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**Form 4**

(subregulation 25 (2))

COMMONWEALTH OF AUSTRALIA

Family Law (Child Abduction Convention) Regulations

APPLICATION INITIATING PROCEEDINGS

*(Title of proceedings as under Family Law Rules)*

DATE OF FILING:

\*APPLICANT'S/\*RESPONSIBLE CENTRAL AUTHORITY'S  
ADDRESS FOR SERVICE:

To: *(Full name of respondent)*

TAKE NOTICE that the attached application HAS BEEN SET DOWN  
FOR HEARING by the Court at on \_\_\_\_\_ the  
day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock.

AND FURTHER TAKE NOTICE THAT—

- (a) if you wish to defend this application but to raise no new issues, you may, at the earliest practicable date before the return day set out above, file and serve an affidavit setting out briefly the matters on which you rely;
- (b) if you wish to defend this application and to seek some order other than the order sought in this application, you may, at the earliest practicable date before the return day set out above, file and serve a cross-application and an affidavit in support; and
- (c) if you do not appear at the hearing, the Court may proceed to make the orders sought, or similar orders, in your absence.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

.....  
Registrar

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APPLICATION

(Full name of applicant) \_\_\_\_\_,  
whose occupation is \_\_\_\_\_,  
and who represents the responsible Central Authority, applies for the  
following orders:—

(a)

(b)

(if insufficient space attach statement of orders sought).

*Details concerning child*

1. The child, (full name) \_\_\_\_\_, was born on  
the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.
2. The habitual residence of the child immediately prior to any breach  
of rights of access was \_\_\_\_\_, a convention country.
3. The child is now residing with (full name) \_\_\_\_\_,  
(relationship, if any, to child) \_\_\_\_\_,  
at \_\_\_\_\_.

*Details concerning rights of custody of child*

4. (Full name) \_\_\_\_\_, (relationship,  
if any, to child) \_\_\_\_\_, of  
(address) \_\_\_\_\_ has rights of custody  
in respect of the child by reason of the following factual and legal  
circumstances:  
(include details of any custody order)

*Details concerning rights of access*

- \*5. The applicant under the Convention on the Civil Aspects of  
International Child Abduction,  
(full name) \_\_\_\_\_,  
(relationship,  
if any, to child) \_\_\_\_\_, of (address) \_\_\_\_\_, has rights of  
access in respect of the child by reason of the following factual and  
legal circumstances:  
(include details of any access order)

or

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\*5. The applicant under the Convention, (*full name*) \_\_\_\_\_, of \_\_\_\_\_,  
(*relationship, if any, to child*) \_\_\_\_\_, has no existing  
(*address*) \_\_\_\_\_, rights of \_\_\_\_\_ access in respect of the  
child but wishes to secure rights to access under Australian law.

6. The following are the circumstances in which rights of access have been breached or enjoyment of access denied:

*Pending proceedings in Australia*

\*7. The following are particulars of pending family law or child welfare proceedings concerning the child:  
(*set out brief particulars of any pending proceedings and the . court in which the proceedings are pending*)  
\_\_\_\_\_

*or*

\*7. There are no pending family law or child welfare proceedings concerning the child.

*Attachments*

8. The request in relation to rights of access to the child under the Convention is attached.

9. The following documents are also attached:

- \* (a) certified copy of relevant decision or agreement concerning rights of custody or rights of access;
- \* (b) certificate or affidavit as to the applicable law;
- \* (c) information relating to the social background of the child;
- \* (d) authorization empowering the Central Authority to act on behalf of the applicant;
- \* (e) other (*specify*).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

.....  
(*Signature of applicant*)

\* Cross out whichever is not applicable.

