

Application – Contravention

FORM 18 Family Law Rules ~ RULE 21.01

Please type or print clearly and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any questions.

Filed in:

- Family Court of Australia
- Family Court of Western Australia
- Federal Magistrates Court of Australia
- Other (specify) _____

Filed on behalf of:

- Father/husband
- Mother/wife
- Other (specify) _____

Client ID _____

File number

Filed at _____

Filed on _____

Location _____

Court date _____

Time _____

IMPORTANT INFORMATION FOR THE RESPONDENT IS ON PAGE 5.

Part A About this application

1 This application:

- alleges that an order affecting children has been contravened and seeks that the respondent be dealt with under Division 13A of Part VII of the Family Law Act; **or**
- alleges that an order **not** affecting children has been contravened and seeks that the respondent be dealt with under Part XIII A of the Family Law Act

Part B About the parties to this application

2 APPLICANT

Family name as used now

Given names

RESPONDENT

Family name as used now

Given names

3 Contact address (address for service) in Australia

You do not have to give your residential address. You may give another address at which you are satisfied that you will receive documents.

Address

State Postcode

State Postcode

Phone Fax *

Phone Fax *

DX

DX

Lawyer's code

Lawyer's code

Email *

Email *

* Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.

Part C About the child representative (if appointed)

- 4 Child representative's family name Given names

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- 5 The contact address (address for service) in Australia for the child representative is:

		State
		Postcode
Phone	Fax *	
DX	Email *	
Lawyer's code		

- * **Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.**

Part D Details of the alleged contravention

- > You must attach a copy of the order, agreement, parenting plan or undertaking that you allege has been contravened.
- > At Items 6 and 7, you must set out the details of the act or omission which you allege contravened the order, agreement, parenting plan or undertaking.
- > If you allege that there is more than one contravention, you must set out the details for each contravention separately on an additional sheet, in accordance with Items 8 and 9 of this form.

- 6 State the paragraph number of the attached order, agreement, parenting plan or undertaking that you allege has been contravened (eg. 2, 6, 7).

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- 7 State precisely what the respondent did or did not do which you allege amounts to a contravention, including the date, time and place, if applicable. See the examples below. Do not set out the evidence upon which you rely to prove the alleged contravention. This must be set out in an affidavit filed with this form (see Rule 21.02(2)).

Date	Time	Place
/ /		

Statement of the alleged contravention

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Example of an order affecting children

Date	Time	Place
29/03/04	9 am	18 Main St, Mainville

Statement of the alleged contravention

The respondent without reasonable excuse refused to allow the applicant to have contact with the child John Citizen.

Example of an order NOT affecting children

Date	Time	Place
29/03/04	9 am	18 Main St, Mainville

Statement of the alleged contravention

The respondent without reasonable excuse sold the Holden motor vehicle, registration number ABC123

Part D Details of the alleged contravention (continued)

- > Only complete these paragraphs if you allege more than one contravention.
- > Photocopy this page for each additional contravention that you allege.

- 8 State the paragraph number of the attached order, agreement, parenting plan or undertaking that you allege has been contravened.

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- 9 State precisely what the respondent did or did not do which you allege amounts to a contravention, including the date, time and place, if applicable. See the examples on page 2.
Do not set out the evidence upon which you rely to prove the alleged contravention. This must be set out in an affidavit filed with this form.

Date	Time	Place
/ /		

Statement of the alleged contravention

Example of an order NOT affecting children

Date	Time	Place
29/03/04	9 am	18 Main Street, Mainville

Statement of the alleged contravention

The respondent without reasonable excuse sold the Holden motor vehicle, registration number ABC123
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Important Notices to the Respondent/s

You should seek legal advice about this application.

FOR AN APPLICATION ALLEGING CONTRAVENTION OF AN ORDER AFFECTING CHILDREN

You **must attend** the hearing on the Court date on page 1. If you do not attend:

- > a warrant may issue for your arrest; **or**
- > the hearing may proceed; **and**
- > an order may be made in your absence.

If the allegations are proved and you do not provide a reasonable excuse, the Court may:

- > order you to attend a post-separation parenting program;
- > in the case of a residence order or contact order, make a compensatory order;
- > require you to enter into a bond;
- > fine you;
- > imprison you for a maximum of 12 months.

FOR AN APPLICATION ALLEGING CONTRAVENTION OF AN ORDER **NOT** AFFECTING CHILDREN

You **must attend** the hearing on the Court date on page 1. If you do not attend:

- > a warrant may issue for your arrest; **or**
- > the hearing may proceed; **and**
- > an order may be made in your absence.

If the allegations are proved and you do not provide a reasonable excuse, the Court may:

- > require you to enter in to a bond;
- > fine you;
- > imprison you.