



Holistic Law

“where life and law meet”

Tips for Self-Represented Litigants

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TIPS FOR SELF REPRESENTED LITIGANTS



Mindset and Preparation

1. Understand that family law is complex and emotional — stay calm and focused.
2. Know that being self-represented does not mean the Court will excuse mistakes.
3. Treat your matter as seriously as if you had hired a lawyer.
4. Always be respectful to the Court, regardless of your feelings about the other party.
5. Keep a diary of events, especially parenting and communication issues.
6. Start organising your documents early.
7. Know what orders you are asking the Court to make — be specific.
8. Be realistic about your expectations.
9. Focus on what the Court needs to decide, not personal grievances.
10. Read the information on the Federal Circuit and Family Court of Australia website:
www.fcfcoa.gov.au
 - a) Family Law: <https://www.fcfcoa.gov.au/fl>
 - b) Representing myself: <https://www.fcfcoa.gov.au/attending-court/representing-myself>
 - c) Etiquette and tips: <https://www.fcfcoa.gov.au/attending-court/etiquette-and-tips>
 - d) Legal words used in court: <https://www.fcfcoa.gov.au/pubs/legal-words>
 - e) Electronic hearings: <https://www.fcfcoa.gov.au/attending-court/electronic-hearings>
 - f) Practitioner and Litigant Guide to Electronic Hearings:
<https://www.fcfcoa.gov.au/pubs/electronic-hearing-teams-guide>
 - g) Central Practice Direction: Family Law Case Management:
<https://www.fcfcoa.gov.au/fl/pd/fam-cpd>
 - h) Affidavit – Family law and child support:
<https://www.fcfcoa.gov.au/fl/forms/affidavit>
 - i) Court Fees: <https://www.fcfcoa.gov.au/fl/fees/fl-fees>

2. Court Etiquette

11. Always address the Judge or Registrar as "Your Honour" or "Registrar."
12. Speak clearly, slowly, and respectfully.
13. Never interrupt the Judge, Registrar, or other party.

TIPS FOR SELF REPRESENTED LITIGANTS



14. Dress neatly and conservatively for Court appearances. Cover up all tattoos, tie hair back, long sleeves, minimal makeup, tidy beads, jacket, neutral colours.
15. Turn off your mobile phone in the Courtroom.
16. Bring a notebook and pen for every Court appearance.
17. Only speak when addressed or when it is your turn to speak.
18. Control your body language (no eye-rolling, sighing, or angry gestures).

3. Communication

21. Always communicate respectfully with the other party or their lawyer.
22. Use email rather than text for important communications.
23. Keep copies of all communications.
24. Never make threats or personal attacks in writing or verbally.
25. If negotiations become hostile, pause and seek advice.
26. Confirm any agreements reached in writing.
27. Stay focused on outcomes, not emotional debates.
28. Be brief, factual, and polite in all communications.
29. Record and save all correspondence in an organised manner.

4. Documents and Evidence

31. There is full and frank disclosure in both parenting and property matters.
32. Organise your evidence early — don't wait until just before Court.
33. Make copies of everything you file or receive.
34. Keep a clean, organised folder (physical or electronic) for all Court documents.
35. Understand the difference between evidence and allegations.
36. Use timelines to present facts simply (especially in parenting matters).
37. Provide only relevant documents — don't overwhelm the Court.
38. Don't forge, fabricate, or tamper with evidence.
39. Disclose everything required, even if it feels unfavorable.

5. Applications and Affidavits

41. File your documents by the due date.

TIPS FOR SELF REPRESENTED LITIGANTS



42. Use the correct Court forms (they are available on the Federal Circuit and Family Court website).
43. Read every word of your affidavit before signing.
44. Only include facts, not opinions or insults, in your affidavit.
45. Keep affidavits clear, chronological, and focused.
46. Attach annexures only if truly necessary.
47. Swear or affirm affidavits properly (with a JP or lawyer).
48. Read the Family Court Rules for how affidavits must be formatted:
49. Avoid long, rambling paragraphs.
50. Number your paragraphs and exhibits clearly.

6. Parenting Matters

51. Always focus on the best interests of the children.
52. Understand Section 60CC factors (how the Court assesses best interests).
 - Safety of the Children
 - Views expressed by the Children
 - Children's developmental, psychological, emotional, and cultural needs,
 - Parent's capacity to meet those needs,
 - Benefit of the child maintaining relationships with parents and significant others where safe.
 - History of family violence, abuse, or neglect,
 - If the child is Aboriginal or Torres Strait Islander, the Children's right to maintain and explore their culture, and the likely effect of parenting orders on that right.
53. Never coach children or involve them in proceedings.
54. Support the child's relationship with the other parent unless there's a genuine risk.
55. Follow all interim orders — even if you disagree with them.
56. Provide safe, stable routines for the children.
57. Keep records of contact, changeovers, and incidents.
58. Be child-focused in all your communications.
59. Attend a Parenting Orders Program if directed.

