



Information Session - Children



A I M S

- To increase your awareness of the services of the Family Court Counselling and Consultancy Service.
- To provide information about separation and its effects on parents and children.

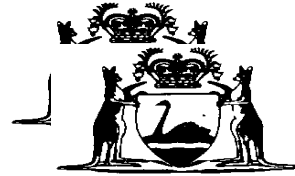


THE FAMILY COURT COUNSELLING AND CONSULTANCY SERVICE

ROLE OF FAMILY CONSULTANT

The Family Consultants provide assistance to families in regard to children's matters only, as follows:

- Assessment - Case Assessment Conference
- Negotiation and Mediation - both of these can occur at the Case Assessment Conference and at a Child Dispute Conference
- Case Management - for more complex cases
- Report preparation – involving children in the process



ASSESSMENT

The first area is Assessment

- After the first Court event the parties may attend a Case Assessment Conference with a Family Consultant.
- Whatever you say to the Family Consultant during the Case Assessment Conference and any further conferences is always admissible as evidence and is NOT confidential.
- Whatever views the Family Consultant expresses are also admissible
- You may represent yourself or bring your lawyer with you, if you have one.



ASSESSMENT cont..

- At the Case Assessment Conference the Family Consultant will speak with each party separately and ask about the issues you wish the Court to deal with regarding your child or children.
- The Family Consultant will ask if you think your child or children are at risk of harm due to family and domestic violence, drug and alcohol abuse, child abuse, unmanaged mental health or concern about parenting capacity.
- If it is appropriate to see the parties together the Family Consultant will give you the opportunity to negotiate with each other and attempt to reach some agreement.



ASSESSMENT cont...

- It is helpful if you come to the Case Assessment Conference prepared with your proposals for arrangements for the children, such as the time you would like the children to spend with each parent and handover arrangements including the time and place.
- At the Case Assessment Conference you may decide that you need to discuss and negotiate further. If so, the Family Consultant can schedule a Child Dispute Conference to meet with you on another day.



ASSESSMENT cont...

- After the Case Assessment Conference the Family Consultant will provide the Court with a summary report of the discussions held during the conference and any outcomes and recommendations. The report may be provided orally in Court at the next Court event or in written form and attached to the court file. If the report is provided in written form the parties or if the parties are legally represented, their legal representatives, will receive a copy.



NEGOTIATION AND MEDIATION

The second area is Negotiation and Mediation

- If you need more time after the Case Assessment Conference you can attend a Child Dispute Conference, which is a follow-up appointment with the Family Consultant .
- The Child Dispute Conference is a mediation process and the aim is to reach agreement in regard to the children.
- The Child Dispute Conference may lead to further negotiation or to another court event. On some occasions, you may wish to attend a further appointment to monitor or alter the parenting arrangements you have in place.



NEGOTIATION AND MEDIATION cont..

- Mediation is solution-focused and child-focused. It does not focus on the grievances each party may have about the other party. The process aims to help you move forward in regard to your parenting arrangements.
- The intent of the process is to reduce conflict and place the focus on co-parenting.



CASE MANAGEMENT

The third area is Case Management

- The Family Consultant may case manage matters that are more complex or involve a young child or children.
 - This may involve:
 - Referral to other agencies that provide services such as parenting courses, counselling, group programs or supervision of time spent with a child or children.
 - Gathering information from and liaising with other agencies such as the Police, medical and other health services and the Department for Child Protection.



REPORT PREPARATION

The fourth area is Report Preparation

- When a Judge or Magistrate orders a Family Report the Family Consultant will:
 - Interview members of the family in regard to the Terms of Reference set by the Judge or Magistrate; and
 - Produce a written report based on those interviews. Copies of the report are provided to the Judge or Magistrate and each party. Sometimes reports are presented orally in Court.



REPORT PREPARATION cont...

- The Family Report is most often the way a Judge or Magistrate hears a child's views.
- The weight given to a child's views is dependent on their age, developmental stage and level of maturity.
- It is very important that you do not burden your child or children or increase their anxiety by trying to influence their views prior to the Family Report interview.



