

# Family Court of WA: Signing and filing documents

Once you have prepared documents for the Family Court of WA you need to sign them in front of a witness and lodge them on the eCourts Portal of WA. This Infosheet provides practical information about how to sign and file documents with the Family Court of WA.

## Why is it important to check my documents before signing?

It is important to check your documents before signing them because you will need to “swear” or “affirm” that everything written in your paperwork is true and correct.

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If you make small changes, you can write these on the document in pen and initial each change. Each person signing the document and the witness must initial each change.

## Do I need to get legal advice before signing documents?

It is a good idea to get legal advice before signing documents. This is especially important if you are starting a court case about children or property, or signing documents which transfer property.

## Do I need to sign Family Court documents in front of a witness?

Many Family Court documents need to be signed in front of a witness. Some common Family Court documents that need to be signed in front of a witness include:

- Affidavits (for example, Affidavit - General and Case Information Affidavit),
- Family Dispute Resolution – Exemption Form, and
- Application - Consent Orders (Form 11).

You can check if the document needs to be signed in front of a witness by looking at the section where you need to sign at the end of the form (this is often on the last page). If it needs to be signed in front a witness it will ask for the ‘Signature of the witness’, ‘Full name of witness’ and ‘Qualification of witness’.

## I am in Australia - who can witness my Family Court document?

If you are in Australia, the following people can witness you signing your Family Court document:

- Justice of the Peace,
- Notary Public, and
- Lawyer.

## Where can I find a Justice of the Peace?

If you are in Perth:

- a Justice of the Peace is available on the ground level of the Family Court of WA in Perth, Monday to Friday from 9:30am to 1pm, and
- a Justice of the Peace is available to witness documents at the Citizens Advice Bureau Perth Office at 25 Barrack St, Monday to Friday from 9am to 3:30pm.

The Department of Justice website has a list of Document Witness Centres in Perth and across Western Australia:  
[www.wa.gov.au/service/justice](http://www.wa.gov.au/service/justice)

The Department of Justice website also has a search function you can use to find a Justice of the Peace in your area.

## Where can I find a qualified witness overseas?

The Department of Foreign Affairs and Trade provides notarial services overseas which are delivered through Australian embassies and consulates.

You can find information about notarial services overseas on the Smartraveller website:  
[www.smartraveller.gov.au](http://www.smartraveller.gov.au)

You can find contact details for Australian embassies and consulates overseas on the Department of Foreign Affairs and Trade website:  
[www.dfat.gov.au](http://www.dfat.gov.au)

## What will happen when I sign my document in front of a witness?

The witness will ask you to repeat either an oath or affirmation to confirm that all of the information in the document is true and correct.

You can choose whether you want to take an oath or affirmation. An oath means you “swear” on your religious beliefs. An affirmation means that you “affirm” by making a solemn promise.

## What does the term ‘filing documents’ mean?

The term ‘filing documents’ refers to the process of lodging documents with the court and those documents being accepted by the court.

Documents can be filed with the Family Court of WA on the eCourts Portal of WA. Once documents have been lodged on the portal and accepted by the court, they have been ‘filed’.

Documents which have been filed with the court will usually be marked as ‘lodged’ with the date and time of lodgement. In some cases, the court will not do this, but will instead send a letter to you via the portal confirming the documents have been filed.

## Where can I find a Notary Public?

You can find a Notary Public in Western Australia and across Australia by using the search function on the Notary Locator website:  
[www.notarylocator.com.au](http://www.notarylocator.com.au)

## I am overseas – who can witness my Family Court document?

If you are overseas, the following people can witness you signing your Family Court document:

- an Australian Diplomatic Officer or Australian Consular Officer,
- a Judge, Magistrate or Justice of the Peace from the place where you are overseas,
- a Notary Public appointed overseas, or
- a person who can administer an oath or affirmation to another person under the law of the place where you are overseas.

## What is the eCourts Portal of WA?

The eCourts Portal of WA is online service for several courts in WA, including the Family Court of WA. You can use the portal to file and view court documents in your family law case. The portal gives you access to the same electronic court file for your family law case that the court uses.

