:

☐ Yes ☐ No

If yes, state language and dialect:

Part B Husband and Wife

3. Family name as
used now

Husband

BLOGGS

Wife

BLOGGS

4. Full given names

NEIL RICHARD

JANE MAREY

5. Date of birth
(day / month / year)

5 November 1963

13 November 1965

6. County of birth

Australia

Australia

7. If born outside
Australia, date you
started living in
Australia
(day / month / year)

8. What is your
occupation?

Postman

Home Duties

9. Residential Address
If you have safety concerns, you do not need to disclose a residential address

Part C - Divorce Kit

**470 Warrigal Road, Ashburton
3147**

Phone: 92258756

**59 Brinsley Road, Camberwell
3124**

Phone: **9998 7766**

10. Address for service

Part 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'.

Part D - Divorce Kit

- ☐ Same as residential address
☒ Lawyer's address (below)
☐ Other address (below)

**Level 7, 155 Queen Street
Melbourne**
State **Victoria**
Postcode **3000**

- ☐ Same as residential address
☐ Lawyer's address (below)
☐ Other address (below)

**9 Prospect Street
Box Hill**
State **Victoria**
Postcode **3128**

**Name of lawyer
(if applicable)**

ROB McBAIN

Peter Szabo

**Name of law firm
(if applicable)**

McBAIN LAWYERS

Moore's Legal

**Lawyer's code
(if applicable)**

MCO9876

MOO10448

Phone

9606 0160

9898 0000

Fax

9606 0150

9898 0333

DX

654 MELBOURNE

12808 BOX HILL

Email

rmcb@mcbainassociates.com.au

pszabo@mooreslegal.com.au

Part C

Jurisdiction

11. Mark yes or no to each statement below

Part E - Divorce Kit

The Husband/Wife:

(a) regards Australia as his/her home and intends to live indefinitely in Australia

☒ Yes ☐ No

☒ Yes ☐ No

(b) is an Australian citizen by birth or descent

☒ Yes ☐ No

☒ Yes ☐ No

(c) is an Australian citizen by grant of Australian citizenship

☐ Yes ☒ No

☐ Yes ☒ No

(d) ordinarily lives in Australia & has done so for 12 months immediately before filing this application

☒ Yes ☐ No

☒ Yes ☐ No

Part D Marriage and separation

- 12. Date and place of marriage on your marriage certificate** (day / month / year)

Part E & F - Divorce Kit

Date: **16 January 1994**
Town/city: **Hawthorn Victoria**
Country: **Australia**

- 13. Full names of both parties as they appear on the marriage certificate**

Husband **NEIL RICHARD BLOGGS**
Wife **JANE MARY CLARK**

- 14. Date of separation** (day / month / year)

Part F - Divorce Kit

Date: **12 February 2007**

- 15a. At the date of separation, did you regard the marriage as over?**

Part F - Divorce Kit

Husband ☐ Yes ☐ No
Wife ☒ Yes ☐ No

- 15b. If you answered no to question 15(a), on what date did you regard the marriage as over?** (day / month / year)

Husband Date / /
Wife Date / /

- 16a. Since the date of separation, have you and your spouse lived together in the same home but not as husband and wife?**

☐ Yes ☒ No

- 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*

From / /
to / /
From / /
to / /

- 17a. Since the date of separation, have you and your spouse lived together as husband and wife?**

☐ Yes ☒ No

- 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*

From / /
to / /
From / /
to / /

- 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*

☐ Yes ☒ No

- 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*

☐ Yes ☒ 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?

Court name and place

Next court date:

Names of parties and/or children

Brief summary of current or pending case/s

Yes ☒ No

If yes, provide the following details for each current or pending case. Attach extra pages as required.

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?

Court name and place (if applicable)

Date

Names of parties and/or children

Details of the order, binding agreement, parenting plan or undertaking

☐ No

☒ Yes, attach document/s

☐ Yes, provide the following details for each item. Attach extra pages as required.

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 separate? ☐ 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:

2

| | Family name | Given names | Date of birth (day / month / year) | Gender (M/F) |
|---------|-------------|--------------|---------------------------------------|-----------------|
| Child 1 | BLOGGS | JASON JOSEPH | 2 NOVEMBER 1999 | Male |
| Child 2 | BLOGGS | KYLIE JANE | 24 SEPTEMBER 2001 | Female |

| | Child 1 | Child 2 |
|--|---|---|
| 23. Name of child | JASON JOSEPH BLOGGS | KYLIE JANE BLOGGS |
| 24. Name of father <i>Part H - Divorce Kit</i> | NEIL RICHARD BLOGGS | NEIL RICHARD BLOGGS |
| 25. Name of mother <i>Part H - Divorce Kit</i> | JANE MARY BLOGGS | JANE MARY BLOGGS |
| 26. Who does the child live with? <i>Part H - Divorce Kit</i> | <input type="checkbox"/> Husband <input checked="" type="checkbox"/> Wife <input type="checkbox"/> Other (specify) | <input type="checkbox"/> Husband <input checked="" type="checkbox"/> Wife <input type="checkbox"/> Other (specify) |
| 27. 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 checked="" type="checkbox"/> Wife <input type="checkbox"/> Other (specify) State _____ Postcode _____ | Address 1 <input type="checkbox"/> Husband <input checked="" 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 _____ |
| 28. Current details for the child <i>Part H - Divorce Kit</i> Time and communication with the child Financial Support Health Education | The child sees the father each alternate weekend and for half school holidays under an informal agreement | As for child 1 |
| | The husband pays child support pursuant to the administrative assessment. | As for child 1 |
| | The child is in good health | As for child 1 |
| | The child attends St Dominics Catholic School (Grade 3) and progressing well. Will attend Camberwell High School later | As for child 1, but in Grade 1 |
| 29. Do you plan to make any changes to these current arrangements? <i>Part H - Divorce Kit</i> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach extra pages providing details of significant changes planned. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach extra pages providing details of significant changes planned. |

Part G Affidavit of applicant

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 | <i>J M Bleggs</i> Signature |
| Place | Place Box Hill |
| Date / / 2008 | Date 05/11/ 2008 |
| Before me (signature of witness) | <i>Peter Szabo</i> Before me (signature of witness) |
| Full name of witness (please print) | Peter Szabo Full name of witness (please print) |

- ☒ 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 *Peter Szabo*
Full name of lawyer: **Peter Szabo**
Date 5 / 11 / 2008

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 **NEIL RICHARD BLOGGS**

Contact address (address for service)

470 Warrigal Road, Ashburton 3147

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 that 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. The Court will send you a Certificate of Divorce when your divorce is finalised.
- 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 an 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