

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 in these proceedings and the father/mother of the child (name of child) born (date), currently years old (“The Child”).
 2. I make this Affidavit in support of my urgent Initiating Application contained herein for Airport Watch list Orders to prevent the Respondent father/mother or his/her agents from leaving Australia with (name of child). There is a real and immediate risk of him/her leaving the country within (specify how long - 48 hours? A week?) with the child without my consent and not returning, as I believe that the Respondent intends to relocate to his/her home in (specify where?).
 3. 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.

REASON FOR URGENT ABRIDGEMENT AND FOR AIRPORT WATCH LIST ORDER

4. When and what have you heard about the Respondent’s intended travel? Who has told you?
5. Who has the child’s passport?
6. If there is no passport have you made enquiries with the embassy as to:
Any travel documents in relation to the child have been issued?
Whether the child can travel on the Respondent’s passport?
Whether the embassy will issue an emergency passport without your consent?
7. Have you seen airline tickets?
8. Has the Respondent fled Australia before?
9. If the Respondent has told you directly that s/he intends to travel, have you told the Respondent directly that you do not consent to this travel?
10. Is the country a party to the Hague Convention? Or is there a country nearby that is not a Hague convention country that the respondent may go to instead? Are there any current travel warnings issued for this country?

THE RESPONDENT’S CONNECTION TO (insert country name)

11. Is the Respondent a National? Australian citizen? Permanent Resident only?

12. Does the Respondent have friends and family back home able to offer financial and emotional support; and support caring for the child/ren? Does the Respondent have immediate family in Australia?
13. Any property owned in that country? Any property in Australia?
14. English speaking abilities.
15. Any employment opportunities back home that are not available in Australia ? Is the Respondent currently working in Australia?

RISKS TO THE CHILD IF S/HE GOES TO (name of country)

16. If the child is taken to [name of country], I will not be able to ensure his/her return to Australia. If the child does not return, it would be difficult for him/her to have a meaningful relationship with me. Elaborate why it is difficult to have a meaningful relationship with child if s/he moves overseas eg: If young child will not be able to use skype, fly home on his/her own
17. Outline any further risks eg: respondent's ability to care for the child etc?

BACKGROUND OF THE PARTIES

18. I was born in (country name) on (DOB) and am (occupation). I am (describe state of health).
19. The Respondent was born in (country name) (DOB) and is currently employed as (occupation).
20. We met in . We commenced living together in . We married on and separated on .

THE CHILD

21. (name of child) is a (active/bright/shy) how would you describe him/her (Child's age) old.
22. If of school age, then provide details of year of enrolment, school attended and progress with education
23. Details of child's state of health. Reaching milestones appropriate for her/his age? Any special health needs?
24. What does the child like to do? What do you like to do together?

HISTORY OF PARENTING ARRANGEMENTS

25. During the relationship who was responsible for the day-to-day care of the child? Shared parenting? What did you assist with? Who was the primary carer?
26. Describe the post separation parenting arrangements. Was there a verbal agreement? Did the child/ren appear to be coping with this arrangement ?

NON FILING OF SECTION 60I CERTIFICATE

27. 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

28. For the reasons outlined above I ask that the Court abridge this matter. It concerns me that (name of child) could be taken out of the country to live in an environment and accommodation which is unknown to me and which I believe will jeopardise (name of child) ongoing development, education and security.
29. Furthermore, any relocation to (country name) would severely affect (name of child) relationship with me.
30. I ask that this Honourable Court makes these Orders on an urgent ex parte basis.

SAMPLE