



FEDERAL CIRCUIT  
AND FAMILY COURT  
OF AUSTRALIA



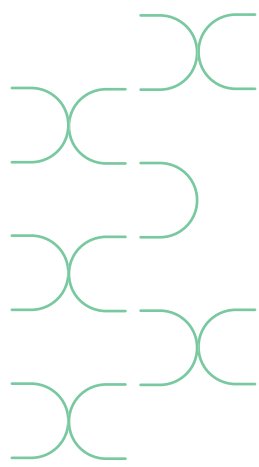
Family law

# Pre-Action Procedures: What to do before you file your Family Law application

Are you thinking about filing a Family Law application in the Court? This checklist takes you through the steps or Pre-Action Procedures you need to complete before you do so. These steps will ask you to try and resolve issues with your partner using Dispute Resolution, if it is safe to do so.

# Thinking about filing an Application to commence a proceeding in the FCFCOA?

Here are the steps you first need to take.



1

**Before filing, and where it is safe to do so, you must:**

- Give a copy of the Pre-Action Procedures to the other parties to the proceeding; **AND**
- Find out about Family Dispute Resolution/Dispute Resolution services available to you; **AND**
- Invite the other parties to participate in Family Dispute Resolution

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**Then, if it is safe to do so, each party must:**

- Cooperate for the purpose of agreeing on an appropriate Family Dispute Resolution service; **AND**
- Make a genuine effort to resolve the dispute by taking part in Family Dispute Resolution

However, if an exemption applies or Family Dispute Resolution is not successful, **OR** if a party fails to genuinely participate **OR** if parties are unable to reach agreement:

1

**The proposed applicant must give to the other party written notice of their intention to commence a proceeding.**

2

**The notice of intention to commence a proceeding must set out:**

- The issues in dispute; **AND**
- The orders to be sought if a proceeding is commenced; **AND**
- A genuine offer to resolve the issues; **AND**
- A time, that is at least 14 days after the date of the letter, within which the other party is required to reply to the notice

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**The other party must, within 14 days, reply in writing to the notice of intention to commence a proceeding, stating whether the offer is accepted OR, if not, setting out:**

- The issues in dispute; **AND**
- The orders to be sought if a proceeding is commenced; **AND**
- A genuine offer to resolve the issues; **AND**
- The nominated time (at least 14 days after the date of the letter) within which the proposed applicant must reply

And finally, it is expected that a party will not commence a proceeding by filing an application in a court unless:

- The other party does not respond to the notice of intention to commence a proceeding; **AND**
- Agreement is unable to be reached after a reasonable attempt to settle by correspondence



## Documents for parties to exchange

Parties should exchange copies of all documents in their possession or control which are relevant to an issue in dispute as soon as possible, and if appropriate. These documents include, but are not limited to:

### Parenting matters

- Medical reports
- School reports
- Letters
- Drawings
- Photographs

### Financial matters

- Payslips showing earnings or income received
- Recent tax returns and assessments
- Recent business activity statements (if there is a business involved)
- Proof of any property owned by a party (this may need to be formally valued)
- Documents showing any financial resources owned by a party, including superannuation
- Any trust documents
- Proof of any disposal of property since separation, or in the last 12 months
- Documents showing any liabilities
- Any other documents that may be requested by the other party