

FAMILY LAW: DIVORCE APPLICATION INITIAL APPOINTMENT CHECKLIST

At **Swanwick Murray Roche**, we are committed to assisting our clients in an efficient and cost effective manner.

This checklist sets out the type of information that we will request in an initial appointment with you regarding a **divorce application** matter.

By completing as much of this checklist in advance as possible and bringing the listed documentation with you to your first appointment with us, you can maximise the value of our services. We understand that you may not be able to readily source some of the information upfront, for instance personal information of your spouse. Over the course of the matter, we can assist you to access such relevant information as is necessary

We look forward to being of service to you.

A. DOCUMENTATION TO BRING WITH YOU

- Your current Drivers Licence or photo identification
- Your Birth Certificate
- Your Marriage Certificate
- Birth Certificate of each of your children of the marriage
- Birth Certificate of any child to another relationship
- A copy of your existing Will (if applicable)
- A copy of your existing Enduring Power of Attorney document (if applicable)
- Rates Notice or Registration Confirmation Statement for any real estate owned jointly with your spouse or individually by either of you
- A copy of any existing orders, agreements, parenting plans or undertakings to a court about family law, child support, family violence or child welfare matters that involve any party to this divorce matter
- A copy of any existing orders or agreements about your property settlement

B. INFORMATION REQUESTED FROM YOU

1. PERSONAL DETAILS

Your Name

Previous/other name/s

Current Address

Date of Birth

2. PERSONAL DETAILS OF YOUR SPOUSE

Spouse's Full Name

Previous/other name/s (including maiden name)

Current Address

Date of Birth

Spouse's Solicitor and Solicitor's Contact Details (if known)

3. DETAILS OF THE MARRIAGE AND SEPARATION

Date of Marriage

Place of Marriage

Duration of Marriage

Date of final separation

Note: If married for less than two years, client and spouse must either attend counselling with an approved family and child counsellor, or apply by affidavit to the court as to why they should be allowed to seek a divorce within two years of marriage

Has the marriage been less than 2 years? YES

If Yes, complete next question

Have you and your spouse attended counselling with an approved counsellor? YES
NO

If Yes, provide dates and details below

If No, provide details below about your willingness to attend counselling with your spouse or note circumstances of the relationship you think the Court could consider

4. CHILDREN OF THE RELATIONSHIP (if applicable)

Full Name	M/F	Date of Birth	Address/Current living arrangements

5. PARTICULARS OF CURRENT ARRANGEMENTS FOR CHILDREN (if applicable)

Housing - Outline the housing arrangements of each child

Supervision - Outline the supervision arrangements for each child (eg. if the parent who lives with the child is working outside the home, then who looks after the child during the parent's absences?)

Financial support – Provide details about maintenance and child support including details of any maintenance orders or child support assessments and what is actually being paid or proposed to be paid by the parent not living with the child

Health – Provide details of the health of each child and any treatment or ongoing medication needs. Are there other health related arrangements in place?

Education – Provide details about what school each child attends, what year he/she is in and describe the progress being made by the child

PARTICULARS OF CURRENT ARRANGEMENTS FOR CHILDREN (continued)

Any other matters – Describe any other child related matters of significance to you such as the benefit to the child of having a meaningful relationship with both of the child’s parents or the need to protect the child from physical or psychological harm and from being subjected or exposed to abuse, neglect or family violence

Is there a need to protect a child from physical or psychological harm caused by abuse, ill-treatment, violence or other behaviour – either towards them or another person?

Detail any family violence involving the child or a member of the child’s family

Describe the attitude to the child, and to the responsibilities of parenthood, demonstrated by each parent?

6. EXISTING ORDERS, AGREEMENTS OR UNDERTAKINGS

Is there a property settlement in place between you and your spouse? If so, outline details.

Are there any ongoing cases about family law, child support, family violence or child welfare that involve any party to this matter?

Are there any existing orders, agreements, parenting plans or undertakings to a court about family law, child support, family violence or child welfare that involve any party to this matter?

EXISTING ORDERS, AGREEMENTS OR UNDERTAKINGS (continued)

Are there any family violence orders in place that apply to you, your spouse, any child of the relationship or another family member of any such child?

Has any person with whom a child of the relationship will live, spend time or communicate with, been convicted of an offence under a child welfare law or Family Law Act or of a criminal offence relevant to a child's welfare?

Is child support paid and if so, by whom, to whom, how much, on what basis and how is it paid (eg. bank deposit, cash, etc)?

Is child support administered by the child support agency or privately?

7. WILL

Have you made a Will?

YES NO

If Yes, date of last Will

Do you wish to make a new Will?

YES NO

If Yes, you may wish to give some prior thought to:

- *who you would like to appoint as your Executor and Trustee (the person who will carry out your wishes); and*
- *how you wish for your assets to be distributed on death*

8. POWER OF ATTORNEY

Have you given any person Power of Attorney for you?

YES NO If Yes, provide the following details

Type	Document date	Named attorney/s and how power is shared
General (financial)		
Enduring (financial)		
Enduring (personal and health)		

Do you wish to make a new Power of Attorney document?

YES NO

If Yes, you may wish to give some prior thought to:

- who you would like to appoint as your Attorney/s
- for what type of matters they will have power (financial and/or personal and health)
- if more than one for a matter, then how they are to exercise their powers (unanimously, majority, individually); and
- when their powers are to commence (immediately, on a fixed date, on your incapacity or in other circumstances)

9. SEVERING JOINT TENANCIES

Do you hold any property as joint tenants with your spouse or another person?

YES NO

Do you wish to sever any joint tenancy?

YES NO If Yes, provide the following details

Description of property	Is the property mortgaged or encumbered?	Full names of joint tenants

10. ADDITIONAL NOTES