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## Schedule 3      Forms

(subregulation 11 (2))

### Form 1

COMMONWEALTH OF AUSTRALIA

Family Law (Child Abduction Convention) Regulations

APPLICATION IN ACCORDANCE WITH THE HAGUE  
CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL  
CHILD ABDUCTION FOR THE RETURN OF A CHILD ABDUCTED  
FROM AUSTRALIA

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REQUESTING CENTRAL AUTHORITY	REQUESTED
OR APPLICANT:	AUTHORITY:

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Concerns the following child:.....who will  
attain the age of 16 on.....19.....

NOTE: The following particulars should be completed insofar as possible.

#### I—IDENTITY OF THE CHILD AND ITS PARENTS

##### 1      *Child*

name and first names	.....
date and place of birth	.....
habitual residence before removal or retention	.....
passport or identity card No., if any	.....
description and photo, if possible (see annexes)	.....

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- 2 *Parents*
- 2.1 Mother: name and first names .....  
 date and place of birth .....  
 nationality .....  
 occupation .....  
 habitual residence .....  
 passport or identity card  
 No., if any .....
- 2.2 Father: name and first names .....  
 date and place of birth .....  
 nationality .....  
 occupation .....  
 habitual residence .....  
 passport or identity card  
 No., if any .....
- 2.3 Date and place of marriage .....

II—REQUESTING INDIVIDUAL OR INSTITUTION (who actually exercised custody before the removal or retention)

- 3 Name and first names .....  
 nationality or individual  
 applicant .....  
 occupation of individual  
 applicant .....  
 address .....  
 passport or identity card No.,  
 if any .....
- relation to the child .....
- name and address of legal  
 adviser, if any .....

III—PLACE WHERE THE CHILD IS THOUGHT TO BE

- 4.1 Information concerning the  
 person alleged to have removed  
 or retained the child
- name and first names .....

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date and place of birth, if known .....  
nationality, if known .....  
occupation .....  
last known address .....  
passport or identity card No., if any .....  
description and photo, if possible (see annexes) .....

4.2 Address of the child .....  
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4.3 Other persons who might be able to supply additional information relating to the whereabouts of the child .....  
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IV—TIME, PLACE, DATE AND CIRCUMSTANCES OF THE WRONGFUL REMOVAL OR RETENTION

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V—FACTUAL OR LEGAL GROUNDS JUSTIFYING THE REQUEST

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VI—CIVIL PROCEEDINGS IN PROGRESS

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VII—CHILD IS TO BE RETURNED TO:

- a* name and first names .....
- date and place of birth .....
- address .....
- telephone number .....
  
- b* proposed arrangements for .....
- return of the child .....
- .....
- .....

VIII—OTHER REMARKS

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IX—LIST OF DOCUMENTS ATTACHED\*

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I authorise the requested Central Authority and its agents to act on my behalf and to do all things reasonable and necessary in connection with this application.

Date.....

Place.....

Signature and/or stamp of the requesting Central Authority or applicant

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\* e.g. Certified copy of relevant decision or agreement concerning rights of custody or rights of access; certificate or affidavit as to the applicable law; information relating to the social background of the child; authorization empowering the Central Authority to act on behalf of applicant.

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**Form 2** [see Note 3]

(subregulations 14 (1) and (2))

COMMONWEALTH OF AUSTRALIA

Family Law (Child Abduction Convention) Regulations

APPLICATION INITIATING PROCEEDINGS

*(Title as under Family Law Rules)*

DATE OF FILING:

\*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 represented 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 the removal or  
retention of the child was \_\_\_\_\_ , a convention  
country.
3. The child has been wrongfully removed or retained from the country  
referred to in paragraph 2.
4. The child is now residing with (full name) \_\_\_\_\_ ,  
(relationship, if any, to child) \_\_\_\_\_ ,  
at

*Details concerning child's custodian*

5. The applicant under the Convention, (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 child's removal or retention*

6. The child was removed or retained on the \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_ , in the following circumstances:

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*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 for return of 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;

\* (e) authorization empowering the Central Authority to act on behalf of the applicant;

\* (f) other (*specify*).

