

FAMILY LAW: PROPERTY SETTLEMENT 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 **property settlement** 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 or financial information about your former spouse/partner. 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
- Birth Certificate of each of your children to the subject relationship
- Marriage Certificate (if applicable)
- Registered Relationship Certificate (if applicable)
- Divorce Certificate (if applicable)
- Binding Financial Agreement (if applicable)
- A copy of your existing Will
- Rates Notice or Registration Confirmation Statement for any real estate owned jointly with your former spouse/partner or individually by either of you
- Any valuations of any property of the relationship, including real estate, vehicles, jewellery, collectables, etc
- Bank statements of all bank accounts held jointly with your former spouse/partner or individually by either of you
- Statements from banks or financial institutions detailing the balances of all home, personal and other loans held jointly with your former spouse/partner or individually by either of you

DOCUMENTATION TO BRING WITH YOU (continued)

- Superannuation statements for all superannuation fund accounts held by you and/or your former spouse/partner
- Life insurance policies or certificates of currency for such policies for you and/or your former spouse /partner
- Copy of any family trust deed (if applicable)
- Copy of the company constitution of any companies in which you and/or your former spouse/partner were an officeholder or shareholder (if applicable)
- Any and all other documentation which provides the ownership and/or value of any property of the relationship
- Any and all other documentation which provides the extent of any other debt or liability incurred by you and/or your former spouse/partner jointly 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 property settlement matter

B. INFORMATION REQUESTED FROM YOU

1. PERSONAL DETAILS

Your Name Previous/other name/s

Current Address

Date of Birth

2. PERSONAL DETAILS OF YOUR FORMER SPOUSE/PARTNER

Former Spouse/Partner's Name Previous/other name/s

Current Address

Date of Birth

3. CHILDREN OF THE RELATIONSHIP (if applicable)

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

4. DETAILS OF RELATIONSHIP STATUS

Married but separated YES NO

If Yes, Date of Marriage
Date of Separation

Divorced YES NO

If Yes, Date of Marriage
Date of Separation
Date of Divorce

Registered relationship but separated or terminated YES NO

If Yes, Date of Registration
Date of Separation
Date of Termination

De facto relationship but separated YES NO

If Yes, Date of Cohabitation
Date of Separation

Other

5. EMPLOYMENT AND BUSINESS INFORMATION

Your information

Occupation

Current employer and address

Duration of current employment

Other employers during and since relationship

Your former spouse/partner's information

Occupation

Current employer and address

Duration of current employment

Other employers during and since relationship

The name of any business or businesses operated by your and/or your former spouse/partner and details of the structure of the business operation (ie. company, partnership, sole trader, trust, etc)

6. PROFESSIONAL ADVISORS

Your information

Accountant and address

Financial planner/advisor and address

Bank manager and contact details (if applicable)

Previous solicitor used by you (if applicable)

Your former spouse/partner's information

Accountant and address (if known)

Financial planner/advisor and address (if known)

Bank manager and contact details (if applicable)

Solicitor and address (if known)

7. GENERAL ASSETS LIST

- **Include all known assets of both yourself and your former spouse/partner whether held individually, jointly or through an associated company or trust**
- **Additional details about certain types of assets are requested in the tables following this list**

Asset description	Estimated current value	Estimated value at time of acquisition or immediately prior to separation	Recorded/registered owner/s	Details of financial contribution by parties towards asset
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Real estate

Bank, building society or credit union accounts

Shares in companies, bonds and debentures (or overall portfolio if managed with reports available)

Cars, motorbikes, boats, machinery and other vehicles

Jewellery and collectables

9. ADDITIONAL DETAILS OF BANK/BUILDING SOCIETY/CREDIT UNION ACCOUNTS

Bank/BS/CU	Branch	Account number	Account name/s

10. ADDITIONAL DETAILS OF SHARES IN COMPANIES/BONDS/DEBENTURES

Name of company	Type of share	Number held	Date of Acquisition	Name of holder

11. GENERAL LIABILITIES LIST

- **Include all known liabilities of both yourself and your former spouse/partner whether held individually, jointly or through an associated company or trust**

Liability description	Estimated current value	Estimated value at time of acquisition or immediately prior to separation	Recorded/registered debtor/s	Details of financial contributions made to and benefit obtained from liability by parties
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Mortgages

Secured personal loans (ie. car, boat, machinery, etc)

Leases or hire purchase arrangements

Credit cards

Other debts or liabilities (including outstanding creditors, fines, orders, etc)

12. SUPERANNUATION

Fund name	Account number	Estimated current value	Estimated value immediately prior to separation	Details of any beneficiary nominations
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Your accounts

Your former spouse/partner's accounts

Note: Information regarding whether there is any payment flag in operation affecting superannuation is requested in section 18 below.

