



## **FILING OF A NOTICE OF CEASING TO ACT OR A NOTICE OF WITHDRAWAL AS LAWYER**

The *Family Law Rules 2004* (Rule 8.04) and the *Federal Magistrates Court Rules 2001* (Rules 9.01, 9.02 and 9.03) differ as to what is required to be done both prior to (and after) a solicitor ceases to act for a party to proceedings.

The Family Court of Australia form *Notice of Ceasing to Act* has offered a tickbox option for that form to be used in either court. This has caused confusion and difficulties for solicitors, parties to proceedings and the two courts because of the differing requirements.

To overcome this confusion, the checkbox on the Family Court of Australia *Notice of Ceasing to Act* form will be removed and from 20 June 2011 this form will no longer be able to be filed in the Federal Magistrates Court.

Only the approved forms unique to each court may be used and filed are as follows.

- Family Court of Australia and the Family Court of Western Australia: *Notice of Ceasing to Act*
- Federal Magistrates Court of Australia: *Notice of withdrawal as lawyer*

No substitution is permitted.

If the approved form of the Family Court of Australia is filed for proceedings in the Federal Magistrates Court prior to 20 June 2011, it is a matter for individual magistrates if they accept it or not.

For more information see *Family Law Rules 2004* (Rule 8.04) and *Federal Magistrates Court Rules 2001* (Rules 9.01, 9.02 and 9.03).