Dated this                      day of                      19   .

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

\*        Cross out whichever is not applicable.

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AFFIDAVIT

I, *(full name, address and occupation)*

make oath and say/affirm:

1. I am the applicant in, and I have read, this application.
2. The facts stated in this application that are within my personal knowledge are true. All other facts stated in this application are true to the best of my knowledge, information and belief.

SWORN *(or AFFIRMED)* by the applicant at

on the                      day of                      .....

19                      .                      *(Signature of applicant)*

Before me:

.....  
*(Signature and title of person  
before whom affidavit is sworn)*

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**Form 2A**

(subregulation 14 (3))

COMMONWEALTH OF AUSTRALIA

Family Law (Child Abduction Convention) Regulations

ANSWER/\*AND CROSS APPLICATION

*(Title as under Family Law Rules)*

In answer to the application filed on \_\_\_\_\_ 19\_\_\_\_  
and served on \_\_\_\_\_ 19\_\_\_\_, the respondent  
states that:

*(set out matters to be pleaded)*

1. ....
2. ....

**AFFIDAVIT**

I, *(full name, address and occupation)*

make oath and say/affirm:

1. I am the respondent in, and I have read, this answer.
2. The facts stated in this answer that are within my personal knowledge are true. All other facts stated in this answer are true to the best of my personal knowledge, information and belief.

SWORN (or AFFIRMED) by the  
respondent at

on the \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_ *(Signature of respondent)*

Before me:

.....  
*(Signature and title of person before  
whom affidavit sworn or affirmed)*





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**Form 2B**

(subregulation 14 (4))

COMMONWEALTH OF AUSTRALIA

Family Law (Child Abduction Convention) Regulations

REPLY TO ANSWER/\*AND CROSS APPLICATION

*(Title as under Family Law Rules)*

In reply to the answer/\*and cross application filed on \_\_\_\_\_ 19\_\_\_\_  
and served on \_\_\_\_\_ 19\_\_\_\_, the applicant states:  
*(set out matters in reply to answer/cross application)*

1. ....
2. ....

\* Cross out if not applicable.

**AFFIDAVIT**

I, *(full name, address and occupation)*

make oath and say/affirm:

1. I am the applicant in, and I have read, this reply.
2. The facts stated in this reply that are within my personal knowledge are true. All other facts stated in this reply are true to the best of my knowledge, information and belief.

SWORN (or AFFIRMED) by the

applicant at

on the \_\_\_\_\_ day of .....

19\_\_\_\_

*(Signature of applicant)*

Before me:

.....

*(Signature and title of person  
before whom affidavit sworn)*

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**Form 2C Warrant for the apprehension or detention of a child**

(subregulations 14 (5) and 25 (6))

COMMONWEALTH OF AUSTRALIA

*Family Law (Child Abduction Convention) Regulations 1986*

**WARRANT FOR THE APPREHENSION OR DETENTION OF A CHILD**

File No:	Applicant:
At:	Respondent:

TO:       \*The Marshal  
          \*All Agents of the Australian Federal Police  
          \*All Officers of the Police Forces of the States and Territories of Australia

In compliance with the order of the Court dated [date] under \*subregulation 14 (1)/\*subregulation 14 (2)/\*subregulation 25 (1) of the *Family Law (Child Abduction Convention) Regulations 1986*, and on the application of [name of applicant], THIS WARRANT DIRECTS THAT:

1. You are authorised, with such assistance as is necessary and reasonable, and, if necessary and reasonable, by force, to find and recover the child [name of child] born on [date of child's birth].
2. You are required to deliver the child to [name and address of person or agency to whom the child is to be delivered].

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3. If the circumstances of the child's removal or retention are so serious or urgent as to justify search and entry of a vehicle, vessel, aircraft or premises, you are authorised, with such assistance as is necessary and reasonable, and, if necessary and reasonable, by force, to stop, enter and search any vehicle, vessel or aircraft, and to enter and search any premises, that you reasonably believe the child is in or on.

