

Form FP 12

**Affidavit to accompany application by one party
for order dissolving marriage or civil union**

Section 38(2)(d), Family Proceedings Act 1980

In the Family Court

FAM No:

at

[place]

.....
[full name]

.....
[address]

.....
[occupation]

Applicant

.....
[full name]

.....
[address]

.....
[occupation]

Respondent(s)

[Set out full description of document (including whether it is made with or without notice), its date, the Act under which the document is filed, and, in the case of an affidavit or affirmation, the name of the deponent in whose support it is filed.]

This document is filed by

[name and address for service, and, if filed by lawyers, the name and telephone number of the acting lawyer.]

I,
[full name]

of
[address]

.....
[occupation]

swear (or affirm) that:

1. I am the applicant for an order dissolving a marriage *or* civil union.

[select the option that applies]

2. I am domiciled in New Zealand.

or

2. My spouse (*or* partner) is domiciled in New Zealand.

or

2. My spouse (*or* partner) and I are both domiciled in New Zealand.

3. My spouse (*or* partner) and I were married or entered into a civil union on

.....
[date]

at
[place]

.....
[name of city or town, etc]

4. A copy of our marriage *or* civil union certificate is annexed to this affidavit and marked with the letter A.

5. We are living apart.

6. We will, at the filing of the application, have been living apart for the period of 2 years immediately preceding the filing of this application.

7. We ceased living together on [date]

[select and complete the option that applies]

- 8. (a) A separation order was made on *[date]*
(b) A copy of the separation order is annexed to this affidavit and marked with the letter B.

or

- 8. (a) A written separation agreement was made on *[date]*
(b) A copy of the written separation agreement is annexed to this affidavit and marked with the letter B.

or

- 8. We made an oral agreement to separate on *[date]*

or

- 8. No separation order was made and we did not agree to separate.

9. Our marriage *or* civil union has broken down irreconcilably.

[Note: Select and complete paragraphs 10 and 11 below if there are children of the marriage or civil union]

- 10. Satisfactory arrangements, or arrangements that are the best that can be devised in the circumstances, have been made for the day-to-day care, maintenance, and other aspects of the welfare of every child of the marriage *or* civil union. The arrangements relate to every child who is under 16 years. They also relate to every child who is 16 years or over and, because of special circumstances, requires arrangements to be made.

- 11. The arrangements referred to in paragraph 10 of this affidavit are as follows:

Day-to-day care:

[give details]

Maintenance:

[give details]

Other aspects of welfare, such as schooling or any special needs

[give details]

.....
Signature of deponent

Sworn (or Affirmed)

at *[place]* *[date]*
before me:

.....
Registrar
(or Justice of the Peace
or Solicitor of the High Court)

Notes

Living apart

Section 40 of the Family Proceedings Act 1980 allows you to say that you have lived apart for 2 years even if you have come together as a married couple, *or* as civil union partners, for some periods within that 2 years. This section applies if you have come together as a married couple, *or* as civil union partners, for up to 3 months in total and if your purpose in coming together was to try to resume your marriage *or* civil union.

Documents

When you have completed this affidavit, these are the documents you must file:

- an application by one party for an order dissolving a marriage *or* civil union (form FP 11)
- an information sheet (form G 7)
- this affidavit (form FP 12)
- your marriage or civil union certificate (the original or a certified copy), annexed to this affidavit and marked with the letter A.
- your separation order, if any, annexed to this affidavit and marked with the letter B.

or

- your written separation agreement, if any, annexed to this affidavit and marked with letter B.