UNDERSTANDING THE EMOTIONAL PROCESS OF SEPARATION

- Adjusting to separation is a process and people rarely feel the same emotions at the same time.
- It is normal for your feelings and moods to change frequently as you move through this process.
- People have different rates of adjustment and if you hold on to unhelpful feelings for too long you may need to seek expert help from a counsellor or psychologist.
- Feelings you may experience can include denial, disbelief, a sense of loss, grief, shock, anger, guilt, confusion, sadness or a sense of failure. It is important to remember these are all normal mood changes.



UNDERSTANDING THE EMOTIONAL PROCESS OF SEPARATION cont...

- Your reactions may be different to the other party, depending on issues such as whether you instigated the separation, or if you have had to move out of your home. Managing your reactions helps children cope with the separation. Children tend to pick up on their parents' emotional states, either directly or indirectly. It is important to remember they are also experiencing their own loss and grief and trying to make sense of their world as it changes.



CONSIDER THE CHILDREN

- The Consider the Children production (available from the webpage) depicts children aged between 6 and 17. Children aged between birth and 5 are also affected by parental separation and you may notice some of the following behaviours in your child or children:
 - Infants may experience changes in their eating and sleeping habits, become distressed if they are separated from their primary carer and be more fearful or anxious. For example, a baby who has been sleeping through the night may become difficult to settle and get off to sleep and may wake several times during the night.



CONSIDER THE CHILDREN cont...

- Toddlers may become clingy, cry, throw tantrums, sulk or have problems with eating, sleeping or toileting habits. For example, a child may revert to wetting his or her pants after being toilet trained for months
- Preschoolers and older children may feel a sense of loss and they may fantasise that their parents will get back together. They can worry about what is going to happen to them, blame themselves for the separation or behave in an inappropriate manner towards the parent they blame for the separation. They may become depressed, show anxiety, and misbehave.



CONSIDER THE CHILDREN cont...

- School age children also may show signs of social and learning difficulties or have a range of physical symptoms such as headaches, stomach aches, and feeling sick or have problems sleeping.
- Teenagers may become sullen, withdrawn, depressed, anxious and uncommunicative.



CONSIDER THE CHILDREN cont...

You can help children of all ages in the following ways

- Protect your child or children from the conflict between the adults. Parental conflict is one of the critical factors that affects children's adjustment after separation. Take responsibility for how you communicate with the other party and work out a plan how to do that.
- Recognise and focus on your child or children's emotional needs. Be willing to listen to them and find outside support if they are not coping, for example the school psychologist or a children's counsellor.



CONSIDER THE CHILDREN cont...

- Reassure your child or children that both parents love them.
- Explain that they are not to blame for the separation. With the absence of information a child or children will develop their own version of events which may not be correct or helpful.
- Parent cooperatively with the other party and learn to recognise when the child or children get caught in the middle so they do not have to struggle with divided loyalties.
- Respect the other party's different rules and different ways of doing things. Just because it is not your way does not mean it is the wrong way.



FAMILY VIOLENCE AND SEPARATION

- Family violence can include behaviours such as physical, sexual, verbal and psychological abuse, controlling finances, socially isolating a person from family and friends, threatening to harm self or others, destroying property or harming pets.
- Family violence occurs when one party feels the need to have power and control over the other party. When that control is threatened by the other party leaving the relationship, the risk of violence increases. Many domestic homicides occur around the time of separation.



FAMILY VIOLENCE AND THE RISKS TO CHILDREN

- Social isolation, emotional abuse and physical assaults can have long-lasting effects for all family members, including children.
- Children who witness family violence may
 - Try to protect an adult victim and be harmed themselves
 - Copy the violent behaviour they witness, both as a child and an adult
 - Develop stress related illnesses, with symptoms ranging from an upset stomach or headaches, through to post traumatic stress disorder



FAMILY VIOLENCE AND THE RISKS TO CHILDREN cont...

- Develop relationship difficulties with others, such as finding it difficult to make friends at school or entering into healthy couple relationships when they are older
- Lose their confidence, become afraid and angry or blame themselves for the violence
- Take responsibility for keeping the peace by telling each parent what they think they want to hear and
- Find it difficult to manage their distress when they hear negative talk or ongoing denigration of the other parent and that parent's friends and extended family.



FAMILY VIOLENCE

Everyone has the right to feel and to be safe.

