

EXAMPLE AFFIDAVIT

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 Part E 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 mother/father in this matter and I make this Affidavit in support of my Urgent Initiating Application contained herein for Recovery Orders for my son/daughter/children (name) born (date of birth).
2. The facts deposed to in this my Affidavit which are within my personal knowledge are true and correct and all other facts are true to the best of my information and belief.

BACKGROUND OF PARTIES

3. I was born where and date. I am how old.
4. I am occupation. *If you are not working, how do financially support yourself/your family? Do you receive child support from the Respondent to support the child/ren?*
5. My health is *Are you in good health? Do you regularly see a doctor for anything?*
6. *Have you repartnered? If so, who are you living with?*
7. The Respondent was born where and date and is how old.
8. The Respondent is occupation *If not working, how do they support themselves?*
9. *Has the respondent re-partnered? If so then who are they living with?*
10. *Details of when you and the respondent met, commenced living together, married and separated.*

INSERT THE CHILD'S FULL NAME/THE CHILDREN

11. name of child is how old *What sort of child is s/he? Energetic? Shy? Playful? Social? etc*
12. *What does s/he like doing? What do you like doing together? Going to the footy, baking, going to the play ground etc?*
13. *Does the child have any extra-curricular activities?*
14. *Where does s/he go to kindergarten/school? How is s/he progressing? Well?*
15. *Are there any medical issues? Or is the child reaching all of the appropriate milestones for his/her age?*

HISTORY OF PARENTING ARRANGEMENTS

Parenting arrangements during the relationship

16. *Go into detail about the parenting arrangements during the relationship. Who was responsible for day to day care? Were you the primary caregiver? Did you get the children ready for school,*

do their homework with them, clean, feed them etc, take them to the doctor? Did the Respondent work full time? If so were they too tired to care for the child/ren? Or did they assist where they could? Did you look after majority of the responsibilities of running the household?

17. *Was the Respondent familiar with the child/ren's needs?*

18. *Did you make decisions about the child/ren's long term welfare and development together (ie schooling/immunisations)*

Parenting arrangements after separation

19. *After separation what were the parenting arrangements? How often did the child/ren spend time with the Respondent? How did you reach this agreement?*

20. *Do you think that the child/ren were coping with this agreement?*

21. *Are there any Court orders or a Parenting Plan? If so what do they provide for?*

REASONS FOR URGENT ABRIDGEMENT AND RECOVERY ORDERS

22. *How long has it been since you saw the child?*

23. *Describe the circumstances leading up to the child's removal from you/or the failure to return by the Respondent*

24. *Have the children been missing school?*

25. *Is there a history of the Respondent removing the children from your care or failing to return them?*

26. *If the Respondent is not at their home, at what other address would the Australian Federal Police be able to find them?*

27. *At no time did I consent to the children remaining in the Respondent's care up to this point in time.*

It is in the children's best interest to be returned to my care for the following reasons:

NB – address such topics as:

28. *Have you been the primary caregiver since child was born? If so what is the longest period of time that the child has spent away from client? This significant change to their routine will no doubt impact on him/her greatly.*

29. *Detail your concerns if the child/ren remain/s in the Respondent's care eg; Is the child still being breastfed? Will the Respondent be working full time? If so, who will be looking after the child?*

30. *Does the Respondent have capacity to care for the child/ren? Is he familiar with their needs?*

History of family violence

31. *Detail allegations in chronological order with dates, detailed description of behaviour and action that was taken afterwards. Ie seeing the doctor.*

32. *Detail if the children were exposed to this family violence, and if so how they appeared.*
33. *Are there any current or expired Intervention Orders/Restraining Orders?*
- i. If so who is named as Applicant, Affected Family Member and Respondent.*
 - ii. When and where was the Intervention Order made?*

Risk factors

34. *Anger management issues for the Respondent? What has led you to forming this view that this is a risk factor?*
35. *Any drug and substance abuse issues for the Respondent? What has led you to forming this view that this is a risk factor? Have you observed any drug taking?*
36. *Any mental health issues? What has led you to forming this view that this is a risk factor? Have you observed any behavioural change?*
37. *Has Child Protection or the Department of Human Services been involved in your family before? If so include details of when, why and how it occurred.*
38. *Does the child have any medical needs?*

The Respondent does not have any reasonable excuse to withhold our children from me.

39. *Address any concerns that the Respondent may raise about you eg: Drug and alcohol abuse allegations? Mental health issues? Distrust of a new partner? Allegations of family violence? If necessary:*
- a. Annexe a clean drug screen to combat allegations of substance abuse*
 - b. Annexe a letter from your treating doctor to demonstrate that you are following your doctor's directions/treatment and do not have any diagnosable mental health issues*
40. *I love my child/ren dearly and would not put him/her/them in a situation of risk. If I ever need assistance with parenting, I ask who?*

MY PARENTING PROPOSALS

41. *I am able to provide a stable, loving and protective environment for my children. It is in the children's best interest to insert your proposal here ie. who the children are to live and the duration, frequency and circumstances of the time that they spend (if at all) with the Respondent*
42. *Describe your parenting arrangements Who are you living with? Is it comfortable? How many bedrooms? Do the child/ren have their own bedroom? Is it fully furnished with suitable bedding? Is it safely fenced and suitable for child/ren to play in?*
43. *Is this where the child/ren have always lived?*
44. *Are your proposals with respect to parenting arrangements reasonably practicable? Ie*
- a. do you live far away from the Respondent?*

- b. What would the time and expense be like delivering and collecting the child/ren from the Respondent?*
45. *What impacts will your proposed orders have on the child? Will they be able to adapt? Is it in the Child/ren's best interests*
46. *Have the children expressed any wishes about future parenting proposals?*
47. *Are you able to financially support the child/ren while he/she/they are living with you?*
48. *What are your hours of work? Who looks after the child/ren when you are at work?*
49. *Do you have family/friends who are able to assist you? Do they enjoy a strong and loving relationship with the child/ren?*
50. *If you are proposing that the children spend supervised time with the Respondent then provide details of how the supervision should occur, for example at a Supervised Contact Centre or by a trusted friend/family member, including reasons why this person is appropriate and have been asked and have agreed to supervise.*

NON FILING OF SECTION 60I CERTIFICATE

51. Due to the urgent nature of this application, I have not filed a section 60I certificate with the court to demonstrate that I have attempted mediation with the Respondent. I request that I be permitted to file this application before attending family dispute resolution on the grounds that this matter is urgent for reasons already referred to in this affidavit.

APPLICATION FOR ABRIDGEMENT

52. For the reasons outlined above I ask that the Court abridge this matter. I am concerned about children's welfare while heshethey remain/s in the Respondent's care without my consent.
53. I ask that this Honourable Court makes the Orders that I seek in my Initiating Application.