

Instructions for Swearing or Affirming Affidavits in Family Court Proceedings

The Australasian Lawyers Group Pty Ltd trading as Butlers, Barristers & Solicitors

1. Take the Affidavit to a **Competent Witness** who may be a Justice of the Peace, a Lawyer or a Notary Public.
2. If the Affidavit you have been provided with is in facsimile form, you must photocopy the document first as facsimiles are not acceptable to the Court.
3. Swear or affirm the contents of the Affidavit to be true in front of the Justice of Peace/Lawyer/Notary Public, and then sign the bottom of every page except the last page. You should sign the last page in the box indicated "signature of deponent". **Because the contents of your Affidavit are treated as evidence by the Court, it is essential that its contents are absolutely true.**
4. If there are any errors, they must be altered before you sign it. If the error is minor, you can alter it in biro. If there is a major error, you should return the document to us for amendment. **You must not under any circumstances swear or affirm an Affidavit which is not completely true.**
5. If you have made any biro alterations to your Affidavit, you and the Justice of Peace/Lawyer/Notary Public witnessing your affidavit should both initial each change.
6. After you have signed the Affidavit, your witness will ask you to take an oath or an affirmation, asking you to swear or affirm :-
 - (a) Your full name;
 - (b) That you have signed the Affidavit with your usual signature; and
 - (c) That you have read the Affidavit and the contents are true to the best of your knowledge, information and belief.
7. The Justice of Peace/Lawyer/Notary Public should then sign the bottom of every page except the last page. He/she should then sign the last page where indicated by the words "Justice of Peace/Lawyer/Notary Public".



All mail to:

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8. After signing the Justice of Peace/Lawyer/Notary Public then needs to:
 - (a) complete the details of the suburb where the document was signed, date and month in the jurat (the part of the document inside the brackets);
 - (b) place his/her stamp near his/her signature on the last page OR print his/her name in capital letters near his/her signature on the last page;
 - (c) if the Affidavit annexes any other documents (eg letters) these will be attached to the back of the Affidavit with a cover page for each annexure. The Justice of Peace/Lawyer/Notary Public needs to date and sign every annexure cover sheet.

Your Affidavit has now been properly sworn. Please return it to us as soon as possible so it can be filed at Court.

Butlers

At Butlers we pride ourselves on being “The Personal Law Firm”. Our commitment at Butlers is to make the law more accessible, affordable, understandable and human. We aim to reduce your concerns by speaking and writing in plain English, cutting through legal jargon and keeping you informed at all times. Through it all, we work closely with your family’s accountant, bank manager, financial adviser, and other professionals as required. We therefore encourage you to contact us if we may be of any assistance.

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