



Information for Aboriginal and Torres Strait Islander families attending the Family Court

FAMILY COURT OF WESTERN AUSTRALIA

This brochure will tell you

How the Family Court of Western Australia deals with applications regarding children, divorce/separation and property matters.

What's the Court about?

- In relation to children matters then it's about putting the needs, safety and best interests of the children first.
- In relation to house/property and money matters the court can resolve these disputes.

Before you apply:

You need to attend **Family Dispute Resolution** or consider completing an exemption form.

Ring **Family Relationships Advice Line (1800 321 050)** for information on family dispute resolution services in your area.

Why apply to the Court?

This is an option for families to consider if they are unable to come to an agreement about what is in the best interests of the children regarding where the children will live, who they will see and spend time with including grandparents and other family members.

Who can apply?

Parents, grandparents or other close family members.

Types of Orders:

- A **Parenting Order** is an order made by the court that decides things like, who children will live with and who children will see and spend time with.
- A **Parenting Plan** is a written agreement made by both parents/grandparents or other close family members. It can cover things like, who children will live with, who children will see and spend time with and who will make decisions about children. This can be registered with the Court as consent orders.
- A **Recovery Order** is an order made by the Court to return a child into the care of a parent/grandparent/carer on an **urgent basis**.

Following a Court Order:

When a Court Order is made both parties must comply with it. If someone breaches a Court Order you can seek legal advice to help you.

There are penalties for not complying with Court Orders. These will be included with your Court Order when it is sent to you.

Concerned for your safety when coming to Court?

Contact the Court on (08) 9224 8222 if you are concerned for your personal safety when attending the Court.

Bringing family and friends to Court?

The Family Court is an open court. Anyone over the age of 18 years may attend the Court hearings. If you do need to bring young children with you when attending Court there is a free childcare service on level 3.

Process involved:

There are several stages to your application:

Stage 1:

- Firstly you may be asked to seek legal advice. There is a Duty Legal Aid Lawyer available daily at the Family Court.
- Once you have sought legal advice you will need to collect application forms from the customer service counter.
- The Legal Aid Duty Lawyer can assist you with completing the forms
- Lodge your application forms at the customer service counter.

Stage 2: At Court

- A court date will be set for both parties to attend Court before a magistrate to raise their concerns and issues regarding the children. The magistrate may make temporary or interim orders and/or send you to a Case Assessment Conference – (CAC with a family consultant)

Stage 3: At Case Assessment Conference

- Both parties (with or without their lawyer) meet with the Family Consultant separately first for about 20 minutes each and then if safe to do so meet together to further discuss their concerns regarding the children, to see what each party wants to happen.
- If an agreement is reached a minute of consent orders are written up by the Family Consultant or by the lawyer and this is reported to the magistrate.
- If no agreement is reached you'll go back to Court at the next hearing date. The Family Consultant will write a report about what happened at the CAC and send it to everyone involved.

Stage 4: If you go back to Court

- All attend Court and the Family Consultant's report to the magistrate is considered with their assessment from the CAC, raising any issues and concerns by both parties and to make any recommendations if necessary.
- The magistrate may make some orders from the evidence presented in court of what the court considers to be in the best interest of the children.
- But unless everyone agrees an order will be written up and this will just be the first orders and not the final orders.
- Depending on the outcome another hearing may be scheduled at a later date to hear further evidence.

Other useful contact numbers:

**Aboriginal Legal Service of WA,
Family Law Unit** – (08) 9265 6666 or
1800 019 900 (freecall)

**Aboriginal Alternative Dispute Resolution
Service** –
1800 045 577 (freecall)

Aboriginal Family Law Services –
1800 469 246 (freecall)

Family Relationships Advice Line –
1800 050 321 (freecall)

Family Court of WA Call Centre –
(08) 9224 8222 or 1800 199 228 (freecall)

A local Community Legal Centre in WA
(08) 9221 9322

Legal Aid Service of WA Infoline –
1300 650 579

This brochure provides general information only and is not provided as legal advice. If you have a legal issue, you should contact a lawyer before making a decision about what to do or applying to the Court. The Family Court cannot provide legal advice.
The Family Court respect your right to privacy and the security of your information.

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