

Witnessing scenario 1

Affidavit for Family Law

Instructions

This activity has been designed for you to use in conjunction with the JP Branch webinar on witnessing family law documents. If you are not able to print this activity, you can still participate as the answer will be discussed during the webinar. Just have this activity open on your device to follow along.

In this scenario your client, Olive Green, is seeking compensation from Federal Circuit and Family Court of Australia (FCFCOA) for the reimbursement of her childbirth and medical expenses.

Olive explains that her unmarried ex-partner Joseph Jo Fontana is the father of her child, Hunter Sage Fontana-Green. The Court already has a copy of Hunter's birth certificate and she is needs to lodge this affidavit to support her claim.

Olive presents you with a multiple page affidavit, with 3 extra documents. She also presents her current Queensland driver licence, which satisfies you of her identity. When you ask Olive if she would prefer to make an affirmation or an oath, Olive chooses to make an affirmation.

Following the suggested witnessing practices in chapter 4.8 – Witnessing family law documents in your handbook, go ahead and witness Olive's affidavit and annexures.

This activity kit contains:

- affidavit
- 3 annexures

The resources you will need:

- your seal of office
- [Duties of the Justice of Peace Handbook](#) or the [Duties of the Commissioner for Declarations Handbook](#)
- notepad and pen

Affidavit

Family Law Rules 2021 – RULE 8.15
General Federal Law Rules 2021 – RULE 4.04

COURT USE ONLY

Filed in:

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

Type of proceedings:

- Family law proceedings
 Migration proceedings
 General federal law proceedings
 Other (specify) _____

Filed on behalf of:

Full name: _____

Client ID _____

File number _____

Filed at _____

Filed on _____

Court location _____

Court date _____

Name of person swearing/affirming this affidavit (SEE PART C)

OLIVE GREEN

Date of swearing/affirming DD / MM / YYYY

Part A About the parties

APPLICANT 1

Family name (as used now)/Title/Organisation

GREEN

Given names (as required)

OLIVE

RESPONDENT 1

Family name (as used now)/Title/Organisation

FONTANA

Given names (as required)

JOSEPH JO

APPLICANT 2

Family name (as used now)/Title/Organisation

Given names (as required)

RESPONDENT 2

Family name (as used now)/Title/Organisation

Given names (as required)

What is the contact address (address for service) in Australia for the party filing this affidavit?

You do not have to give your residential address. You may give another address at which you are satisfied that you will receive documents. If you give a lawyer's address, include the name of the law firm. You **must** also give an email address.

_____ State Postcode

Phone _____

Lawyer's code _____

Email tarafontana@email.com

Part B About the independent children's lawyer (if appointed)

Independent children's lawyer family name Given names

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Firm name

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Part C About you (the deponent)

Family name (as used now)/Title/Organisation Given names

GREEN	Olive
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Gender

Male Female X

Usual occupation (if applicable)

CFO

What is your address?

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

PO Box 5894 South Brisbane

	State Q	Postcode 4001

Part D Evidence

- Set out the facts divided into consecutively numbered paragraphs. Each paragraph should be confined to a distinct part of the subject matter.
 - Attach extra page(s) if you need more space. Make sure that the page containing the signature (Part E or F) is always the last page of the form. You and the witness to your affidavit must sign the bottom of each additional page.
1. I am the applicant in these proceedings
 2. I am the mother of Hunter Sage Fontana-Green born on the 1st day of June of 20XX.
 3. The Respondent Joseph Jo FONTANA is the father of the said child.
 4. The respondent and I had a relationship that led to the birth of the said child. The respondent is registered as the father of the said child on the child's birth certificate. A copy of the said birth certificate has been filed with these proceedings.

Signature of person making this affidavit (deponent)

Signature of witness

5. Pursuant to section 67B of the *Family Law Act 1975* (Cth), I am making a claim of \$5,753.00 from the respondent by way of lump sum for the reasonable childbirth expenses in relation to my pregnancy and the birth of the said child. Details of the above claim are given in the following paragraphs.