Please contact the Court before you attend if you have a Violence Restraining Order or you feel threatened, so arrangements can be made for your safety.

There are security officers available at all times if you need assistance while at Court.

- If you are involved in family violence seek help. You can telephone:
 - Men's Domestic Violence Helpline
 - Local – (08) 9223 1199 Rural – 1800 000 599
 - Women's Domestic Violence Helpline
 - Local – (08) 9223 1188 Rural – 1800 007 339



Legal Presentation

Purpose of legal presentation

- To explain the principles of law in relation to parenting orders. This is so you understand how a Judge or Magistrate will decide your matter. You can also use these same principles in trying to reach an agreement with the other person.

Legal Presentation (Notes)

- This presentation serves as a guide, if you have legal questions the Court cannot give you legal advice and you should get legal advice.
- If you have procedural questions, that is, questions relating to things like filing of documents, registry staff are available to assist you at the Court on Level 1, 150 Terrace Road, Perth. Your Client Administration Officer and Family Consultant may also be able to assist you. In addition, there are various agencies which may also be of assistance to you.



Terminology

- A party –
is a person involved in the court process.
- A party includes:-
 - Applicant (the person who files the application)
 - Respondent (the person who receives the application)
- An “Order”:
is a decision of the Court which is binding
- There is a guide to legal terms to help you with words used in the Court.
- There is also a glossary on the Family Court website.



Court Structure

Two Courts

- Magistrates Court
 - Magistrates preside over first court event and decide how your case should progress
 - Magistrates can make final orders in many children's cases
- Family Court
 - Judges hear longer and more complex matters

Court Structure

Two Courts (Notes)

- There are different Court processes if children are involved in Family Court proceedings. The Court processes explained now are only for cases that deal with children's matters.
- In most applications two Courts are involved, the Magistrates Court and the Family Court. Both of these courts are housed in the Court building at 150 Terrace Road, Perth. All applications are filed in the Court Registry on Level 1, 150 Terrace Road, Perth. The Magistrates Court and the Family Court are open Courts and anyone over the age of 18 years can attend.
- A Family Law Magistrate in the Magistrates Court will hear urgent matters, applications for interim orders, child support cases and some trials depending on the issues and the estimated hearing time of the particular case. A Judge in the Family Court will hear complex matters or matters that are expected to take a long time to finalise. A matter can be transferred from the Magistrates Court to the Family Court.
- Both courts have the power to resolve all parenting disputes whether the parents were married, in a de facto relationship or neither.



Reaching Agreement

- If you don't have an application under way you can reach an agreement out of court.
- This agreement can then be filed in the Court in a Form 11 Application for Consent Orders.
- This agreement is converted to binding Court Orders.
- You do not have to enter into the court process.



Reaching Agreement

- If you have already commenced proceedings you can, at any time before judgment is delivered, on either one issue or all issues, reach an agreement and either
 - File at the Registry; or
 - Hand up in Court,
a Minute of Consent Orders
- The Minute of Consent Orders must be signed by both parties



Family Dispute Resolution

- Family dispute resolution (FDR) is a process where a qualified family dispute resolution practitioner helps you to reach your own agreement regarding children's issues, financial matters and child support. FDR can be in the form of family counselling, negotiation or conciliation. FDR Practitioners cannot give legal advice or make decisions for you. They can however help you write up the terms of the agreement.
- Family dispute resolution is confidential.
- The cost of family dispute resolution varies depending on your income. Some services are run by non-profit organisations so they can reduce fees if you would suffer financial hardship.



Family Dispute Resolution cont...

- If you have not commenced court proceedings you have the option of going to family dispute resolution to help you reach your own agreement. That agreement can then be filed at the Court, and become binding court orders.
- If you are already involved in the court process, you can still attempt family dispute resolution. If it is successful, then orders can be made in terms of that agreement. If it is not successful, then you can continue with the court process.