TIPS FOR SELF REPRESENTED LITIGANTS



60. Understand that shared parental responsibility doesn't always mean equal time.

7. Property Matters

- 61. Understand the four-step process for property settlement (identify pool, contributions, future needs, justice and equity).
- 62. Disclose all your assets, liabilities, and financial resources.
- 63. Understand that "hiding" assets can seriously damage your case.
- 64. Collect and disclose bank statements, superannuation, mortgage documents early.
- 65. Get asset valuations.
- 66. Know that debts are usually shared, unless it's unjust.
- 67. Superannuation splitting can be part of settlement.
- 68. Child support is separate from property settlement.

8. Hearings and Trials

- 71. Attend every Court event — absence can result in orders being made against you.
- 72. Always be early.
- 73. Know the key points you want to make before the hearing.
- 74. Be ready to summarise your case briefly when asked.
- 75. Listen carefully to the Judge's questions and answer directly.
- 76. Stick to facts — emotional arguments are less persuasive.
- 77. Don't argue with the Judge.
- 78. Take notes during hearings.
- 79. Accept that you may not get a decision on the day.

9. Negotiation and Settlement

- 81. Always try to negotiate sensibly before trial.
- 82. Understand that settlement can happen at any stage — even on the trial day.
- 83. Attend mediation if required or offered.
- 84. Be prepared to compromise.
- 85. Keep offers reasonable and realistic.
- 86. Put settlement offers in writing.

TIPS FOR SELF REPRESENTED LITIGANTS



- 87. If you reach agreement, record it properly (consent orders, parenting plan, or binding financial agreement).
- 88. Settlement usually saves time, money, and stress.
- 89. Remember: "The perfect is the enemy of the good."

10. General Tips and Resources

- 91. Seek free legal advice when you can (Legal Aid, Community Legal Centres).
- 92. Attend free duty lawyer services at Court if available.
- 93. Watch Family Court webinars or online information sessions.
- 94. Follow Court directions orders carefully.
- 95. Protect your mental health during proceedings.
- 96. Understand that delays are common — the process is slow.

TIPS FOR SELF REPRESENTED LITIGANTS



AFFIDAVITS

1. Formatting

- a) Times New Roman, 1.5 spacing
- b) Each new fact or topic should have its own short numbered paragraph for easy reference.

2. Length

Affidavits must not exceed 25 pages or include more than 10 annexures in Division 1, or exceed 10 pages or five annexures in Division 2 proceedings.

Division 1 = complex matters and appeals,

Division 2 = simpler cases and faster resolution.

3. Write in the first person

Use "I" statements — you are telling your personal account (e.g., "I attended the meeting on 10 January 2025.").

4. Stick to facts, not opinions

State what you saw, heard, said, or did. Avoid giving your personal opinions or conclusions.

5. Be chronological

Present events in the order they happened to make your affidavit easy to follow.

6. Include dates, times, and locations

Specific details make your affidavit stronger and more credible.

7. Avoid emotional language

Stay neutral and factual — avoid blaming, exaggerating, or name-calling.

8. Be concise

Keep your sentences short and direct. Remove unnecessary words or repetition.

9. Focus only on what is relevant

Include only facts that relate to the issues the Court must decide.

10. Use headings for different topics

If your affidavit covers multiple areas (like parenting, property, violence), use headings to organise sections.

11. Refer to documents clearly

If you mention a document, describe it and refer to the annexure (e.g., "A true copy of the letter dated 1 February 2025 is annexed and marked 'Annexure A.'").

TIPS FOR SELF REPRESENTED LITIGANTS



12. Keep annexures to important documents only

Don't flood the Court with unnecessary documents; only annex key evidence.

13. Avoid hearsay

Only state what you personally know. If you must refer to something you were told, say who said it and when.

Hearsay is when a person gives evidence about a statement made by someone else, to prove the truth of that statement.

1. A mother files an affidavit saying, "My son told me that his father hit him."

This is hearsay because the mother is reporting what her son said, not what she saw.

The Court may accept the evidence but treat it with caution, especially if no other evidence supports the claim (such as a teacher's report, photographs, or medical records).

2. A wife says in her affidavit, "My father told me that he gave \$50,000 to my husband as a gift for us to buy our home."

