

Application for Consent Orders

Form 8 Family Law Rules – r. 10.02

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 Division of the High Court
- Family Division of the Magistrates' Court

COURT USE ONLY
File number: _____
Filed at: _____
Filed on: _____
Court date: _____

Notice to parties

- Each applicant must swear or affirm the affidavit in Part I
- Each respondent must swear or affirm the affidavit in Part K
- The application must be filed promptly. The consent order may not be made if the application is not filed within 60 days of the date of the last respondent's affidavit (see rule 10.04). Each copy must be certified by you or your lawyer as a true copy.
- Each party must sign in the space provided at the bottom of each page.

Part A About the parties

1. PERSONAL PARTICULARS OF PARTIES

APPLICANT

Full name as used now (including father's name ("f/n"), if necessary for identification; surname underlined, if applicable)

Residential address

Phone

- Male Female

2. Usual occupation

3. Address for service in the Fiji Islands

(Mark one only)

- Residential address, as above
- Postal, work or other address (insert):

Solicitor (insert particulars):

Solicitor's name:

Firm name:

Address:

RESPONDENT

Full name as used now (including father's name ("f/n"), if necessary for identification; surname underlined, if applicable)

Residential address

Phone

- Male Female

Usual occupation

Address for service in the Fiji Islands

(Mark one only)

- Residential address, as above
- Postal, work or other address (insert):

Solicitor (insert particulars):

Solicitor's name:

Firm name:

Address:

Part B About the relationship of the parties

	DATE: / /	Not applicable <input type="checkbox"/>
4. When did you and the respondent begin living together?		
5. When and where did you and the respondent marry?		
Date	City/Town/Locality	Country
/ /		
6. When did you and the respondent finally separate?		
		<input type="checkbox"/>
7. When and where did you and the respondent get divorced?		
Date	City/Town	Country
/ /		
		<input type="checkbox"/>

Part C Order(s) sought

8. The parties seek orders in terms of the draft Consent Orders that are signed by the parties and attached.
9. Do the orders sought include parenting orders?
 No
 Yes Complete relevant items of Part E and complete Part F
10. Do the orders include any property or maintenance orders?
 No
 Yes Complete relevant items of Part E and complete Parts G and H

Part D About the children

11. Are there any children (including adopted and ex-nuptial children) of both or either of you who are under 18, whether living with both or either of you, or not?

- No
 Yes Give the following details for each child

	Full name	M/F	Date of birth	Relationship to parties
Child 1:			/ /	
Child 2:			/ /	
Child 3:			/ /	
Child 4:			/ /	
Child 5:			/ /	
Child 6:			/ /	
Child 7:			/ /	
Child 8:			/ /	

If you need more space for any other children, attach an extra page, numbering it item 11, page 2.

Part E About other Court cases and orders

IF YOU ARE SEEKING **PARENTING ORDERS**, ANSWER ITEMS 12 TO 15
IF YOU ARE SEEKING **FINANCIAL ORDERS**, ANSWER ITEMS 12, 13, 15, AND 16
IF YOU ARE **NOT** SEEKING **EITHER** KIND OF ORDER, STRIKE OUT OR OMIT THIS PART.

12. Are there any ongoing cases in this or any other Court about family law, domestic violence or child welfare that involve any of the parties or any of the children listed on this form?

- No
- Yes Please give the following details

Court name	Court file number	Next Court date
		/ /

State the names of the parties

State the nature of the orders sought (NUMBER EACH ORDER SOUGHT)

If there is more than one case, please attach extra page(s) numbering it/them Item 12, Page 2 and so on.

13. Are there any **existing orders**, agreements, parenting plans or undertakings to a court about family law, domestic violence or child welfare concerning any of the parties or children listed on this form?

- No
- Yes **EITHER** attach a full copy of the order, agreement, parenting plan or undertaking or set out details below
 - Attached is/are a copy/copies of the following (mark [X] the boxes that apply).
 - order
 - undertaking
 - parenting plan
 - agreement

OR give the following details:

Court name	Court file number	Next Court date
		/ /

State the names of the parties to the order / agreement/ parenting plan / undertaking

Details of the order / agreement / parenting plan / undertaking

If there is more than one case please attach extra page(s) numbering it/them Item 13, Page 2, and so on

14. If there is a family violence order, are the orders sought in this application consistent with the order?

- No
- Yes Please give brief details:

15. Has any person with whom the child will reside or have contact been convicted of any offence under a child welfare law or the Family Law Act, or of a criminal offence relevant to a child's welfare?

