DEFENDED HEARING, 05/09/2023, 10:00 AM, JUDGE MYERS

AMENDED Initiating Application (Family Law)

Filed in:

☒ Federal Circuit and Family Court of Australia
☐ Family Court of Western Australia
☐ Other (specify): _____

Commonwealth Courts Portal

Note: Initiating applications should be eFiled through the Commonwealth Courts Portal - **www.comcourts.gov.au**.

COURT USE ONLY
Client ID CHR7675572
File Number PAC6509/2020
Filed at
Filed on
Court location
Court date
Time
Type of hearing

IMPORTANT: Information for respondents to the application is on page 10.

Christian OGBANNA
Applicant's Name

MARGARET JABBIE
Respondent's Name

Part A: The orders sought

1a. Type of orders sought (mark all boxes that apply)

☒ Parenting ☐ Financial (property and/or maintenance)
☐ Other (specify): _____

Note: You must complete and file a *Genuine Steps Certificate* with this application.

Filed on behalf of: The applicant
Prepared by Christina Lam Lawyer's Code CHR7675572
Name of law firm Christina Lam & Associates
Address for service in Australia Level 7, 91 Phillip Street, Parramatta
State NSW Postcode 2150
Email christina@christinalamassociates.com.au
Tel 02 8764 8166 Attention

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2. Final orders sought

1. That the Father and the Mother have equal shared parental responsibility for: CHILGOZIE VICTOR OGBONNA, born on 6 June 2012 (Hereafter "the child")
2. That the child live with the mother.
3. The parties shall within seven (7) days from the date of these Orders do all acts and sign all documents necessary to re-enrol and complete all necessary intake procedures with Children in Focus.
4. The from date of these Orders and for a period of 2 months, the father spend supervised time with the child, supervised by Children in Focus Service on such times, location and dates as agreed and failing agreement and failing agreement, each alternate Sunday from 10.00am until 2.00pm.

   (a) The father shall pay any costs associated with his supervised time with the child.

5. After the expiration of time as provided for in Order 4 herein, the father spend time with the child as follows:

   (a) for a period of 2 months, each alternate Sunday from 10am to 5pm;
   (b) thereafter, for a period of 2 months, each alternate weekend on Saturday from 10am to 5pm and Sunday from 10am to 5pm;
   (c) thereafter, for a period of 2 months, each alternate weekend from 10am Saturday to 5pm Sunday;
   (d) thereafter, for a period of 2 months, each alternate weekend from after school Friday (or 3.30pm on a non-school day) to 5.00pm Sunday;
   (e) Upon the conclusion of Order 7(d) and continuing thereafter, each alternate weekend from after school Friday (or 3.30pm on a non-school day) to before school Monday (or 9am on a non-school day);
   (f) commencing Term 2 school holidays in 2024, for one half of the school term holidays at times agreed. Failing agreement, for the first half of the school holiday period commencing from the conclusion of school until 5pm on the middle Saturday in even numbered years and for the second half of the school term holiday period commencing at 5pm on the middle Saturday and concluding at 5pm on the last Sunday of the school holiday period;
   (g) commencing 2025/2026, for one half of the long summer school holidays at times as agreed. Failing agreement, for the first half of the school holiday period in 2025/2026 and each alternate year thereafter and for the second half of the school holiday period in 2026/2027 and each alternate year thereafter;
   (h) for Christmas as follows:

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(i) in odd numbered years from 9am Christmas Eve to 2pm Christmas Day; or

(ii) in even numbered years from 2pm Christmas Day to 5pm Boxing Day;

(i) in all odd numbered years from 5pm Maundy Thursday to 5pm Easter Monday;

(j) commencing on Father's Day 2024 from 10am to 5pm;

(k) on the child's birthday as follows:

(i) from 10am to 3pm if such birthday falls on a weekend or a non-school day; or

(ii) from after school to 5.30pm if such birthday falls on a school day;

(l) on the father's birthday as follows:

(i) from 10am to 5pm if such birthday falls on a weekend or a non-school day; or

(ii) from after school to 7pm if such birthday falls on a school day; and

(m) such further and other times as agreed between the parents in writing.