This is hearsay if it is used to prove the \$50,000 was a gift.

The Court might accept the statement but would prefer a direct affidavit from the father or bank documents to verify the gift.

14. Use proper language

No slang, jokes, sarcasm, or text abbreviations. Write formally and respectfully.

15. Proofread carefully

Spelling mistakes, typos, and grammatical errors can undermine your credibility.

16. Have someone you trust read it

A second pair of eyes can help spot confusing sections or mistakes.

17. Swear or affirm it correctly

Once finished, you must sign the affidavit before an authorised witness (e.g., a Justice of the Peace, solicitor).

18. Keep a clean copy

After signing, keep a complete signed and witnessed copy for your own records.

19. Examples

- <https://www.legalaid.nsw.gov.au/ways-to-get-help/representing-myself/reading-and-writing-legal-documents/affidavits>
- Recovery Order

TIPS FOR SELF REPRESENTED LITIGANTS



<https://www.legalaid.vic.gov.au/sites/default/files/2022-03/vla-recovery-order-sample-affidavit-october-2021.pdf>

- <https://www.legalaid.vic.gov.au/sites/default/files/2023-01/vla-how-to-run-your-family-law-case.docx>

TIPS FOR SELF REPRESENTED LITIGANTS



Practical Examples

Example 1: Parenting Matter (child's care and activities)

5. On 20 March 2025, I collected the child, Olivia, from her school, Springfield Primary, at 3:00pm. Olivia appeared happy and was excited to tell me about her day. After school, we attended her scheduled swimming lesson at the Springfield Aquatic Centre from 4:00pm to 5:00pm.

A true copy of her swimming enrolment confirmation is annexed and marked "Annexure A."

Example 2: Property Matter (contribution to property)

7. On 15 April 2018, I paid the deposit of \$40,000 for the purchase of the property located at 123 King Street, Brisbane. The funds were sourced solely from my personal savings account held with Westpac (Account No. XXX).

A true copy of the bank statement confirming this transfer is annexed and marked "Annexure B."

Key features these examples show:

- Paragraph number at the start
- Clear date, event, location, and people involved
- Short, factual sentences (no emotions or opinions)
- Evidence clearly referred to ("Annexure A" / "Annexure B")
- Neutral, formal tone

TIPS FOR SELF REPRESENTED LITIGANTS



Poorly drafted paragraph in an affidavit

8. On or about some time in March I think it was, I had to pick up Olivia from school because her useless father forgot again even though he always pretends to be a great dad. She was crying and upset because he obviously doesn't care about her like I do. Anyway, I took her to swimming, like I always do, because I'm the only responsible parent in this situation.

What's wrong with this?

| Issue | Why it's a problem |
|--|--|
| Vague dates and details ("some time in March") | The Court needs specific, accurate dates. |
| Emotional and opinionated language ("useless father", "obviously doesn't care") | Affidavits must be factual, not emotional or insulting. |
| Speculation ("he obviously doesn't care") | You can't guess someone's thoughts or intentions. |
| Unnecessary commentary ("because I'm the only responsible parent") | Stick to facts, not self-praise or blaming the other party. |
| Rambling and disorganised ("anyway," poor structure) | Affidavits must be clear and professional — messy writing damages credibility. |

TIPS FOR SELF REPRESENTED LITIGANTS



Affidavit Paragraph Template

[Paragraph number]. On [exact date] at [location], I [what you did, saw, heard, or experienced]. [Short factual description of any important detail].

A true copy of [any supporting document] dated is annexed and marked "[Annexure X]" (if applicable).

| Step | What to include | Example |
|-----------------------------------|---|--|
| 1. Paragraph number | Start with a number, e.g., "5." | 5. |
| 2. Specific date | Use the actual date, not "recently" or "a while ago." | On 10 March 2025 |
| 3. Location (if relevant) | Where it happened. | at Springfield Primary School |
| 4. Action | Say exactly what you did, saw, or heard. | I collected Olivia after school at 3:00pm. |
| 5. Short factual description | Add key factual details neutrally. | Olivia appeared happy and told me about her art project. |
| 6. Reference annexures (optional) | Only if attaching documents. | A true copy of the school newsletter is annexed and marked "Annexure A." |

Example using the Template:

11. On 1 April 2025 at the Family Dispute Resolution Centre in Brisbane, I attended a mediation session with the Respondent. No agreement was reached.

A true copy of the s60I certificate is annexed and marked "Annexure C."

Key reminders when using the template:

- Keep each paragraph to **one main event or point**.
- **Chronological order** makes it easier to follow.
- Stay **neutral**: no opinions, no accusations, no emotions.
- Use **annexures properly** (correctly named and attached).