- No
- Yes Give details:

Name of the person	Approximate date
	/ /
Court name and place	Court file number
Offence	

16. PROCEEDS OF CRIME- FOR PROPERTY AND SPOUSE MAINTENANCE APPLICATIONS.

Is there an order, or current application, under the Proceeds of Crime Act in relation to any of the property of any of the parties?

- No
- Yes Attach a sealed copy of the order or application

Part F Details for parenting orders

17. Jurisdiction

Which of the following applies? Mark [X] every box that applies to the applicant, to the respondent and to the children, in each case.

PARTIES

Applicant 1

<input type="checkbox"/> Present in the Fiji Islands
<input type="checkbox"/> Ordinarily resident in the Fiji Islands
<input type="checkbox"/> Fiji Islands citizen

Respondent 1

<input type="checkbox"/> Present in the Fiji Islands
<input type="checkbox"/> Ordinarily resident in the Fiji Islands
<input type="checkbox"/> Fiji Islands citizen

CHILDREN

Child 1

<input type="checkbox"/> Present in the Fiji Islands
<input type="checkbox"/> Ordinarily resident in the Fiji Islands
<input type="checkbox"/> Fiji Islands citizen

Child 2

<input type="checkbox"/> Present in the Fiji Islands
<input type="checkbox"/> Ordinarily resident in the Fiji Islands
<input type="checkbox"/> Fiji Islands citizen

Child 3

<input type="checkbox"/> Present in the Fiji Islands
<input type="checkbox"/> Ordinarily resident in the Fiji Islands
<input type="checkbox"/> Fiji Islands citizen

Child 4

<input type="checkbox"/> Present in the Fiji Islands
<input type="checkbox"/> Ordinarily resident in the Fiji Islands
<input type="checkbox"/> Fiji Islands citizen

Child 5

<input type="checkbox"/> Present in the Fiji Islands
<input type="checkbox"/> Ordinarily resident in the Fiji Islands
<input type="checkbox"/> Fiji Islands citizen

Child 6

<input type="checkbox"/> Present in the Fiji Islands
<input type="checkbox"/> Ordinarily resident in the Fiji Islands
<input type="checkbox"/> Fiji Islands citizen

Child 7

<input type="checkbox"/> Present in the Fiji Islands
<input type="checkbox"/> Ordinarily resident in the Fiji Islands
<input type="checkbox"/> Fiji Islands citizen

Child 8

<input type="checkbox"/> Present in the Fiji Islands
<input type="checkbox"/> Ordinarily resident in the Fiji Islands
<input type="checkbox"/> Fiji Islands citizen

18. The Court needs to be certain that the arrangements for your children are proper in all the circumstances. To assist the Court to do this, please set out below the arrangements for the children including details about their home, schooling, health, financial support (including any maintenance paid for them), their contact with each of their parents and any other matter you consider will assist the Court.

Part G Details for property or maintenance orders

- The Court may refuse to make the property orders you seek if the proposed orders are not just and equitable.
- The amounts shown for the value of property, liabilities and financial resources should be current figures
- Column 1 should be completed by the applicant and must contain details of all property, liabilities and financial resources of the applicant.
- Column 2 should be completed by the respondent and must contain details of all property, liabilities and financial resources of the respondent.
- Attach extra pages if you need more space to answer any item and clearly number it (for example, if you need more space for item 25, the extra page would be numbered Item 25, page 2).
- If the amount for an item is nil, write NIL. If you can only give estimate write the letter 'E' before the stated amount.
- Use whole dollars.

INCOME

	APPLICANT	RESPONDENT
19. Gross weekly income	\$	\$
20. Do the orders sought affect your earning capacity? (For example, are you disposing of or acquiring an investment or business?)	<input type="checkbox"/> No Go to item 21 <input type="checkbox"/> Yes Give details:	<input type="checkbox"/> No Go to item 21 <input type="checkbox"/> Yes Give details:

PROPERTY AND SUPERANNUATION

How to list shared property

If you own any property jointly with the other party to this application or any other person, then show the market value of your individual share in that property.