\*4. This warrant remains in force until *[date]*.

DATED:

By the Court

.....

Registrar

*\*Omit if not applicable*

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### Form 3

(subregulation 24 (3))

#### COMMONWEALTH OF AUSTRALIA

Family Law (Child Abduction Convention) Regulations

#### APPLICATION FOR RIGHTS OF ACCESS IN ACCORDANCE WITH THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

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REQUESTING CENTRAL  
AUTHORITY OR APPLICANT:

REQUESTED AUTHORITY:

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Concerns the following child: ....., who will  
attain the age of 16 on ..... 19.....

NOTE: The following particulars should be completed insofar as possible.

#### I—IDENTITY OF THE CHILD AND ITS PARENTS

1 *Child*

name and first names .....  
date and place of birth .....  
habitual residence .....  
passport or identity card No., if any .....  
description and photo, if possible (see annexes) .....

2 *Parents*

2.1 Mother: name and first names .....  
date and place of birth .....  
nationality .....  
occupation .....  
habitual residence .....  
passport or identity card No., if any .....



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4.3 Other persons who might be able to supply additional information relating to the whereabouts of the child .....

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IV—CIRCUMSTANCES RELATING TO THE PREVENTION OF EXERCISE OF RIGHTS OF ACCESS

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V—FACTUAL OR LEGAL GROUNDS JUSTIFYING THE REQUEST

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VI—CIVIL PROCEEDINGS IN PROGRESS

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VII—PROPOSED ARRANGEMENTS TO SECURE EXERCISE OF RIGHTS OF ACCESS

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VIII—OTHER REMARKS

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IX—LIST OF DOCUMENTS ATTACHED\*

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.....

I authorise the requested Central Authority and its agents to act on my behalf and to do all things reasonable and necessary in connection with this application.

Date.....

Place.....

Signature and/or stamp of the requesting Central Authority or applicant

.....

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\* e.g. Certified copy of relevant decision or agreement concerning rights of custody or rights of access; certificate or affidavit as to the applicable law; information relating to the social background of the child; authorization empowering the Central Authority to act on behalf of applicant.

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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*)

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*or*

\*5. The applicant under the Convention, (*full name*) \_\_\_\_\_, of \_\_\_\_\_,  
(*relationship, if any, to child*) \_\_\_\_\_,  
(*address*) \_\_\_\_\_, has no existing 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.



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**Form 4A**

(subregulation 25 (3))

COMMONWEALTH OF AUSTRALIA

Family Law (Child Abduction Convention) Regulations

ANSWER/\*AND CROSS APPLICATION

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

In answer to the application filed on \_\_\_\_\_ 19\_\_\_\_  
and served on \_\_\_\_\_ 19\_\_\_\_, the respondent states that:  
*(set out matters to be pleaded)*

1. ....
2. ....

**AFFIDAVIT**

I, *(full name, address and occupation)*

make oath and say/affirm:

1. I am the respondent in, and I have read, this answer.
2. The facts stated in this answer that are within my personal knowledge are true. All other facts stated in this answer are true to the best of my personal knowledge, information and belief.

SWORN (or AFFIRMED) by the  
applicant at

on the \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_ *(Signature of applicant)*

Before me:

.....  
*(Signature and title of person before  
whom affidavit sworn or affirmed)*



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*Attachments*

5. The following documents are attached:

- \* (a) certified copy of relevant decision or agreement concerning rights of custody or rights of access;
- \* (b) information relating to the social background of the child;
- \* (c) other (*specify*).

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

.....  
(*Signature of respondent*)

\* Cross out if not applicable.

**AFFIDAVIT**

I, (*full name, address and occupation*)

make oath and say/affirm:

1. I am the respondent in, and I have read, this cross application.
2. The facts stated in this cross application that are within my personal knowledge are true. All other facts stated in this cross application are true to the best of my knowledge, information and belief.

SWORN (or AFFIRMED) by the

respondent at

on the

day of

19

.....  
(*Signature of respondent*)

Before me:

.....  
(*Signature and title of person before whom affidavit sworn or affirmed*)

