



Guide to preparing your family law affidavit and reducing legal costs

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Imagine this - you've had big changes at home that you're now having to manage on your own, you've got to think about your children, your finances, and your future. Then your lawyer asks you to provide detailed information so they can begin drafting your affidavit.

Your affidavit forms the foundation of your family law court case because it tells your story to the judge. Preparing the document takes time, and paying a lawyer to write every single word becomes expensive. The quality of the information you provide affects how strong, clear and cost-effective the affidavit will be.

Follow these steps to prepare your materials.

What is a family law affidavit?

An affidavit is a written statement of evidence that is prepared for the court. They feature across many jurisdictions and, in most cases, are the primary ways the court will understand your version of events. This is especially true in the Family Court.

Your affidavit is prepared by your lawyer based on the instructions you provide. Your lawyer will:

- Draft the affidavit in the correct legal format

- Ensure it complies with court rules

Present your evidence clearly and persuasively.

To keep your costs down, it is crucial that you provide accurate, detailed, and well-organised information along with any supporting documents. Your lawyer can only efficiently and cost-effectively prepare your affidavit if they can clearly understand the information you provide.

Generally, affidavits are used for the following purposes:

To set out the relevant facts in your matter. This includes disagreeing or disputing what your ex has put in their affidavit if it's untrue

To provide the court with your evidence

To support the orders you are asking the court to make

Start with a timeline of events

The courts rely heavily on hearing and understanding matters in chronological order. If you watched a movie that jumped all over the place, it would be nearly impossible to follow. When you write down paragraphs for your affidavit, start with the dates and then organise the information accordingly. You might consider the following:

Start of your relationship

Birth dates of children

Dates of financial transactions

The dates attached to allegations of family violence

Date of separation

Stick to the facts, not emotions

Judges want facts, not emotions. Sometimes it can be difficult to separate facts from emotions when you are talking about something so precious as your children or your financial security.

Try to stick with just stating what happened, who were the people involved, and when did the event occur. Always avoid giving your opinion, but rather let the facts speak for themselves.

Here are some examples of bad statements with some suggestions on how you might word it:

Bad statement: *"My ex was irresponsible with money."*

Suggested statement: *"My ex withdrew \$5,000 from our joint account on 12 August 2025."*

Bad statement: *"He is the worst father and never wanted anything to do with his children."*

Suggested statement: *"the children live with me and have not seen or heard from their father since October 2024."*

This factual approach saves your lawyer time. Your lawyer will spend less time editing your draft. Less editing means lower fees for you.

If you're finding it hard to stay factual because of a difficult relationship with your ex, our related article on [negotiating with a narcissistic ex in family court](#) may help.

Gather your supporting evidence early

When you are preparing your affidavit, it is important to gather [any supporting documents](#) to back up your facts. Documents like relevant bank statements, emails, text messages, children's school reports, and psychological reports should be provided to your lawyer for review.

You may also want to consider organising these documents. Organising documents into easy-to-understand folders will help reduce the need for your lawyer to have to sort through papers after you've sent them across. It may also help you understand what paragraphs in your affidavit are supported by evidence and which aren't.

What information should you include in your affidavit?

Tell your lawyer everything and hide nothing. Under the Family Law, you are required to make full and frank disclosure. Failing to disclose certain things like [assets](#) or criminal histories will harm your case.

If you are upfront with your lawyer from the beginning, you can start to consider how you will address any concerns the other party or the court may have. For example, a person with a history of using violence may consider attending [a behaviour change program](#) to help improve their behaviour and, ultimately, their case. If your lawyer doesn't know, they can't help you get on the front foot.

Try to keep your affidavit relevant and to the point. If [your matter involves parenting](#), focus on the children and what you believe is in their best interests. Discuss things like:

care routines

schooling arrangements, and

any details concerning the child's emotional, intellectual, and physical needs.

Focus on what you saw, heard, or experienced rather than how it made you feel.

If you are making an allegation against the other parent (e.g. substance misuse), you should provide specific examples rather than general statements.

Substance Misuse

Do you know the answers to the following:

how often do they drink/do drugs?

how much do they consume?

whether they do it in front of the children/when the children are in their care, and

where did this information come from?

Family Violence

Avoid general statements like "he often committed [family violence](#) against me".

Try to be more specific, like “On 2 April 2021, while I was cooking dinner in the kitchen of our family home, he yelled at me and called me “fat”, “ugly”, and said I “would be better off dead”.

For [family law property settlements](#), you should:

Provide specific numbers

Provide specific dates of payments or withdrawals, and

Focus on when/how financial and non-financial contributions were made.

If you are unsure whether something is relevant, you should include it in your instructions to your lawyer but indicate that you're unsure. Your lawyer can then assess its relevance. Extraneous information distracts the judge. Extraneous information increases your drafting costs.

Write it in your own words and review before signing

It's important when you start to write your draft affidavit that you use plain words and language that you understand. Avoid trying to sound like a lawyer or using words that you wouldn't ordinarily use. Remember, you need to understand what you've written in case your lawyer needs you to clarify something.

Before sending the information to your lawyer, a good rule-of-thumb is to ask yourself:

“Would this make sense to someone who is unfamiliar with my situation?” If the answer is yes, then you are probably on the right track.

Your lawyer will format the document to meet court rules and to be the most persuasive. The family court will consider the perspectives of each of the parties when making its final decision.

Some time after you've submitted the information to your lawyer, they will send you a draft copy to review. It's crucial that you:

Read every line

Check all dates, names, dates of birth, locations etc.

Verify all numbers, and

Ensure that the affidavit your lawyer has prepared, based on your instructions, is factual and supported.

Why is all of that important? Well, you have to swear or affirm that it is true before an authorised witness (usually, your lawyer). Errors in an affidavit may harm your credibility, so read through it carefully and let your lawyer know to fix any mistakes before signing.

How Meillon & Bright can help

Preparing an affidavit should be a collaborative process. Your lawyer is not expecting you to prepare a document that is perfect and ready to file to the court. However, providing high quality, organised, and relevant instructions will give your lawyer the best chance to prepare a strong affidavit and do so more efficiently. Working efficiently with your lawyer keeps your costs down.

At Meillon & Bright, we provide practical and cost-effective guidance throughout your family law matter. Our experienced team can help you identify what to include in your affidavit, what supporting documents you need to gather, and how to move through the legal process with confidence. Contact us today.

The information contained in this article is of general nature and should not be construed as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.