6. Medical Costs - Annexed hereto marked **OG:A** are copies of the medical invoices.

Dr. B Murphy (specialist)	\$814.95
Calm Water Hospital	\$3145.00
<u>Subtotal</u>	<u>\$3,959.95</u>

7. Outlays for birth/pregnancy - Annexed hereto marked **OG:B** is a of receipt for the outlay of these expenses totalling \$6,826.28.

8. I am only claiming the amount of \$5,753.00 from the respondent, which includes the filing fee of \$360 and half of the pregnancy outlay expenses and medical and hospital costs.

9. I confirm that I am in the process of applying for child maintenance through Services Australia to cover the future costs of raising Hunter.

Signature of person making this affidavit (deponent)

Signature of witness

Part E Signature

I swear* /affirm* the contents of this affidavit are true

Signature of Deponent

Place

Date / /

Before me (signature of witness)

Full name of witness (please print)

- Justice of the Peace
 Notary public
 Lawyer

* delete whichever is inapplicable

This affidavit was prepared / settled by deponent/s
 lawyer

PRINT NAME AND LAWYER'S CODE

Part F

Alternative jurat for non-English speaking affidavit

Use this alternative jurat for the swearing/affirming of the affidavit and the translator's certificate. See Rule 8.17 of the Family Law Rules or Rule 15.14 of the General Federal Law Rules.

Interpreter/translator's certification

I certify that I understand the English language and the language, and that I have truly interpreted to the deponent (named in Part C) the contents of this affidavit and the oath or affirmation which was administered.

Signature of interpreter

Date / /

Sworn*/affirmed* by the deponent through the interpretation of:

Interpreter's full name

Address

Language

Signature of Deponent

Place

Date / /

Before me (signature of witness)

Full name of witness (please print)

- Justice of the Peace
- Notary public
- Lawyer

* delete whichever is inapplicable

This affidavit was prepared / settled by deponent/s
 lawyer

PRINT NAME AND LAWYER'S CODE

This is the document referred to as Annexure
in the affidavit of
sworn / affirmed at
on _____ before me,

JP/Cdec

Dr. B Murphy
Obstetrician and Fertility SEQ

'Caring for you and for your baby's future'

Invoice

Dr Bradley Murphy
Suite 306
Stork Parade
BRISBANE QLD 4000
07 3300 1122

INVOICE # 155689

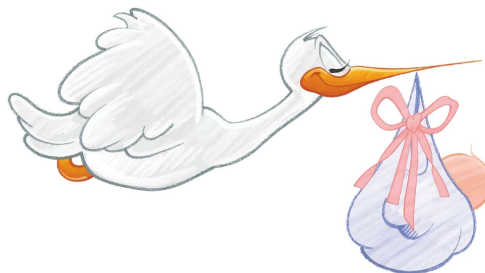
DATE 06/06/20XX

TO:

Olive Green
44 Ambrosia Street
BRISBANE QLD 4000

QUANTITY	DESCRIPTION	ITEM	TOTAL
1	Management of SVB	16527	\$650.55
1	Management of anesthesia	20946	\$163.20
1	Pregnancy planning and management	16590	\$384.40
SUBTOTAL			\$1,198.15
LESS MEDICARE REBATES			\$ 383.20
TOTAL DUE			\$814.95

Thank you for choosing Dr Murphy to safely deliver your new bundle of joy!



SAMPLE ONLY

INVOICE

DATE

01 July 20XX
Calm Water Hospital
BRSIBANE QLD 4000
07 3000 1122

INVOICE NO 56685:OG/

Olive Green
PO Box 5894
SOUTH BRISBANE QLD 4001

PATIENT:

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
5	Daily accommodation 30/05/20XX – 03/06/20XX	\$465	\$2,325.00
1	Pathology – post-natal	\$220	\$ 220.00
5	Post-natal care attendance	\$120	\$ 600.00

Subtotal	\$3145.00
Less deposit	\$500.00
Total	\$2645.00

SAMPLE ONLY

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sworn / affirmed at
on _____ before me,

JP/Cdec