TIPS FOR SELF REPRESENTED LITIGANTS



Sample Affidavit (Family Law – Parenting Focus)

NB: This simplified affidavit is useful for understanding structure, but it is missing significant content that would be required in a full affidavit.

1. I am the [Applicant/Respondent] seeking parenting orders in relation to the [child/children] of my [marriage/unmarried relationship] with [insert full name of other party] (“[short name]”)
2. We commenced a relationship in or about March 2014 and separated on 15 February 2025. There are two children of the relationship: Olivia Smith, born 15 May 2016, and Noah Smith, born 23 August 2018.
3. On 20 March 2025, I collected Olivia from her school, Springfield Primary School, at 3:00pm. Olivia appeared happy and was excited to tell me about her day at school. After school, we attended her scheduled swimming lesson at the Springfield Aquatic Centre from 4:00pm to 5:00pm.

A true copy of her swimming enrolment confirmation is annexed and marked "Annexure A."

4. On 25 March 2025, I sent an email to XXX proposing arrangements for the children for the Easter school holidays.

A true copy of my email dated 25 March 2025 is annexed and marked "Annexure B."

5. On 28 March 2025, XXX replied by email declining the proposal, stating he would be unavailable due to work commitments.

A true copy of the XXX's email dated 28 March 2025 is annexed and marked "Annexure C."

6. I have always supported and encouraged the children's relationship with XXX. I have facilitated regular telephone calls and provided updates about the children's schooling and extracurricular activities.

Sworn/affirmed by [Your Full Name] on [date] at [place] before me:

[Signature of deponent]

[Signature of witness]

[Name and qualification of witness]

Notes about this example:

- Clear, numbered paragraphs, chronological flow.
- Neutral tone — no blaming or emotional comments.
- Only facts that are relevant to parenting issues (care, communication, support).

TIPS FOR SELF REPRESENTED LITIGANTS



Community Legal Centres in Australia

Community Legal Centres (CLCs) are independent, non-profit organisations that provide free legal assistance to individuals and communities facing financial hardship, discrimination, or domestic and family violence. They offer services including legal advice, casework, community education, and advocacy.

How to Find a Community Legal Centre

To locate a CLC near you, you can use the following resources:

- **State and Territory Associations:** Each state and territory has its own association that provides information about local CLCs:
 - **New South Wales:** Community Legal Centres NSW
clcnsw.org.au+1communitylegalqld.org.au+1
 - **Victoria:** Federation of Community Legal Centres [Legal Aid Victoria+4fclc.org.au+4fclc.org.au+4](http://LegalAidVictoria+4fclc.org.au+4fclc.org.au+4)
 - **Queensland:** Community Legal Centres Queensland
https://www.communitylegalqld.org.au/?utm_source=chatgpt.com
 - **Western Australia:** Community Legal Centres Association of WA
<https://communitylegalwa.org.au/>
 - **South Australia:** Community Legal Centres South Australia
<https://www.clcsa.org.au/>
 - **Tasmania:** Community Legal Centres Tasmania
<https://www.clctas.org.au/>
 - **Australian Capital Territory:** ACT Association of Community Legal Centres
<https://www.actlawsociety.asn.au/for-the-public/legal-help/community-legal-centres>
 - **Northern Territory:** Northern Territory Association of Community Legal Centres
<https://www.probonocentre.org.au/legal-help/individual/nt/#toggle-id-3>

Each of these associations provides directories or search functions to help you find a CLC that suits your needs.

TIPS FOR SELF REPRESENTED LITIGANTS



Types of Community Legal Centres

CLCs may be generalist or specialist: sjopps.net.au

- **Generalist CLCs:** Offer a broad range of legal services to the general community.
- **Specialist CLCs:** Focus on specific areas of law or serve particular communities, such as:
 - **Women's Legal Services:** Providing assistance on issues like family law and domestic violence.
 - **Tenants' Unions:** Offering advice on tenancy rights and disputes.
 - **Youth Legal Services:** Assisting young people with legal matters.
 - **Aboriginal and Torres Strait Islander Legal Services (ATSILS):** Providing culturally appropriate legal services to Indigenous Australians.
 - **Family Violence Prevention Legal Services (FVPLS):** Specialising in legal support for victims of family violence.

Accessing Services

Most CLCs offer services through various channels:

- **In-person consultations:** By appointment or drop-in.
- **Telephone advice lines:** Providing legal information and referrals.
- **Online resources:** Including self-help guides and legal information.

It's advisable to contact the specific CLC directly to understand their services, operating hours, and appointment procedures.