Pre-action Procedures

- Before you commence children's proceedings, including applications to vary an existing parenting order, you need to attend family dispute resolution with the other party.
- You must obtain a certificate and there can be consequences for not complying.
- The cost depends on provider and some fees are based on your income



Exemptions from FDR

- You can be exempt from attending family dispute resolution:
 - if you are applying for consent orders
 - where you are responding to an application
 - where the matter is very urgent
 - where the court is satisfied that there are reasonable grounds to believe that there has been or there is a risk of family violence or child abuse
 - where a party is unable to participate effectively (for example they are too far away)
 - in some contravention proceedings
- These exemptions are set out on page 2 of Brochure 2



Family Dispute Resolution Centres

- **Relationships Australia**
 - 15 Cambridge Street, West Leederville
 - Phone: 9489 6363
- **Centrecare**
 - 12 Brewer Place, Mirrabooka
 - Phone: 9440 0400
- **Anglicare**
 - 23 Adelaide Terrace, East Perth
 - Phone: 9325 7033
- **Private Family Dispute Resolution Practitioners**
- For more information on family dispute resolution and where to find a family dispute resolution practitioner, call the Family Relationships Advice Line on 1800 050 321 or go to www.familyrelationships.gov.au

Family Dispute Resolution Centres (Notes)

- If you are interested you need to phone one of the centres and they will send you an information package. If you proceed, both the parties will have a pre-intake interview to discuss all of the relevant issues and make sure that family dispute resolution is appropriate in your case. You will be given a choice of family dispute resolution times and dates.
- Often people reach an agreement after 2-3 sessions, but it varies. If you go ahead with family dispute resolution you will need to get legal advice.
- If there are family violence orders in place, you can still go ahead with family dispute resolution, but appropriate arrangements will be made. Family dispute resolution can also be conducted over the phone and this includes if one person is interstate or overseas.



The Court Registry

- All documents and applications must be filed at the Registry on Level 1 at the Family Court
- Registry staff are able to help you with any questions you may have about filing documents.
- The Registry also offers other services, you can ask them about the serves or check online
 - For example: you can lodge a request to view your Court file
- The Registry is open from 9am until 4pm Monday to Friday



Court Process - Overview

Commence proceedings by...

- filing a Form 1 Initiating Application for final orders

Then proceed to....

- Child Related Proceedings List before a Magistrate assisted by a Family Consultant

**** MUST ATTEND ALL COURT EVENTS ****

- The Court is of the view that parties will actively participate in their matter and, as such, it is expected that you, and your lawyer (if you have one), will attend each court event, regardless whether you are the applicant or the respondent. However, in some cases the Court, or your lawyer, may give you permission not to attend a particular court event. For self represented litigants you must attend all court events.



Final Orders

Applicant:

- Form 1 Initiating Application setting out the final orders you want the Court to make; and
- Case Information Affidavit; and
- You may need other documents such as a marriage certificate, a copy of any violence restraining order or children's birth certificates and your certificate or exemption from family dispute resolution.
 - File forms in at registry (generally 3 copies are needed)
 - Serve a copy on the other party
- You will be given a date for your first court event which is usually 28 days later

Final Orders (Notes)

- A Parenting Orders kit is also available for both the applicant and the respondent. You can obtain a copy of the kit from the Family Court website or the registry. The kits provide examples of the types of orders you can ask the court to make.
- There are special rules for serving Court documents. You can use a professional process server or obtain the Service Kit from the registry or Family Court website.



Final Orders

Respondent:

If you are the Respondent and you receive an Initiating Application seeking final orders and do not want the same orders the Applicant has asked the Court to make you must respond to that application.

- Form 1A Response to Initiating Application setting out the orders you want the Court to make; and
- Case Information Affidavit.
 - File forms in at registry (generally 3 copies are needed)
 - Serve a copy on the other party
 - You must file forms at least 7 days before the first court event

Final Orders (Notes)

- A Parenting Orders kit is also available for both the applicant and the respondent. You can obtain a copy of the kit from the Family Court website or the registry. The kits provide examples of the types of orders you can ask the court to make.
- There are special rules for serving Court documents. You can use a professional process server or obtain the Service Kit from the registry or Family Court website.



Child Related Proceedings List

- In most cases your first hearing is before a Magistrate assisted by a Family Consultant
- The Magistrate will make orders that can be agreed and orders as to the best path for your matter.
- Directions that can be made:-
 - Return to Family Dispute Resolution
 - Case Assessment Conference
 - Further hearing
 - Child Dispute Conference



Interim Orders

- **Either party:**
 - File Form 2 Application in a case
 - Serve the other party
- **Person responding to Form 2:**
 - File Form 2A Response to application in a case
 - Serve the other party

Then...