6. The father's time with the child pursuant to Order 5 herein he suspended as follows:

(a) on Mother's Day from 10am to 5pm;

(b) on the mother's birthday from 10am to 5pm;

(c) for Christmas as follows:

(i) in even numbered years from 9am Christmas Eve to 2pm Christmas Day; or

(ii) in odd numbered years from 2pm Christmas Day to 5pm Boxing Day; and

(d) In even numbered years from 5pm Maundy Thursday to 5pm Easter Monday.

7. The mother and father engage in Tuning into Kids Program and a Parenting After Separation Program and forthwith upon completion of same, provide a certificate of completion/participation to the other party and/or their solicitor.

8. Both parents be at liberty to attend all school functions, save that the father should not do so for a period up to the conclusion of the first 2 month period of supervised time spent with the child, that is normal for parents to attend including but not limited to sports days, working bees, parent teacher interviews and Father's/Mother's Day functions.

9. Both parents be at liberty to attend all sporting events and extra-curricular activities that the child participates in.

10. The parents communicate via the 2House parenting app or such other app as agreed in writing, with the father to set up an account and the expense of such app (if any) to be shared between both parents.

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11. The mother and the father be at liberty to provide a copy of the Orders to any one or more of the following:

(a) the Principal or delegate of the Principal of the school attended from time to time by the child; and

(b) any medical practitioner and/or allied health professional attending upon the child.

12. Each of the parties by themselves and/or their agents be and are hereby restrained by injunction from:

(a) harassing or assaulting the other party;

(b) denigrating, rebuking or belittling the other party to or in the presence or the hearing of the child and from allowing the child to remain in the presence of any other party who may be so doing;

(c) discussing family law or parenting issues, to, with or in the presence or hearing of the said child and from permitting any other person to do so;

(d) exposing the children to conflict or disagreements between the mother and the father or between any other person in the household, or any other family violence;

(e) using the child as a messenger between the parents;

(f) involving the child in the adult conflict; and

(g) questioning the child about the other parent.

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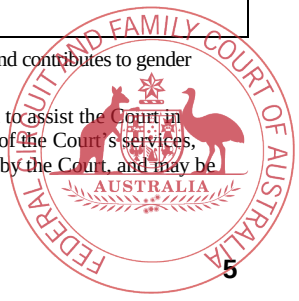
Part B: Details of the parties

Details of Applicant/s

	Applicant 1	Applicant 2
4. Family name as used now	Ogbonna	
5. Given names	Christian	
6. Gender^	☐ Choose not to answer	☐ Choose not to answer
	☒ M (male) ☐ F (female)	☐ M (male) ☐ F (female)
	☐ X (indeterminate/intersex/unspecified)	☐ X (indeterminate/intersex/unspecified)
7a. Residential address (incl postcode)	3/48 Gidley Street, St Marys NSW 1790	
7b. Email address	chrisvictory90@gmail.com	
8. Phone number (home and mobile)	0401723300	
	You do not have to state your residential address, email address or telephone number if it is not safe to do so. You can repeat your contact address for service if you wish.	
9. Date of birth (day / month / year)	10/12/1970	/ /
10. Usual occupation	Courier	
11. Mark box as applicable for each applicant	☒ Present in Australia ☐ Ordinarily resident in Australia ☐ An Australian citizen ☐ Domiciled in Australia	☐ Present in Australia ☐ Ordinarily resident in Australia ☐ An Australian citizen ☐ Domiciled in Australia
12. Description	☐ Party to a marriage ☐ Party to a de facto relationship that has broken down ☒ Parent ☐ Grandparent ☐ Other (specify):	☐ Party to a marriage ☐ Party to a de facto relationship that has broken down ☐ Parent ☐ Grandparent ☐ Other (specify):
13. Is an interpreter required?	☒ No ☐ Yes. If Yes, state language & dialect:	☐ No ☐ Yes. If Yes, state language & dialect:
14. Is the applicant of Aboriginal and/or of Torres Strait Islander origin? ~	☒ No ☐ Yes Aboriginal ☐ Yes Torres Strait Islander ☐ Yes Aboriginal and Torres Strait Islander	☐ No ☐ Yes Aboriginal ☐ Yes Torres Strait Islander ☐ Yes Aboriginal and Torres Strait Islander