	APPLICANT	RESPONDENT
21. Real estate (other than an interest that is unalienable – see definition of “property” in s.154 of the Family Law Act)	Address	Address
	Your % share	Your % share
	Value of your share \$	Value of your share \$
	Address	Address
	Your % share	Your % share
	Value of your share \$	Value of your share \$

Signature of applicant:	Signature of respondent:
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	APPLICANT	RESPONDENT								
22. Motor Vehicles	<table border="1"> <tr><td>Make</td></tr> <tr><td>Model</td></tr> <tr><td>Your % share</td></tr> <tr><td>Value of your share \$</td></tr> </table>	Make	Model	Your % share	Value of your share \$	<table border="1"> <tr><td>Make</td></tr> <tr><td>Model</td></tr> <tr><td>Your % share</td></tr> <tr><td>Value of your share \$</td></tr> </table>	Make	Model	Your % share	Value of your share \$
Make										
Model										
Your % share										
Value of your share \$										
Make										
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Your % share										
Value of your share \$										
23. Furniture, furnishings and effects	<table border="1"> <tr><td>Value of your share \$</td></tr> </table>	Value of your share \$	<table border="1"> <tr><td>Value of your share \$</td></tr> </table>	Value of your share \$						
Value of your share \$										
Value of your share \$										
24. Funds in banks, credits unions and other financial institutions.	<table border="1"> <tr><td>Name of institution</td></tr> <tr><td>Your share \$</td></tr> <tr><td>Account Number</td></tr> </table>	Name of institution	Your share \$	Account Number	<table border="1"> <tr><td>Name of institution</td></tr> <tr><td>Your share \$</td></tr> <tr><td>Account Number</td></tr> </table>	Name of institution	Your share \$	Account Number		
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Name of institution										
Your share \$										
Account Number										
Name of institution										
Your share \$										
Account Number										
25. Interest in any business (give your best estimate of the gross market value)	<table border="1"> <tr><td>Name of business</td></tr> <tr><td>Your share %</td></tr> <tr><td>Value \$</td></tr> </table>	Name of business	Your share %	Value \$	<table border="1"> <tr><td>Name of business</td></tr> <tr><td>Your share %</td></tr> <tr><td>Value \$</td></tr> </table>	Name of business	Your share %	Value \$		
Name of business										
Your share %										
Value \$										
Name of business										
Your share %										
Value \$										
26. Investments including shares in public companies	<table border="1"> <tr><td>Name and type of investment</td></tr> <tr><td>Number shares held or % share</td></tr> <tr><td>Value \$</td></tr> </table>	Name and type of investment	Number shares held or % share	Value \$	<table border="1"> <tr><td>Name and type of investment</td></tr> <tr><td>Number shares held or % share</td></tr> <tr><td>Value \$</td></tr> </table>	Name and type of investment	Number shares held or % share	Value \$		
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Name and type of investment										
Number shares held or % share										
Value \$										
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Number shares held or % share										
Value \$										
27. Fiji National Provident Fund	<table border="1"> <tr><td>Amount of your credit \$</td></tr> </table>	Amount of your credit \$	<table border="1"> <tr><td>Amount of your credit \$</td></tr> </table>	Amount of your credit \$						
Amount of your credit \$										
Amount of your credit \$										
28. Other superannuation	<table border="1"> <tr><td>Name of scheme</td></tr> <tr><td>Value of interest \$</td></tr> </table>	Name of scheme	Value of interest \$	<table border="1"> <tr><td>Name of scheme</td></tr> <tr><td>Value of interest \$</td></tr> </table>	Name of scheme	Value of interest \$				
Name of scheme										
Value of interest \$										
Name of scheme										
Value of interest \$										
Signature of applicant:		Signature of respondent:								

