

Legal Aid ACT

OUR FAMILY LAW PRACTICE

The Family Practice of Legal Aid ACT provides:

- legal assistance and representation in Family Law matters;
- daily duty lawyer services at the Family Law Courts:-
 - Mondays – 10am - 1pm;
 - Tuesdays – 11am - 1pm;
 - Wednesdays – 10am - 1pm;
 - Thursdays – 1pm - 3pm ;
 - Fridays – 1pm – 4pm.
- assistance and representation in child protection matters in the Childrens Court.

Common family law matters include:

- getting your children returned to you;
- breach of Family Court orders by one parent;
- dividing up property and debt between you and your ex-partner;
- problems with child support;
- working out where the children are going to live and how often they are going to see each of their parents;
- deciding whether one parent can move to another town with the children.

Duty lawyer services

If you have not organised legal representation for your first court appearance in a family matter a duty lawyer is available during court sittings to give information and advice. This service is free of charge and is provided at the Federal Magistrates and Family Courts.

Applying for legal assistance

On your application form, provide as much information as possible about your matter. Legal assistance in family law matters is granted in stages. Your grant will depend upon the sort of information you have given us and the urgency involved in your matter. If your problem is an urgent one involving very young children, you are likely to be given a grant which allows you to go straight to Court. More often, the initial grant is limited to negotiations. If your parenting matter is not urgent the law requires that you and your former partner/other party has attempted mediation and been granted a Family Dispute Resolution Certificate (Section 60I Certificate).

If your application is successful, your lawyer will explain what your grant of assistance covers. Your

lawyer is not allowed to do work that is not included in the grant. Sometimes your lawyer will ask to have your grant changed because it is not suitable. If the request is not approved you can ask Legal Aid ACT to reconsider the decision. If that is not successful, you can ask for the decision to be reviewed by an independent Review Committee.

Use your grant of assistance wisely!

Your grant has a money limit. This defines the amount of work your lawyer is allowed to do in your matter. It is similar to what happens with a private lawyer. When someone sees a private lawyer they have to pay that lawyer an amount of money up front. When the money runs out, the lawyer doesn't do any more work.

In your case, Legal Aid ACT has given your lawyer a budget within which to work. Your lawyer cannot keep working when that money runs out. It is therefore very important that you use your budget wisely. Every interview with you, every telephone call, and every letter uses up part of your budget.

You should contact your lawyer if you haven't heard from them for a while and you should contact them if you have any problems, but make sure you don't make unnecessary appointments or telephone calls.

Working with your lawyer

The first thing you should do is make an appointment to see the lawyer you have been allocated. You should come to your first appointment fully prepared. The first thing your lawyer will do is get all the information about your matter.

If you have any documents relating to your case you should bring them. If your matter involves children you should bring a copy of their birth certificates. Your lawyer will explain the law relating to your case and they will also explain your options and help you decide what to do next.

Family Dispute Resolution (FDR) Conferences

FDR Conferences help people reach agreements about family law disputes without going to court. FDR Conferences are organised by Legal Aid ACT and are held at our office in Civic.

Why attend a FDR conference?

An FDR Conference is a useful way of settling disagreements about family matters. Advantages of attending a FDR Conference include enabling you to:

- talk about your matter informally with the other party;
- reach an agreement that may be more flexible than a court order;
- identify the issues and better understand the other party's position;
- avoid the court process which is usually very slow and stressful;
- participate in the decision making process.



How long will it take?

You should set aside three hours to attend a FDR Conference.

Who will be at the conference with you?

- the person you have the dispute with;
- each person's lawyer;
- a chairperson who is an experienced family lawyer;
- a Child's Representative if one has been appointed.

Children **are not** allowed to attend FDR conferences.