^ You are not required to answer this question. The information assists to understand the diversity of family relationships in Australia and contributes to gender disaggregated data. The courts' privacy policies can be found on www.fcfcoa.gov.au

~ You are not required to answer this question, but it will greatly assist the Court if you do. The information sought is being collected to assist the Court in planning and delivering client services. It is possible that you may be contacted to participate in a review of a particular aspect of the Court's services, although your right not to participate will be respected. The information you provide may be shared with researchers approved by the Court, and may be included in publications in statistical form in a way that does not identify you.



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Details of Respondent/s

	Respondent 1	Respondent 2
15. Family name as used now	Jabbie	
16. Given names	Margaret	
17. Gender^	☐ Choose not to answer	☐ Choose not to answer
	☐ M (male) ☒ F (female) ☐ X (indeterminate/intersex/unspecified)	☐ M (male) ☐ F (female) ☐ X (indeterminate/intersex/unspecified)
18a. Residential address (incl postcode)		
18b. Email address		
19. Date of birth (day / month / year)	05/05/1973	/ /
20. Usual occupation		
21. Mark box as applicable for each respondent	☒ Present in Australia ☒ Ordinarily resident in Australia ☒ An Australian citizen ☐ Domiciled in Australia	☐ Present in Australia ☐ Ordinarily resident in Australia ☐ An Australian citizen ☐ Domiciled in Australia
22. Description	☐ Party to a marriage ☐ Party to a de facto relationship that has broken down ☒ Parent ☐ Grandparent ☐ Other (specify):	☐ Party to a marriage ☐ Party to a de facto relationship that has broken down ☐ Parent ☐ Grandparent ☐ Other (specify):
23. Is an interpreter required?	☐ No ☐ Yes. If Yes, state language & dialect:	☐ No ☐ Yes. If Yes, state language & dialect:
24. Is the respondent of Aboriginal and/or of Torres Strait Islander origin? ˜	☐ No ☐ Yes Aboriginal ☐ Yes Torres Strait Islander ☐ Yes Aboriginal and Torres Strait Islander	☐ No ☐ Yes Aboriginal ☐ Yes Torres Strait Islander ☐ Yes Aboriginal and Torres Strait Islander

For ^ and ˜ details, see page 3.

Part C: Relationship of parties

25. Date parties commenced living together (day / month / year)	or ☒ Not applicable
26. Date of marriage (day / month / year)	or ☒ Not applicable
27. Date of final separation (day / month / year)	or ☒ Not applicable
28. Date of divorce (day / month / year)	or ☒ Not applicable

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Part D: Children

(Complete details for each child. If more space is required for extra children, attach an extra page)

	Child 1	Child 2
29. Family name	OGBONNA	
30. Given names	CHILGOZIE VICTOR	
31. Date of birth (day / month / year)	06/06/2012	
32. Gender^	☐ Choose not to answer	☐ Choose not to answer
	☒ M (male) ☐ F (female) ☐ X (indeterminate/intersex/unspecified)	☐ M (male) ☐ F (female) ☐ X (indeterminate/intersex/unspecified)
33. Parent 1 family name	Ogbanna	
34. Parent 1 given names	Christian	
35. Parent 2 family name	Jabbie	
36. Parent 2 given names	Margaret	
37. With whom does the child live?	Mother	

	Child 3	Child 4
38. Family name		
39. Given names		
40. Date of birth (day / month / year)		
41. Gender^	☐ Choose not to answer	☐ Choose not to answer
	☐ M (male) ☐ F (female) ☐ X (indeterminate/intersex/unspecified)	☐ M (male) ☐ F (female) ☐ X (indeterminate/intersex/unspecified)
42. Parent 1 family name		
43. Parent 1 given names		
44. Parent 2 family name		
45. Parent 2 given names		
46. With whom does the child live?		

