

CHECK LIST FOR NEXT STEPS

Your application will not proceed in Court unless you complete each of the following 5 steps in full.

Step1: SWEAR OR AFFIRM

You need to complete the last two pages of this document, the Affidavit for eFiling Application (Divorce), and have it sworn or affirmed before a lawyer, Justice of the Peace or other authorised person.

Step2: UPLOAD THE SWORN OR AFFIRMED AFFIDAVIT FOR EFILING APPLICATION (DIVORCE)

You need to upload a scanned image of the sworn Affidavit for eFiling Application (Divorce) to the Portal.

Step3: DOWNLOAD AND PRINT OFF THE APPLICATION

Step4: SERVICE OF THESE DOCUMENTS

You need to arrange Service of the following documents (service ensures that all parties have received the documents filed with the Court):

- A sealed copy of the efiled Application for Divorce
- A sealed copy of the Affidavit for eFiling Application (Divorce)
- A copy of the Marriage, Families and Separation brochure, and
- Any other document efiled.

Step5: FILING THE SERVICE DOCUMENTS

After these documents have been served on the other party, you need to make a photocopy or scanned copy of the service forms. Service documents can then be eFiled in the same manner as your Affidavit or the original can be forwarded to a family law registry. If you attend the court hearing, take your copy of the service forms with you.

Joint applicants please note: you do not need to serve the other party with any documents.

Information to assist you complete these steps

For more information about Service including a step-by-step-guide and the forms required see 'How do I serve a divorce?' at www.fcfcga.gov.au/howdoi

TIME LIMITS

If you applied on your own, you must serve a sealed copy of the Application for Divorce and information brochure on the other party:

- at least 28 days before the hearing if the other party is in Australia
- at least 42 days before the hearing date if the other party is overseas.

HOW CAN I SERVE DOCUMENTS

Service by Post- you should only attempt service by post if you are confident that the other party will return the service document to you. If the other party has a lawyer and he or she is willing to accept service you can serve the document on the other party's lawyer.

Service by Hand- you must arrange for a person, over 18 years of age to serve documents on the other party. The server can be a family member, friend or professional process server. **You cannot serve the document on the other party yourself.**

Notice to Respondent of Application for Divorce

TO THE RECIPIENT OF THIS NOTICE

In the attached application, the applicant is applying for divorce. The Court has set down the hearing of this application at the time and place shown on page one of the Application for Divorce. You are only required to attend the court hearing (which is conducted electronically by phone) if you do not want the divorce to be granted.

WHAT TO DO NEXT

- | | |
|---|---|
| <ol style="list-style-type: none">1. Sign and date the Acknowledgement of Service (Divorce) at Part C.2. Return the Acknowledgement of Service (Divorce) to the person who served the application on you. Keep the other documents for your records.3. Check the details given by the applicant in the application to make sure they are correct to the best of your knowledge. | <ol style="list-style-type: none">4. Carefully read the Marriage, Families and Separation brochure provided. It sets out the legal and possible social effects of divorce and the services provided to families by the court and other government and community agencies. |
|---|---|

AFTER THE DIVORCE IS FINALISED - One month and one day after the divorce is granted, a **divorce order** will be available for you to download from the Commonwealth Courts Portal (the Portal). Divorce orders are digital orders with an electronic seal and signature and are the only type of proof of divorce the Court provides. The Portal also allows you to check the progress of the application and select to receive notifications.

For a step-by-step guide to registering for the Portal see 'How do I register for the Commonwealth Courts Portal?' at www.fcfcga.gov.au/howdoi

WHAT TO DO IF YOU:

WANT THE DIVORCE GRANTED but disagree with some of the facts in the application
File a Response to Divorce and outline the facts you disagree with. You do not need to attend the court hearing.

DO NOT WANT THE DIVORCE GRANTED
File a Response to Divorce and outline the reasons why you oppose the divorce. You should attend the hearing. If you do not attend, the Court may make a decision about the divorce in your absence. You will only need access to a telephone to attend the divorce hearing electronically. The details for electronic attendance will be available on the Commonwealth Courts Portal and on the court list from 4pm (AEST) the day before the hearing.

YOU MUST file and serve the Response to Divorce:

- within **28 days** of the application being served on you if you are in **Australia**, or
- within **42 days** of the application being served on you if you are **outside of Australia**.

You can eFile the Response to Divorce on the Portal. See 'Commonwealth Courts Portal' at www.fcfcga.gov.au/howdoi for more information. After filing the response you must serve a copy on the other party. For a step-by-step guide to service see 'Service' at www.fcfcga.gov.au/howdoi

PROPERTY AND MAINTENANCE is dealt with separately.

