

# Notice of Discontinuance

Federal Circuit and Family Court of Australia (Family Law) Rules 2021 – RULE 10.02

Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2021 – RULE 13.01

**Please type or print clearly** and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any questions.

**Use this form if you are no longer seeking all or some of the orders previously sought by you.**

Filed in: **Check the first box**

- Federal Circuit and Family Court of Australia  
 Family Court of Western Australia  
 Other (specify) \_\_\_\_\_

**Type of proceedings:**

- Family law proceedings **Check this box**  
 Migration proceedings  
 General federal law proceedings  
 Other (specify) \_\_\_\_\_

**Filed on behalf of:**

Full name: **Write your name here. If both parties are withdrawing a joint application, write both parties names here.**

Client ID **Write your Client ID here**

File number/appeal number **Write your file no**

Filed at **Leave blank**

Filed on **Leave blank**

Court date **Write the hearing date here**

**NOTE:**

- This notice must be served on any other party, including any independent children's lawyer as soon as practicable after filing.
- Filing this notice does not prevent any other party from continuing with their case, and obtaining orders, including for costs.
- If this notice relates to an appeal in the appellate jurisdiction of the Federal Circuit and Family Court of Australia (Division 1) the notice must be filed in the National Appeal Registry.

## Part A About the parties

### 1 APPLICANT 1 / APPELLANT 1

Family name as used now

**Write your surname here**

Given names

**Write your first and middle names here**

### APPLICANT 2 / APPELLANT 2

Family name as used now

**Leave blank**

Given names

**Leave blank**

### RESPONDENT 1

Family name as used now

**Write your spouse's surname here**

Given names

**Write your spouse's first and middle name here**

### RESPONDENT 2

Family name as used now

**Leave blank**

Given names

**Leave blank**

## Part B About the independent children's lawyer (if appointed)

**Leave this section blank**

2 Independent children's lawyer family name

Given names

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Firm name

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## Part C

### Details of discontinuance – family law proceedings only

**3 Tick the box to show what documents you are completing this form about**

Which application / response / reply / notice of appeal / notice do you wish to discontinue in whole or in part?

**MARK [X] ALL BOXES THAT APPLY**

**Write the date here**

<input type="checkbox"/> Initiating Application (Family Law)	filed on	/	/
<input type="checkbox"/> Response to Initiating Application (Family Law)	filed on	/	/
<input type="checkbox"/> Reply	filed on	/	/
<input type="checkbox"/> Application in a Proceeding	filed on	/	/
<input type="checkbox"/> Response to Application in a Proceeding	filed on	/	/
<input type="checkbox"/> Application for Divorce	filed on	/	/
<input type="checkbox"/> Response to Divorce	filed on	/	/
<input type="checkbox"/> Application – Contravention	filed on	/	/
<input type="checkbox"/> Application – Contempt	filed on	/	/
<input type="checkbox"/> Application – Enforcement	filed on	/	/
<input type="checkbox"/> Notice of Appeal	filed on	/	/
<input type="checkbox"/> Application in an Appeal	filed on	/	/
<input type="checkbox"/> Notice Disputing Itemised Cost Accounts	filed on	/	/
<input type="checkbox"/> Other [specify]	filed on	/	/

**4 Do you want to discontinue the whole of the application/response/reply/notice of appeal/notice?**

- Yes**      **GO TO PART E Tick this box if you want all of your case to be discontinued**
- No**      **Tick this box if you still want some of the orders you applied for**

State which parts (orders sought / grounds of appeal) of the application / response/ reply / notice of appeal / notice you wish to discontinue. Do this by listing the orders / grounds of appeal by the number used in the application / response / reply / notice of appeal / notice.  
**(Do not set out the orders / grounds of appeal in full)**

**List the orders you do not want the Court to make**

## Part D

### Details of discontinuance – migration and general federal law proceedings only **Leave this section blank**

**5 Which document do you wish to discontinue?**

Title of application / response / reply / notice of appeal / notice

Date document was filed:

/ /

**6 Which of the orders you applied for do you want to discontinue?**

**All of them**      **GO TO PART E**

**Some of them**      State which parts (orders sought / grounds of appeal) of the application / response / reply / notice of appeal / notice you wish to discontinue. Do this by listing the orders / grounds of appeal by the number used in the application / response / reply / notice of appeal / notice.  
**(Do not set out the orders / grounds of appeal in full)**

# Part E

## Signature of person filing this notice

Signed

Date

Sign here (both parties to sign if joint application is being withdrawn by both parties)

Write the date here

Tick the box to show who you are

Tick the first two boxes if joint application is being withdrawn by both parties

This notice was signed by

applicant

lawyer for the applicant

respondent

lawyer for the respondent

appellant

lawyer for the appellant

Tick the box to show who prepared this form

This notice was prepared by

applicant

lawyer for the applicant

respondent

lawyer for the respondent

appellant

lawyer for the appellant

Leave blank

PRINT NAME AND LAWYER'S CODE

Approved by Chief Justice/Chief Judge pursuant to rule 15.21 of the Family Law Rules and rule 2.04 of the General Federal Law Rules

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