Any other superannuation information which may be relevant (such as sources of extraordinary contributions, hardship withdrawals during or since relationship, post-separation rollovers, self-managed superannuation fund arrangements, etc):

13. LIFE INSURANCE POLICIES (held through superannuation or separately)

Insurance provider	Policy number	Current policy value	Policy value immediately prior to separation	Details of any beneficiary nominations
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Your policies

Your former spouse/partner's policies

Any other life insurance information which may be relevant (such as prior or current arrangements regarding premium payments, etc):

14. OTHER EXISTING OR POTENTIAL FINANCIAL RESOURCES OF EITHER PARTY (if applicable)

Eligibility for pension, allowance or benefit YES If Yes, details

Trust entitlements YES If Yes, details

Expected inheritance YES If Yes, details

Personal injury claim YES If Yes, details

Other/additional details

15. CONTRIBUTION AND INCOME DURING THE RELATIONSHIP

Your contribution and income

Your former spouse/partner's contribution and income

Describe the contributions that were made by yourself and your former spouse/partner throughout the course of your relationship, both:

- financial (income, meeting living expenses, etc); and
- non-financial (contribution to the household, child care, etc).

16. HEALTH, LIFESTYLE, MAINTENANCE AND SUPPORT FACTORS

Your circumstances

Your former spouse/partner's circumstances

Describe the general state of health of you and your former spouse/partner

Describe the physical and mental capacity of you and your former spouse/partner to obtain and maintain gainful employment

Describe any commitments of you or your former spouse/partner necessary to enable each of you to support yourselves respectively and any child/ren

Describe any responsibility of you or your former spouse/partner to support other people

Describe the current living arrangements for you and your former spouse/partner and whether either has any issue as to their reasonable standard of living

HEALTH, LIFESTYLE, MAINTENANCE AND SUPPORT FACTORS (continued)

Your circumstances

Your former spouse/partner's circumstances

Describe the extent to which the payment of maintenance to you or your former spouse/partner would increase the earning capacity of that party by enabling them to undertake a course of education or establish in a business or otherwise obtain an adequate income

Describe the duration of the marriage or relationship and the effect the arrangements of the marriage or relationship had on the earning capacity of you and your former spouse/partner

Describe any kind of protection that either party who wishes to continue their role as a parent may reasonably require

Are you or your former spouse/partner currently cohabitating with any other person and if so, outline the financial circumstances relating to the cohabitation?

Outline the current contribution, both financial and non-financial, that you or your former spouse/partner are making to the income, earning capacity, property and financial resources of the other party

17. MATTERS REGARDING SUPPORT FOR CHILDREN OF THE RELATIONSHIP (if applicable)

Outline any special care or needs of any children of the relationship (ie. disability, illness, incapacity, etc)

Outline the general circumstances regarding care of any children of the relationship under 18 years old

Provide details of any child support you or your former spouse/partner has, or might be liable to, provide for a child or children of the relationship

18. EXISTING ORDERS, AGREEMENTS OR UNDERTAKINGS

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?

Is there a family violence order in place?

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 either party currently bankrupt, a debtor in bankruptcy proceedings, or a debtor subject to a personal insolvency agreement?

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

Are there any creditors who may become a party to the proceedings in the event that they may not be able to recover such debt if the order were made?

Are there any other persons, whose interests would be affected by the making of a property settlement order?

If either party has a superannuation interest, is there a superannuation agreement or payment flag in operation?

19. WILL AND POWER OF ATTORNEY

Have you made a Will?

YES NO If Yes, date of last Will

Have you given any person Power of Attorney for you?

YES NO If Yes, provide following details

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

20. WHAT ARE YOUR ASPIRATIONS IN RESPECT OF THE PROPERTY SETTLEMENT?

21. FURTHER MATTERS

Do you wish to make a new Will?

YES NO

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

YES NO

Do you wish to sever any joint tenancy (ie. real estate held as joint tenants with another person)?

YES NO

22. ADDITIONAL NOTES