



Case Assessment Conference

The first court event in child related proceedings
FAMILY COURT OF WESTERN AUSTRALIA

This information sheet will tell you

These notes are designed to provide general information and a guide to preparation for the Case Assessment Conference. This is the first court event for most people, after documents have been filed.

IF YOU DO NOT ATTEND THE CONFERENCE, ORDERS MAY BE MADE IN YOUR ABSENCE.

For more information, including access to the *Family Law Act 1975*, *Family Court Act 1997*, the Rules of the Courts and any of the forms or publications listed in this information sheet:

- ❑ go to www.familycourt.wa.gov.au
- ❑ call **08 9224 8222** or **1800 199 228**; or
- ❑ visit the Family Court of Western Australia registry.

How the case assessment conference can help

The Case Assessment Conference will be conducted by a Family Consultant, and will be followed directly by a Case Assessment Hearing, conducted by a Magistrate. The same Family Consultant will continue to manage your case for the duration that your application is before the Court. Generally the same Magistrate, unless your case has been referred to a Judge, (*refer to the information sheet called, 'Child Related Proceedings: A new way of working with parents and others in the Family Court of WA'*) will determine all issues in your case.

When you arrive for your Case Assessment Conference you will meet with the Family Consultant. You will be seen separately from your former partner/the other party, for the first part of the conference. Should you be legally represented, your solicitor will remain with you during this time. This will be an opportunity for you to discuss any safety concerns you may have for yourself or your children.

The purpose of the Case Assessment Conference is to:

- allow the Court to assess the issues in your particular family situation with a view to determining how the Court might best assist;
- where possible, facilitate negotiation between yourself and the other party. This often results in orders being made by consent on some issues;
- formulate a case management plan with a view to achieving the best possible outcomes for children.

Negotiations during a Case Assessment Conference are **NOT CONFIDENTIAL**. This means that anything you say can be reported back to the judicial officer hearing the case and may be used in evidence. The judicial officer will make procedural orders at the Case Assessment Hearing, and in some cases other orders may be made.

Preparing for the case assessment conference

The Case Assessment Conference is occurring because either you or your former partner/the other party have 'filed' an application in the Family Court – this has started a case.

The person who starts the case ('the Applicant') must immediately 'serve' upon the other person ('the Respondent') their documents that have been 'filed' with the Court. These documents are usually an Application for Final Orders (Form 1), where there is a dispute regarding finances or property, a Financial Statement (Form 13), and if *interim orders* are sought at the same time, an Application in a Case (Form 2). Accompanying these documents must be a completed Client Information Form.

The person ‘served’ with the documents (‘the Respondent’) must prepare a written response to the documents served. This will mean completing a Response (Form 1A). If you have been served with an Application in a Case (Form 2), you must file a Response to an Application in a Case (Form 2A). Where there are financial issues, you will need to also file a Financial Statement (Form 13). Accompanying your documents must be a completed Client Information Form.

The case assessment conference – what to expect

The Case Assessment Conference will last between one and a half to two hours and will comprise of three stages:

STAGE 1	STAGE 2	STAGE 3
<p style="text-align: center;">ASSESSMENT</p> <p>The Family Consultant shall:</p> <ul style="list-style-type: none"> • Meet with you separately from the other party. • Explain their role and the purpose of the conference; • Answer any questions you may have; • Assess what issues pertain to your particular family or case situation; • In consultation with you, decide whether negotiations ought to occur separately or directly with the other person that day. <p>Remember, the aim of the conference is to ‘assess’ or determine how the Court might best assist you to get the best possible outcome for your child/ren.</p>	<p style="text-align: center;">NEGOTIATION</p> <p>This stage in the process will depend on the issues particular to your case.</p> <p>Sometimes negotiation is not possible.</p> <p>In the event that there appear to be several common areas of agreement, a follow-up appointment may be scheduled with the Family Consultant.</p> <p>Sometimes you may be referred for assistance to an agency outside of the Court, prior to your next Court date.</p> <p>Should agreement not be reached, or only be possible on some issues, the Family Consultant shall discuss with you options that may assist you in obtaining the best possible outcome for the children.</p>	<p style="text-align: center;">THE HEARING</p> <p>The Hearing is conducted by a Magistrate, usually in the courtroom, with the Family Consultant present.</p> <p>The Family Consultant shall summarise the progress made during the conference and advise the Magistrate of any options that have been discussed. For example, this might include the suggestion that you and the other party complete a parenting course for separated families.</p> <p>Out of the discussed options, recommendations may be made which shall form a ‘case plan’ for your individual family or case.</p> <p>Any agreements that came out of Stage 2 can be made into orders by consent.</p> <p>In order to implement your ‘case plan’ the Magistrate may make various procedural orders and/or other orders. You will be advised what you need to do to prepare for the next step in your ‘case plan’.</p>

What you can expect at the end of the day

In summary, at the end of this first day in the Family Court each person involved in a Case Assessment Conference may leave with:

- Legally binding temporary or final orders. These may be made by agreement or by the Magistrate if you cannot reach agreement with the other party; and/or
- Procedural orders made by the Magistrate about the next steps in your case.

NOTE: *It may be up to 6 months or longer before your case reaches final determination by either a Judge or a Magistrate.*

Further information

If you would like more information about the procedure for a Case Assessment Conference you may contact the Call Centre of the Family Court of Western Australia on **08 9224 8222**.

If you want more information on your legal rights or obligations or you wish to obtain independent legal advice, you need to contact a lawyer. If you have any difficulty obtaining independent legal advice, you might get assistance from the duty lawyer service at the Court, the Law Society of Western Australia, Legal Aid Western Australia or a community legal centre.

<p style="text-align: center;">WHAT DO I DO IF I CAN'T MAKE IT TO COURT?</p> <p>It may be possible to participate in the Case Assessment Conference via electronic communications such as telephone or video link. You will need to seek the Court's permission in writing, at least 7 days before the conference. You must provide your request to all other parties.</p>	<p style="text-align: center;">ATTENDANCE OF PRISONERS</p> <p>A party who is in prison may attend the Case Assessment Conference by electronic communication (video link, telephone or some other means).</p> <p>You will need to seek the Court's permission – in writing at least 7 days before the conference.</p> <p>Alternatively, you may seek permission from the Court to attend the Case Assessment Conference in person. Such a request must be made in writing, at least 7 days before the conference, setting out the reasons why permission should be granted, informing the Court as to whether any other party objects to the request. You must provide your request to all other parties.</p>
<p style="text-align: center;">FAMILY VIOLENCE POLICY</p> <p>The law requires persons involved in a case to notify the Court of any current or pending Family Violence Orders involving children. The Family Court recognises that some people who use the Court's services may have suffered or continue to suffer family violence. Arrangements can be made for your safety.</p> <p>Should you have a problem involving family violence please call the Call Centre of the Family Court of WA on 08 9224 8222 before your attendance at Court.</p>	<p style="text-align: center;">PRIVACY</p> <p>The Family Court respects your right to privacy and the security of your information.</p>

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