29. Life insurance policies

APPLICANT

Company	
Policy No.	
Surrender value of your share	\$

RESPONDENT

Company	
Policy No.	
Surrender value of your share	\$

30. Interest in any other property, including in any leased property

Give details

Value of your share \$

Give details

Value of your share \$

31. TOTAL VALUE OF PROPERTY AND SUPERANNUATION OWNED BY YOU

Value of your share \$
Write this amount at item 40A

Value of your share \$
Write this amount at item 40C

LIABILITIES

32. Amount owing on home mortgage

APPLICANT

Name of lender	
Address of property	
Your share of amount owing	\$

RESPONDENT

Name of lender	
Address of property	
Your share of amount owing	\$

33. Amount owing on any other mortgage

Name of lender

Address of property

Your share of amount owing \$

Name of lender

Address of property

Your share of amount owing \$

34. Amounts owing on any credit/charge cards.

Type of card

Your share of amount owing \$

Type of card

Your share of amount owing \$

Type of card

Your share of amount owing \$

Type of card

Your share of amount owing \$

Signature of applicant:

Signature of respondent:

APPLICANT

RESPONDENT

Type of card
Your share of amount owing \$

Type of card
Your share of amount owing \$

Type of card
Your share of amount owing \$

Type of card
Your share of amount owing \$

35. Amounts owing on any other loans

Give details
Name of lender(s)
Your share of amount owing \$

Give details
Name of lender(s)
Your share of amount owing \$

36. Hire purchase / lease / bill of sale

Give details
Name of lender(s)
Description of property
Your share of amount owing \$

Give details
Name of lender(s)
Description of property
Your share of amount owing \$

37. Income tax liabilities

Current financial year \$
Amount unpaid from previous financial years \$

Current financial year \$
Amount unpaid from previous financial years \$

38. Any other liabilities (give details)

\$
\$
\$

\$
\$
\$

39. YOUR TOTAL LIABILITIES

\$
Write this amount at item 40B

\$
Write this amount at item 40D

Signature of applicant:

Signature of respondent:

YOUR TOTAL NET WORTH

40. To calculate your total net worth, subtract the amounts at item 39 from the amounts at item 31.

	APPLICANT	RESPONDENT
Insert the total from Item 31	A \$	C \$
Insert the total from Item 39	B \$	D \$
YOUR TOTAL NET WORTH	\$	\$
41. Has either party acquired or disposed of any property since the date of separation?	<input type="checkbox"/> No Go to item 44 <input type="checkbox"/> Yes Give details:	<input type="checkbox"/> No Go to item 44 <input type="checkbox"/> Yes Give details:

ADDITIONAL FINANCIAL RESOURCES

	APPLICANT	RESPONDENT
42. Interest in any trust or any other financial resources (for example, do you have an expectation of receiving money from a personal injury claim or court case or property from a deceased estate?)	GIVE DETAILS	GIVE DETAILS
43. Value of real estate that is inalienable (see s.162 (3) (b) of the Family Law Act)	Particulars:	Particulars
	Value \$	Value \$

Signature of applicant:	Signature of respondent:
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PROPOSED DIVISION OF PROPERTY

44. Proposed percentage division of the property

APPLICANT

Husband %
Wife %

RESPONDENT

Agree
 Disagree . Give brief reasons why you disagree and specify your estimate of the proposed division:

45. Were the financial contributions of the parties the same? (See s.162 (1) (a) of the Family Law Act)

Yes Go to item 46
 No Give brief details of who made the greater contribution:

Agree
 Disagree. Give Brief reasons why you disagree:

46. Were the non-financial contributions from each of the parties the same? (See s.162 (1) (b) of the Family Law Act)

Yes Go to item 47
 No Give brief details of who made the greater contribution:

Agree
 Disagree. Give Brief reasons why you disagree:

47. Were the contributions from each of the parties as homemaker and parent the same? (See s.162 (1) (c) of the Family Law Act)

Yes Go to item 48
 No Give brief details of who made the greater contribution:

Agree
 Disagree. Give Brief reasons why you disagree:

48. Are there any other relevant matters or facts in relation to the division of the property (e.g health, financial resources, income-earning ability)? (See s.157 of the Family Law Act)

No Go to Part H
 Yes Give brief details:

Agree
 Disagree. Give Brief reasons why you disagree:

Signature of applicant:

Signature of respondent:

Part H Effect of property orders sought

Omit all of Part H if no property or maintenance orders are sought.

