

Hartley Healy

AFFIDAVITS

- The Family Court is a Court that receives evidence, primarily by way of Affidavits.
- An Affidavit is a written statement signed by you in the presence of a Justice of the Peace or a Solicitor.
- Oral evidence is only allowed in rare circumstances in the Family Court and only with the leave of the Judge.
- Your Affidavit and the Affidavit of any witnesses make up your case and it is the information that will be read by the Judge when determining your matter.
- In preparing your Affidavit we will gather from you all relevant information and carefully draft and compile the Affidavit on your behalf.
- The affidavit needs to be succinct and address the issues relevant to your case. We will advise you on the relevant issues that should be addressed in your affidavit.
- Affidavits for interim matters can contain hearsay material (meaning things that you did not directly experience yourself) for example things your children have told you or things relayed to you by a third party.
- Affidavits of evidence in chief prepared for final hearing in your matter can not contain any hearsay and both parties have an opportunity to object to the contents of the other parties affidavit based on rules of evidence. It is therefore important that your affidavit is drafted carefully and that objectionable material is not included.
- Affidavits of evidence in chief are also designed to collate any evidence contained in previous affidavits and present your case in one comprehensive document