If you want to apply to the Court about property or maintenance you must file a separate application within 12 months of the date the divorce is finalised. Otherwise you will need the Court's permission to apply. For more information see www.fcfcga.gov.au/howdoi

ALL the Court forms mentioned in this notice are available on the website www.fcfcga.gov.au

LEGAL ADVICE - You can obtain free legal advice by contacting the Family Relationships Advice Line on 1800 050 321 (+61 7 3423 6878) or Legal Aid in your state or territory. A lawyer can help you understand your rights and responsibilities.

Application for Divorce

File number	
Filed at	
Filed on	
Presiding officer	
Court location	
Court date	
Court time	

Part A The applicant(s)

1. Who is/are making this application

Party 1 and Party 2 together (joint)

2. Do you want to attend the hearing?

Party 1

Party 2

Yes

Yes

Part B Parties

	Party 1	Party 2
Gender	Female	Male
3. Family Name as used now	LIM	CHESTON
4. Full given name	SWEE YING ELIANE	SAMMIE LEE
5. Date of birth	25/02/1988	06/10/1970
6. Country of birth	Singapore	United States
7. If born outside Australia, date you started living in Australia	08/08/2019	08/08/2019
8. What is your occupation	Bar Duty Manager	Disability Carer

9. Residential address	Address type: Home 110 MAIN NORTH ROAD WILLASTON 5118 SA AUSTRALIA Phone : Mobile: 0423485583	Address type: Home 2/10 TOWNSEND STREET PARKSIDE 5063 SA AUSTRALIA Phone : Mobile: 0423483774
10. Address for service	Address type: Same as residential address	Address type: Same as residential address
Name of lawyer		
Name of law firm		
Phone		
Fax		
DX		
Email		

Part C	Jurisdiction
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11. Mark yes or no to each statement below:

The Party 1/Party 2:	Party 1	Party 2
(a) regards Australia as his/her home and intends to live indefinitely in Australia	Yes	Yes
(b) is an Australian citizen by birth or descent	No	No
(c) is an Australian citizen by grant of Australian citizenship	No	No
(d) ordinarily lives in Australia and has done so for 12 months immediately before filing this application	Yes	Yes

Part D	Marriage and separation
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12. Date and place of marriage on your marriage certificate	Date : 10/03/2014 Town/city : Singapore Country : Singapore
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13. Full name of both parties as they appear on the marriage certificate	Party 1 : LIM SWEE YING, ELIANE Party 2 : SAMMIE LEE CHESTON
14. Date of separation	Date : 30/06/2022
15a. At the date of separation did you regard the marriage as over	Party 1 : Yes Party 2 : Yes
15b. If you answered NO to question 15(a), on what date did you regard the marriage as over?	Party 1 : Party 2 :
16a. Since the date of separation, have you and the other party lived together in the same home but not as a married couple?	No
16b. If you answered YES to question 16a, give dates of each period you and the other party lived together in the same home after separation.	
17a. Since the date of separation, have you and the other party lived together as a married couple?	No
17b. If you answered YES to question 17a, give dates of each period you and the other party lived together as a married couple.	
18. Do you think it is likely that you and the other party will live together again as a married couple?	No
19. At the date of filing this application, is it less than two years since you married?	No

Part E Other court cases

20. Are there any current or pending cases in this or any other court about family law, child support, family violence or child welfare involving any of the parties and /or children listed in this applications?

☐ No ☒ Yes

List of cases:

	Court name and place	Date (dd/mm/yy)	Names of parties and/or children
#1	<u>Federal Circuit and Family Court of Australia</u>	01/12/2023	Sammie L Cheston, Swee Ying Eliane Lim and Samia Mary Cheston

Case #1

Court name and place	Federal Circuit and Family Court of Australia
Next court date	01/12/2023
Names of parties and/or children	Sammie L Cheston, Swee Ying Eliane Lim and Samia Mary Cheston
Brief summary of current or pending case	Court hearing is about the time spend with the child.

21. Are there any existing orders, agreements, parenting plans or undertakings to a court about family law, child support, family violence or child welfare issues concerning any of the parties or children listed in this application?

☐ No ☒ Yes

List of orders:

	Court name and place	Date (dd/mm/yy)	Names of parties and/or children
#1	<u>Federal Circuit and Family Court of Australia</u>	03/05/2023	Sammie L Cheston, Swee Ying Eliane Lim and Samia Mary Cheston

Order #1

Court name and place	Federal Circuit and Family Court of Australia
Date	03/05/2023
Names of parties and/or children	Sammie L Cheston, Swee Ying Eliane Lim and Samia Mary Cheston
Details of the order, binding agreement, parenting plan or undertaking	<p>The child live with both parties</p> <p>a) from after school or 3pm if not a school day Wednesday until 1.30pm Saturday each week with the father;</p> <p>b) from 1.30pm Saturday until after school or 3pm if not a school day Wednesday with the mother;</p> <p>c) other times as agreed between the parties.</p>

Part F Children

22. Are there any children currently under 18 who:

(a) are children of you and the other party?