## Where can I find the eCourts Portal of WA?

You can find the eCourts Portal of WA by visiting [www.ecourts.justice.wa.gov.au](http://www.ecourts.justice.wa.gov.au) or link to the portal from the homepage of the Family Court of WA website [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au)

## How can I file documents with the Family Court of WA using the eCourts Portal of WA?

You can file documents with the Family Court of WA by sending them electronically to the court using the eCourts Portal of WA. This is instead of visiting the Family Court of WA registry to hand your documents over the counter, or posting your documents.

The process of filing documents with the Family Court of WA on the eCourts Portal of WA is called 'eLodgement'. eLodgement can be used to file documents to start a new case or to file documents in a current case.

You can fill out some forms on the eCourts Portal itself rather than getting the form off the Family Court of WA website. The following forms need to be completed on the portal:

- Form 1 – Initiating Application (used to start a new case for parenting or property orders), and
- Application for Divorce.

Other forms need to be downloaded from the Family Court of WA website. After completing and signing the form or forms you will need to scan and save a copy of each document on your computer and then upload them to the portal.

## How do I register on the eCourts Portal of WA for the first time?

If you haven't used the eCourts Portal of WA before, you will need to register.

If you are on the eCourts Portal of WA website [www.ecourts.justice.wa.gov.au](http://www.ecourts.justice.wa.gov.au) click on the 'Register' link at the top right hand corner of the page.

If you are on the Family Court of WA website homepage [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au) click on the 'Register for eCourts Portal' button in the middle of the page.

To register you will need to:

- tell the court if you have an existing file, matter, case or charge and the file number for the case (if you don't know the file number call the Family Court of WA Call Centre on 1800 199 228), and
- provide your full name, email address, mobile number, date of birth, and address.

A text message will be sent by COURTSWA to the mobile number you have given. The text tells you an email has been sent to you and provides you with an eCourts Portal verification code.

Go to your email and open the email from CTGHelpdesk. In the email click on the manage password link.

You need to read and accept the terms and conditions of use before you register.

You will then be asked to create a password. It must be a minimum of 14 characters. It cannot contain your name or email address. You also need to provide the verification code from the text message.

After creating a password you can log in to your new account.

## Do I have to pay a filing fee when I file my documents?

For some types of documents, a filing fee must be paid. For example, if you are starting a new case for parenting orders or property orders in the Family Court of WA. You can find information about what documents you need to pay a filing fee for and how much you need to pay on the Family Court of WA website [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au)

## How do I ask for a fee exemption or reduction?

How you ask for a fee exemption or reduction depends on the reason you are asking for one.

- If you have a Commonwealth Concession Card - when you lodge your documents on the portal, enter the Customer Reference Number from your card. You don't need to file a fee form.
- If you are receiving Legal Aid, Youth Allowance or Austudy/Abstudy payments, or you are under 18 years of age, an inmate or detained in a public institution - you need to file a 'Fee Exemption – General' form or if you are applying for a divorce, a 'Fee Exemption (Divorce and Nullity) – General' form. When you lodge the form on the portal you also need to upload proof, such as a letter from Legal Aid or copy of a proof of age card.
- If you would suffer financial hardship if you paid the full fee (and no other exemptions apply) – you need to file a 'Fee Exemption – Financial Hardship' form or if you are applying for a divorce, a 'Fee Exemption (Divorce and Nullity) – Financial Hardship' form.

After completing and signing the fee form, scan it (and any proof, if required) and save it on your computer. Then log onto the portal and use the 'eLodgement' link to upload and file the fee form.

File your fee form on the portal first, before lodging your other documents as the court will need time to consider your request. If your request is approved you will be sent an email with a FEE number. You can enter the FEE number on the portal when you file your documents.

## I am starting a new case in the Family Court of WA - what documents do I need to file?

The following is a list of documents you will need if you are starting a new case in the Family Court of WA for orders about children or property:

- a fee exemption or reduction form (if you are applying for one of these and you don't have a Commonwealth Concession Card),
- marriage certificate (if you were married),
- children's birth certificates (if you are starting a case about children and you were not married),
- divorce order (if you are divorced),
- annulment order (if your marriage was annulled),
- a Family Dispute Resolution Certificate or Family Dispute Resolution Exemption form (for information about Family Dispute Resolution and exemptions see the Legal Aid WA Infosheet 'Making arrangements for your children').