- First Court event usually in 28 days after Form 2 filed
- For urgent cases you should write a letter explaining urgency and request an earlier date
- If no agreement is reached at the first court appearance the matter will proceed to a hearing by a Magistrate who will make the orders



Affidavits

- An affidavit is a typed statement containing evidence upon which you intend to rely, it must contain facts, not legal arguments or opinions, it must be sworn or affirmed by authorised witnesses only (eg: Justice of the Peace) and it can be made by you or your witnesses
- If you have not been directed to file an affidavit and you wish to you will need to get permission from the Court to file an affidavit
- If you wish to file an affidavit of a person under 18 years you will need permission from the Court
- To get permission you must file a copy of the affidavit and a letter explaining why it should be filed with the Registry
- A step by step guide on affidavits is available at the Registry and on the Family Court's website



Forms and Kits

- Available at registry and on website
- Link: [> Kits - Forms - Brochures](#)

Kits available:

- Parenting Orders Kit
- Recovery Orders Kit
- Family Dispute Resolution - Exemption Kit and Form
- Consent Orders Kit
- Service of Documents Kit - (includes Forms 6 and 7)

Forms available:

- Form 1: Initiating Application
- Form 1A: Response to Initiating Application
- Form 2: Application in a Case
- Form 2A: Response to Application in a Case

Forms and Kits (Notes)

- The kits are very useful, particularly if you are going to attempt to complete the relevant Court forms yourself. The kits explain how to complete the forms as well as the other documents you need to file with your forms.
- There are other kits and forms available too.



The Courtroom

- You should abide by court etiquette
- Mobile phones must be off
- Judge or Magistrate is referred to as “Your Honour” or “Sir” or “Ma’am”
- Applicant sits on the right and the Respondent sits on the left
- If you are unsure of what to do or what courtroom you are in ask the Court Officer or Legal Associate

The Courtroom (Notes)

- Parties will generally sit at the bar table next to their lawyer, if they have one, in child related proceedings. If you are speaking to the Judge or Magistrate, or they are speaking to you, you can stay seated in child related proceedings. However, the Judge or Magistrate may ask you to stand when speaking.
- When a Judge or Magistrate enters or exits a courtroom the Court Officer will ask you to stand and it is customary to bow your head. If you enter or leave part way through, it is customary to stop at the door inside the Court, face the Judge or Magistrate and bow your head before you enter or exit the courtroom.
- If you have to give evidence, you will need to be sworn in. You will be asked if you prefer to swear an oath or affirmation. After you have been sworn in to give evidence, you may be called into the witness box or you may give evidence from your seat at the bar table.
- The microphones are there to record all of your evidence and are recording whether the Judge or Magistrate is in the Court or not.



Parenting Orders

- Orders made in relation to children are parenting orders.
- A parenting order covers:
 - Who has parental responsibility for a child
 - How decisions about a child are to be made
 - With whom a child lives
 - With whom a child spends time
 - With whom a child communicates

Parenting Orders (Notes)

- Following are the general principles applied by the Court, but ideally you would get some legal advice as to how they apply to your case.
- We no longer use the terms “custody”, “access”, “residence”, “contact” and “specific issues” in parenting orders.
- The law is contained in the *Family Law Act 1975* (Cth) for all married couples and the *Family Court Act 1997* (WA) for people who weren't married but both say similar things.



Parental Responsibility

Court must apply presumption that:

“It is in the best interest of the child for the child’s parents to have equal shared parental responsibility for the child”.

This is NOT a presumption of 50/50 shared care.



Parental Responsibility cont...

Definition:

“All the duties, powers, responsibilities and authority which, by law, parents have in relation to their children.”

- Parental responsibility refers to the decision making about the children. It can relate to decisions concerning long-term issues such as education, religion, serious health concerns, or day to day matters such as attendance at school.