For ^ details, see page 3.

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Part E: For applications for parenting orders

47. Has the applicant obtained a certificate from a registered family dispute resolution practitioner? (Refer to section 60I of the *Family Law Act 1975*).

☐ No ☐ Yes

If yes, attach a copy of the certificate to this application and go to Part F of this form.

If no, to obtain an exemption from filing a certificate you must either complete and file the form *Affidavit – Non-Filing of Family Dispute Resolution Certificate* or include the factual basis for the exemption in the affidavit you file in support of any order you are seeking.

48. Has the applicant received advice from a family counsellor or a family dispute resolution practitioner about the services and options (including alternatives to court action) available in circumstances of abuse or violence? (Refer to section 60J of the *Family Law Act 1975*).

☐ No ☐ Yes

Part F: Other court cases and orders

Ongoing cases

49a. Are there any ongoing cases in this or any other court about family law, child support, family violence or abuse in relation to a child, or child welfare issues that involve any of the parties or children listed in this application?

☐ No ☐ Yes

If yes, provide the following details for each ongoing case. (Attach extra pages as required.)

49b. Court name and place

49c. Next Court date / /

49d. Names of parties

49e. State the nature of the orders sought (eg property settlement, parenting orders, child support)

Existing orders, agreements or undertakings

50a. Are there any existing orders, agreements, parenting plans or undertakings to a court about family law, child support, family violence or abuse in relation to a child (including family violence orders which have applied to a child or a member of the child's family), or child welfare issues concerning any of the parties or children listed in this application?

☐ No ☐ Yes

If yes, either **attach copies** of any orders, agreements, parenting plans or undertakings or provide details below.

(If there is more than one order etc, attach extra pages as required.)

50b. Court name and place

50c. Date / /

50d. Names of parties to the order, agreement, parenting plan or undertaking

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Part G: For property and/or spouse/de facto partner maintenance applications

If the parties were in a de facto relationship that has broken down, complete Part H

51. Have the parties entered into a financial agreement or a part VIIIAB Financial Agreement under the *Family Law Act 1975* or under any relevant state or territory legislation?

☐ No ☐ Yes

52. If either party has a superannuation interest, have the parties entered into a binding superannuation agreement in relation to that superannuation interest?

☐ No ☐ Yes

53. Is any party currently bankrupt or currently a debtor in bankruptcy proceedings started by either a creditor's petition or a debtor's petition or currently a debtor subject to a personal insolvency agreement?

☐ No ☐ Yes

54. Is there a proceeds of crime order or current forfeiture application in relation to any of the property of any of the parties?

☐ No ☐ Yes

If yes, attach a sealed copy of the order or application.

Part H: De facto relationship jurisdiction – financial causes

(subsection 4(1) of the *Family Law Act 1975* defines de facto financial cause)

Complete **all** the boxes below if relying on the Court's jurisdiction to make orders for the benefit of a party to de facto relationship that has broken down.

Entitlement to apply and geographic requirements

55a. Did your de facto relationship break down on or after 1 March 2009 or if resident in South Australia on or after 1 July 2010? (See important notes for completing Part H)

☐ No ☐ Yes

55b. Is the period or the total of the periods of the de facto relationship at least two years?

☐ No ☐ Yes

55c. Is there is a child of the de facto relationship?

☐ No ☐ Yes

55d. Has the applicant made substantial contributions and a failure to make an order or declaration would result in serious injustice to the applicant?

