**IMPORTANT NOTES FOR COMPLETING FORM 01C**

**APPLICATION TO DISPENSE WITH SERVICE – CHILD APPLICANT**

**\*Remove this sheet before filing**

Use this form if:

* you are filing a Form 01A or Form 01B; and
* you think you will be adversely affected if your parent/s (or the person/s with your parental responsibility) know about your application; and
* you would like the Court to make an order removing the requirement to give a copy of your application to your parent/s (or the person/s with your parental responsibility).

Usually, the law says that a party filing a document in the court for a proceeding must give a copy of the document on each other party to the proceeding.

You can tell the Childrens Court that you do not want your parent/s or person/s with your parental responsibility to know about your application, and ask the court to make an order removing the requirement for you to give a copy of your application to them, if you think you will be **adversely affected** by telling them.

The law says that you are not adversely affected if the only reason you don’t want to tell your parent/s (or person/s with parental responsibility) is that they disagree with your application, and this makes you uncomfortable.

You can tell the Childrens Court the reasons why you’ll be adversely affected in the space provided for your statement on this form or, if you have a lawyer, by preparing an affidavit to support your application.

The Childrens Court will read what you provide and make a decision about whether or not you are to give your parent/s (or person/s with parental responsibility) a copy of your application.

|  |
| --- |
| **Note:**If the Childrens Court decides you must tell your parent/s (or person/s with your parental responsibility) about your application, the Childrens Court is required to give you a written notice telling you—* the reasons for the court’s decision; and
* that you may, in writing, withdraw the application 28 days from the date the notice is given you; and
* that you may appeal against the court’s decision, within 28 days after the decision is made.

You can also tell the Childrens Court at any time if you want to stop your application.  |

**Legal advice**

**Do I need to get legal advice?**

Yes. You should get legal advice before starting the Childrens Court process to change your registered details. A lawyer can help you understand the process and the steps you need to take. They can also give you information and advice that is specific to your circumstances.

**How can I get legal advice?**

You can get legal advice from:

* Legal Aid Queensland – call 1300 65 11 88 for legal advice.
* LGBTI Legal Service – go to <https://lgbtilegalservice.org.au/>

To receive advice, you will need a pre-booked appointment before being able to talk to a lawyer.

* a community legal centre – go to [www.communitylegalqld.org.au](file:///C%3A%5CUsers%5CRayanRo%5CDownloads%5Cwww.communitylegalqld.org.au) or www.legalaid.qld.gov.au or call 1300 65 11 88 to check services in your area.
* a private lawyer – call the Queensland Law Society or visit [www.qls.com.au](file:///C%3A%5CUsers%5CRayanRo%5CDownloads%5Cwww.qls.com.au) for names of lawyers who can help.

**Form 01C**

**QUEENSLAND**

***CHILDRENS COURT ACT 1992***

***CHILDRENS COURT RULES 2016, r 73***

***BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 2023, s 46 & s 57***

|  |  |
| --- | --- |
| Registry: | Click here to enter text. |
| Number: | Click here to enter text. |

**APPLICATION TO DISPENSE WITH SERVICE – CHILD APPLICANT[[1]](#footnote-1)**

**Applicant**

*For this form, the applicant is the name of the person making this ‘application to dispense with service – child applicant’.*

|  |  |
| --- | --- |
| Name |  |

**First parent** (or person with parental responsibility)

*Normally you must name every other party to the proceeding as respondents to this application.*

|  |  |
| --- | --- |
| Name |   |

**Second parent (if applicable)** (or person with parental responsibility)

*Delete the below box if there is only one respondent. Add additional boxes if there are more than two respondents.*

|  |  |
| --- | --- |
| Name |   |

**Type of application**

*Indicate which type of application this is.*

|  |  |
| --- | --- |
| [ ]  | To remove the requirement to give my parent/s (or person/s with my parental responsibility) namely …………………………………………….. [insert name of the parent/s or person/s with parental responsibility] a copy of my application to alter my record of sex (s 46(2), *Births, Deaths and Marriages Registration Act 2023*) |
| [ ]  | To remove the requirement to give my parent/s (or person/s with my parental responsibility) namely …………………………………………….. [insert name of the parent/s or person/s with parental responsibility] a copy of my application for a Recognised Details Certificate (s 57(2), *Births, Deaths and Marriages Registration Act 2023*) |

**Statement to support your application**

The Magistrate will want to know what you think before they make decisions about you. You must tell the Magistrate the reasons why you do not want your parent(s) or the person(s) with your parental responsibility to be given a copy of your application and how you will be *adversely affected* if you do. You can also give other information you think is important for the Magistrate to know so that they can consider all the information before making the best decision for you.

*In your own words, tell us why you do not want your parent/s (or person/s with parental responsibility) to be given your application and why. If you need more space, attach an extra page or pages as required. Note: The court may require you to complete an affidavit if it requires more information from you about your application. If the court requires more information, it will tell you.*

|  |
| --- |
|  |

**Documents to support your application**

*If you have any documents you think could help the Court make their decision, attach them here. For example: emails, screenshots.*

|  |  |
| --- | --- |
| Are you attaching documents relevant to your application? | [ ]  Yes [ ]  NoIf yes, list documents below |
| *List the documents you have attached to support your application.* |  |

**Applicant’s declaration**

*If you are not sure about what you are being asked to declare in the box below, you should seek legal advice. The cover sheet contains information about how to get legal advice.*

|  |  |
| --- | --- |
| [ ]  Yes[ ]  No | I **understand** that unless the court decides otherwise, I must give my parent(s), or person(s) with parental responsibility a copy of my application *(sections 45(3); 56(3)).* |
| [ ]  Yes[ ]  No | I am **aware** that I can make submissions (this is the same as telling the court your reasons) about whether the court should make an order (a dispensation order) that means I do not have to give my parent(s), or person(s) with parental responsibility a copy of my application (*sections 46(5); 57(5)*). |

**Applicant’s signature**

|  |  |
| --- | --- |
| Signature |  |
| Full name |  |
| Date |  |

1. A ‘child applicant’ is a child that starts an acknowledgement of sex proceeding under the *Births, Deaths and Marriages Registration Act 2023, s 45 or s 56*. [↑](#footnote-ref-1)