☐ No ☒ Yes

(b) were treated as members of your family when you and the other party separated?

☒ No ☐ Yes

	Given Names	Family Name	Primary care giver	Date of birth (day/month/year)	Gender (M/F/X (indeterminate/ intersex/ unspecified))
#1	Samia Mary	Cheston	Both	22/06/201	F

Child 1

23. Name	SAMIA MARY CHESTON
24. Name of parent	Swée Ying Eliane Lim
25. Name of parent	Sammie Lee Cheston
26. Who does the child live with?	Both
27. Child's address	<p>Address #1</p> <p>Address with: Parent 1</p> <p>110 MAIN NORTH ROAD WILLASTON 5118 SA AUSTRALIA</p> <p>Address #2</p> <p>Address with: Parent 2</p> <p>2/10 TOWNSEND STREET PARKSIDE 5063 SA AUSTRALIA</p>
28. Time and communication with the child	Saturday 1.30pm to Wednesday school drop off
Financial support	Mom pays for her swimming lessons, extra Mandarin lesson outside of school and half of her school fees.
Health	She has no health issues but will be seeking psychologist and therapist as she has been diagnose with Autism on 14 June 2023.
Education	Parkside Primary School
29. Do you plan to make any changes to these current arrangements	No
Plan details	

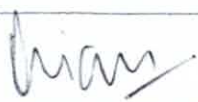
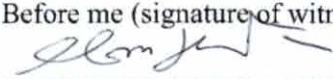
File Number:	
Filed at:	
Filed on:	
Presiding Officer:	
Court Location:	
Court Date:	
Court Time:	

Affidavit for eFiling Application (Divorce)

Do not swear or affirm this affidavit until you are with a person who is authorised to witness your signature.

If you are applying as a sole applicant, you only need to sign your part of the affidavit. You do not have to ask or arrange for the other party to sign his or her part of the affidavit.

If you are applying as Party 1 and Party 2 together, each person must sign their part of the affidavit. You may do so at different times and before different witnesses or before the same witness at the same time.

Full Name of Party 1 Swee Ying Eliane Lim	Full Name of Party 2 Sammie Lee Cheston
Party 1 I <input type="checkbox"/> swear / <input checked="" type="checkbox"/> affirm that: 1. I am the applicant 2. I have read the application. 3. The facts and circumstances set out in the application of which I have personal knowledge are true..	Party 2 I <input type="checkbox"/> swear / <input type="checkbox"/> affirm that: 1. I am the applicant 2. I have read the application. 3. The facts and circumstances set out in the application of which I have personal knowledge are true..
Signature 	Signature
Place ADELAIDE	Place
Date 30th AUGUST 2023	Date
Before me (signature of witness) 	Before me (signature of witness)
Full name of witness (print name) XAPP HAN PCHN	Full name of witness (print name)
<input checked="" type="checkbox"/> Lawyer <input type="checkbox"/> Justice of the peace <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Lawyer <input type="checkbox"/> Justice of the peace <input type="checkbox"/> Other (specify):

Lawyer's Declaration

If you are representing yourself for this application, you do not need to sign this part. However, make sure you receive a copy of the information brochure 'Marriage, Families and Separation'.

If a lawyer is representing you for this application, then your lawyer must give you a copy of the brochure 'Marriage, Families and Separation' and complete and sign the declaration below.

☐ I gave the applicant/s a copy of the brochure 'Marriage, Families and Separation'.

Signature of lawyer:

Full name of lawyer:

Date:

[Alternative jurat for non-English speaking affidavit]

Sworn / Affirmed by the deponent through the interpretation of name (name of interpreter)

_____ of (address of interpreter) _____
(description of interpreter) _____, the interpreter having first sworn that
he / she had truly interpreted the contents of this affidavit to the deponent and that he or she
would truly interpret to (name of deponent) _____ the oath about to be
administered to him / her.

at (place) _____

on (date) _____

Signature of deponent

Before me:

Signature of witness:

Full name of witness:

Qualification of witness:

I (name of interpreter) _____ certify that I understand the English language
and the (name of language used) _____ language, and that I have truly interpreted to
the deponent the contents of this affidavit and the oath or affirmation which was administered.

Signature of interpreter (print name):

Date (dd/mm/yyyy)