☐ No ☐ Yes



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55e Is, or was, the relationship registered under a prescribed law of a state or territory of Australia?	☐ No ☐ Yes
55f. Were both parties to the relationship ordinarily resident in one or more of the Australian territories or New South Wales, Queensland, Victoria, Tasmania or South Australia for at least one third of the domestic relationship, or at the date the relationship broke down?	☐ No ☐ Yes
55g. Did the applicant make substantial contributions in one or more of the Australian territories or New South Wales, Queensland, Victoria, Tasmania or South Australia?	☐ No ☐ Yes

Part I: Cross-vested jurisdiction

(Complete only if relying on cross-vested jurisdiction. Note: An affidavit **must** be filed – see rule 9.10 of the Rules)

56. If relying on a cross-vesting law, specify the Territory law relied on	

Part J: Lawyer's declaration

57. If the applicant is filing this application without a lawyer, this part need not be completed. However the applicant should obtain a copy of the information brochure *Marriage, Families and Separation* from the Court when filing the application. If a lawyer is filing the application, then the lawyer must give the applicant a copy of the brochure and sign the following declaration.

I gave the applicant(s) a copy of the Court's brochure *Marriage, Families and Separation*.

Signature of lawyer

Full name of lawyer: Christina Lam

Date: 31 / 08 / 2023

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Part K: Statement of Truth of the contents of this document

58. Applicant 1	Applicant 2
1. The facts of which I have personal knowledge are true. 2. All other facts are true to the best of my knowledge, information and belief and the orders sought in this application are supported by evidence. 3. I am aware that I have a duty to the Court and to each other party to give full and frank disclosure – in a timely manner – of all information relevant to the issues in the case. 4. I have read and complied with the pre-action procedures required of me as outlined in Schedule 1 of the Rules, and completed a *Genuine Steps Certificate*.	1. The facts of which I have personal knowledge are true. 2. All other facts are true to the best of my knowledge, information and belief and the orders sought in this application are supported by evidence. 3. I am aware that I have a duty to the Court and to each other party to give full and frank disclosure – in a timely manner – of all information relevant to the issues in the case. 4. I have read and complied with the pre-action procedures required of me as outlined in Schedule 1 of the Rules, and completed a *Genuine Steps Certificate*.

I have read and understood this Statement of Truth (please tick)

I have read and understood this Statement of Truth (please tick)

Christian Ogbanna

☒ **Signature of Applicant 1**

☐ **Signature of Applicant 2**

Date: 31 / 08 /2023

Date: / /2023

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IMPORTANT NOTICE TO RESPONDENT(S)

You should seek legal advice about this application.

If you do not want the Court to make the orders sought in this application or if you want the Court to make other orders, **YOU MUST:**

File with the Court:

- **If seeking parenting orders**:
  - a *Response to Initiating Application*;
  - a *Notice of child abuse, family violence or risk*;
  - a *Genuine Steps Certificate*;
  - any other documents as required, depending on the orders you seek (see the relevant Practice Direction for each type of proceedings commenced by the applicant); and
  - unless you file an affidavit (see below), a *Questionnaire – Parenting.*
- **If seeking financial orders*:***
  - a *Response to Initiating Application;*
  - a *Financial Statement;*
  - a *Genuine Steps Certificate;*
  - any other documents as required, depending on the orders you seek (see the relevant Practice Direction for each type of proceedings commenced by the applicant); and
  - unless you file an affidavit (see below), a *Questionnaire –Financial.*

These forms are available on the Court's website www.fcfcoa.gov.au

- In addition to the above forms, you must file an affidavit if:
  - interlocutory orders are sought by either party, or
  - an allegation is made in the *Notice of child abuse, family violence or risk*, or
  - required by the Rules or relevant Practice Direction.

An affidavit form is available on the Court's website www.fcfcoa.gov.au**.**

You must also serve copies of the documents filed on all other parties.

Attending the hearing

Your hearing may be **in person**, by **telephone** or **video conference** eg. *Microsoft Teams*.

Please file a *Notice of Address for Service* **as soon as possible** so the Court can provide instructions on how to attend your hearing if it will not be occurring in person. Please refer to the Court website for further information on attending hearings.

Please note: if you do not attend the hearing, orders may be made in your absence.