49. ASSETS

	APPLICANT Value of the property the applicant will receive \$	RESPONDENT Value of the property the respondent will receive \$
Real estate (other than interests that are inalienable)		
Interests in real estate that are inalienable. (see s.162 (3) (b) of the Family Law Act)		
Motor vehicles		
Furniture, furnishings and effects		
Funds in banks, credit unions and other financial institutions		
Interests in any businesses		
Investments, including shares in public companies		
Fiji National Provident Fund		
Other superannuation		
Life insurance		
Other property – specify:		
TOTAL ASSETS	\$	\$

50. LIABILITIES

	Liabilities for which the applicant will be responsible \$	Liabilities for which the respondent will be responsible \$
Home mortgage		
Other mortgage		
Loans (total from banks, credit, unions and other financial institutions)		
Credit/charge cards		
Hire purchase, bills of sale		
Other liabilities – specify:		
TOTAL LIABILITIES	\$	\$

Signature of applicant :	Signature of respondent:
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Part I Affidavit of applicant

Strike out any statement below that is inapplicable. You must attach a further Part I and J for each other applicant (if any).

I swear* /affirm* that

- I am the applicant.
- I have read this application and the draft Consent Orders.
- The orders are agreed upon by all parties.
- I am aware of my right to obtain independent legal advice.
- I have had independent legal advice on my relevant rights under the Family Law Act and the effect and consequences of orders being made in the terms proposed.
- Apart from column 1 of the Parts G and H (if completed), the matters stated in this application that are within my personal knowledge are true and all other facts are true to the best of my knowledge, information and belief and the orders sought are supported by evidence.
- I have signed each page of the attached draft Consent Orders.
- For parenting orders – I have read and considered sections 41, 66 (4) and 121 of the Family Law Act.
- For financial orders – I have read and considered sections 155, 157, 161 and 162 of the Family Law Act.
- For financial orders –
 - (a) I have no interest in property, superannuation, or a financial resource which is not described in column 1 of Part G; and
 - (b) where I give any estimate in this application it is based on knowledge, information and belief and is given in good faith.

Signature of applicant

Place

Date

Before me (*signature of witness*)

Full name of witness (*please print*)

*delete whichever is inapplicable

- Justice of the Peace Lawyer
 Notary Public

Part J Statement of independent legal advice (applicant's lawyer)

- I am a lawyer entitled to practise in this Court;
- I have given the applicant independent legal advice as to the meaning and effect of the draft Consent Orders and explained the respective rights, entitlements and obligations of the parties; and
- I have signed each page of the draft Consent Orders sought.

Signature of lawyer

Print name

Firm name

Date / /

Part K Affidavit of respondent

Strike out any statement below that is inapplicable. You must attach a further Part I and J for each other applicant (if any).

I swear* /affirm* that

- I am the respondent.
- I have read this application and the draft Consent Orders.
- The orders are agreed upon by all parties.
- I am aware of my right to obtain independent legal advice.
- I have had independent legal advice on my relevant rights under the Family Law Act and the effect and consequences of orders being made in the terms proposed.
- Apart from column 2 of the Parts G and H (if completed), the matters stated in this application that are within my personal knowledge are true and all other facts are true to the best of my knowledge, information and belief and the orders sought are supported by evidence.
- I have signed each page of the attached draft Consent Orders.
- For parenting orders – I have read and considered sections 41, 66 (4) and 121 of the Family Law Act.
- For financial orders – I have read and considered sections 155, 157, 161 and 162 of the Family Law Act.
- For financial orders –
 - (a) I have no interest in property, superannuation, or a financial resource which is not described in column 2 of Part G; and
 - (b) where I give any estimate in this application it is based on knowledge, information and belief and is given in good faith.

Signature of respondent

Place

Date

/ /

Before me (signature of witness)

Full name of witness (please print)

*delete whichever is inapplicable

- Justice of the Peace Lawyer
 Notary Public

Part L Statement of independent legal advice (respondent's lawyer)

I am a lawyer entitled to practise in this Court;
 I have given the respondent independent legal advice as to the meaning and effect of the draft Consent Orders and explained the respective rights, entitlements and obligations of the parties; and
 I have signed each page of the draft Consent Orders sought.

Signature of lawyer

Print name

Firm name	Date / /

This application was prepared by:

- applicant(s)
 lawyer for applicant(s)

PRINT LAWYER'S FIRM NAME