

Checklist: Applying for a Divorce Order

Use this checklist to help you remember everything you need to do to apply for a divorce up to attending the hearing. For more information, see [Applying for a divorce](#).

This checklist is not legal advice. Not all of the actions or directions in the checklist will apply to your case. If you don't know what to do, you should get legal advice.

Checklist	
<input type="checkbox"/> Get your documents If you don't provide the court with all the necessary documents, your application may be adjourned or dismissed.	<ul style="list-style-type: none">• Marriage Certificate• Translation of Marriage Certificate• Affidavit: Translation of Marriage Certificate• Citizenship certificate or visa documents• Counselling Certificate• Health care card• Pensioner concession card• Letter of grant of Legal Aid• Centrelink statement of income
<input type="checkbox"/> Prepare your Affidavits	<ul style="list-style-type: none">• In lieu of marriage certificate• Separation under one roof• Marriage less than 2 years and no counselling certificate• Change of name (to a surname other than your maiden or married names)
<input type="checkbox"/> Prepare your application for fee reduction	<ul style="list-style-type: none">• Application for reduction of payment of divorce or decree of nullity – general, or Application for reduction of payment of divorce or decree of nullity - financial hardship

	<ul style="list-style-type: none"> • Bank statements • Credit card statements
<input type="checkbox"/> Complete your application	<ul style="list-style-type: none"> • Register for the Commonwealth Court Portal • Get your Affidavit for eFiling Application witnessed and upload it • Print the 'Marriage, families and separation' brochure • Choose the Court location • Pay the filing fee • Choose the hearing date • Check that your documents have been received and download the stamped documents
<input type="checkbox"/> Serve your spouse If you don't serve your spouse, your application may be adjourned or dismissed.	<ul style="list-style-type: none"> • By hand, or • By post. <p>You don't need to serve your spouse if you file a joint application.</p> <p>There are special rules you must follow to serve your spouse in prison.</p> <p>You must serve your spouse at least 28 days before the court hearing, if they are in Australia. If your spouse is overseas, you must serve them at least 42 days before the court hearing.</p>
<input type="checkbox"/> Prepare and file an Affidavit of Service	<p>If you served your spouse by hand, you must file:</p> <ul style="list-style-type: none"> • An Affidavit of Service by Hand (Divorce) • Acknowledgment of Service (Divorce) • Affidavit Proving Signature (Divorce), if your spouse signed the Acknowledgement of Service (Divorce).

	<p>If you served your spouse by post, you must file:</p> <ul style="list-style-type: none">• An Affidavit of Service by Post (Divorce) completed by you• Acknowledgment of Service (Divorce) signed by your spouse.
<p><input type="checkbox"/> Apply for substituted or dispensation of service orders</p>	<p>If you are unable to serve your spouse, you must make an Application for Substituted Service Orders or Dispensation of Service Orders. You can apply for:</p> <ul style="list-style-type: none">• Substituted service – if you can still contact your spouse, for example via Facebook or email• Dispensation of service – if you can't contact your spouse and do not know where they are. <p>To do this you must file an:</p> <ul style="list-style-type: none">• Application in a Case, and• Affidavit.