## How can I get a copy of my children's birth certificates or marriage certificate?

You can get a copy of your children's birth certificates or marriage certificate from the Registry of Births, Deaths and Marriages in the state or territory where the children were born, or you were married.

You can find information about how to get a copy of a birth or marriage certificate in Western Australia by visiting the Registry of Births Deaths and Marriages website [www.bdm.dotag.wa.gov.au](http://www.bdm.dotag.wa.gov.au)

## What if I am missing a document?

If you are missing a document, you need to give an undertaking (make a promise) in writing that you will get the missing document and provide it to the court as soon as possible. For example, 'I don't have a copy of my children's birth certificate as my ex-partner has these but I undertake to get these and provide a copy to the court as soon as possible'.

If you cannot get a document, you will need to prepare an 'Affidavit – General' explaining why. For example, the document was lost in a war or never existed.

## What if a document is not in English?

If a document such a marriage or birth certificate is not in English, you must have it translated into English by a qualified person. The person who translates the document into English must also prepare and file an 'Affidavit – General'.

You can find an example of an 'Affidavit – General' for translation of a marriage certificate on the Family Court of WA website [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au)

This example can also be adapted for other types of documents that need to be translated.

## How do I know if documents I have lodged on the eCourts Portal of WA have been accepted for filing by the court?

The process is different depending on what type of document you have lodged on the eCourts Portal of WA. In some cases, the court will send a letter to you via the portal confirming a document has been accepted for filing. However, letters are not sent about the filing of all documents, so it is best to logon to your portal account to check.

## Where can I get more help about how to use the eCourts Portal of WA?

You can get more help about how to use the eCourts Portal of WA from the Family Court of WA website [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au)

On the Family Court of WA homepage, click the 'Using the Court' link and then click the 'Using the eCourts Portal' link.

“ If you are having technical problems using the portal, you can telephone the Courts Technology Centre on (08) 9425 2635 or email [ctghelpdesk@justice.wa.gov.au](mailto:ctghelpdesk@justice.wa.gov.au)

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## What do I need to do after filing my documents?

In most cases, you will need to serve a copy of your documents on your ex-partner or people who are involved in the court case.

You can find information about how to serve documents on the Family Court of WA website [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au)

Different types of applications have different rules about service, so it is a good idea to check what the rules are for service of the documents you have filed.

# LEGAL AID WA OFFICES



**Infoline:** 1300 650 579



**Translating & Interpreting Service:**  
131 450



**Website/InfoChat:**  
[www.legalaid.wa.gov.au](http://www.legalaid.wa.gov.au)



**National Relay Service:** 133 677  
(for hearing and speech impaired)

## **Perth Office**

32 St Georges Terrace, Perth, WA  
6000  
1300 650 579  
(08) 9261 6222

## **Midwest & Gascoyne Office**

Unit 8, The Boardwalk, 273  
Foreshore Drive,  
Geraldton, WA 6530  
(08) 9921 0200

## **West Kimberley Office**

Upper Level, Woody's Arcade,  
15-17 Dampier Terrace,  
Broome, WA 6725  
(08) 9195 5888

## **Great Southern Office**

Unit 3, 43-47 Duke Street,  
Albany, WA 6330  
(08) 9892 9700

## **Goldfields Office**

Suite 3, 120 Egan Street,  
Kalgoorlie, WA 6430  
(08) 9025 1300

## **East Kimberley Office**

98 Konkerberry Drive,  
Kununurra, WA 6743  
(08) 9166 5800

## **Southwest Office**

7th Floor, Bunbury Tower, 61  
Victoria Street,  
Bunbury, WA 6230  
(08) 9721 2277

## **Pilbara Office**

28 Throssell Road, South  
Hedland,  
WA 6722  
(08) 9172 3733

## **Indian Ocean Office**

Administration Building,  
20 Jalan Pantai, Christmas Island,  
Indian Ocean, WA 6798  
(08) 9164 7529

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