Equal shared parental responsibility

Where an order is made for equal shared parental responsibility parents must:

- Consult on major long-term issues
- Genuine effort to reach joint decision on those issues



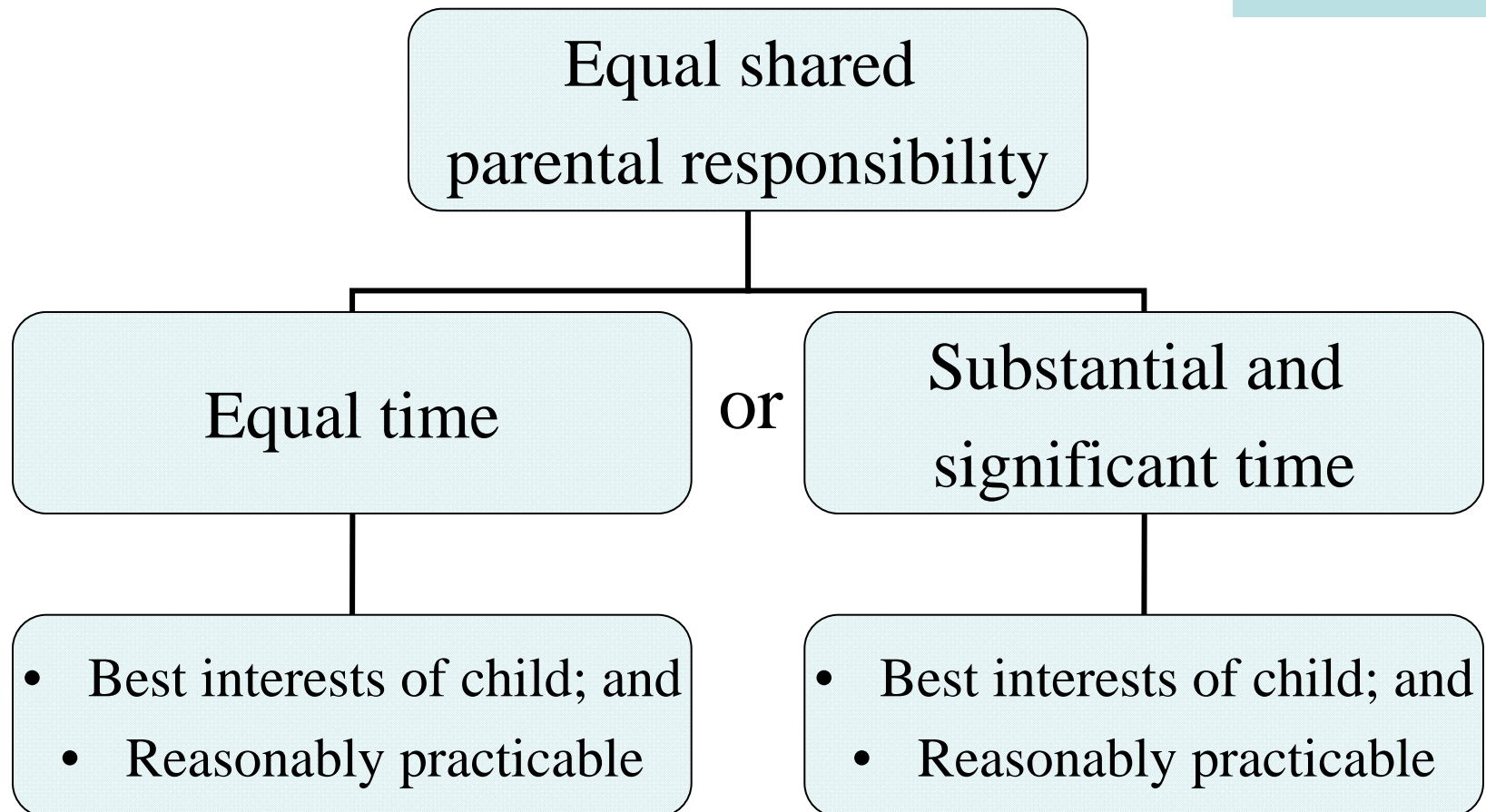
Rebutting the presumption of equal shared parental responsibility

Presumption of equal shared parental responsibility:

- Does not apply where there are reasonable grounds to believe a parent of the child, or a person living with a parent of the child, has engaged in:
 - abuse of the child or another child who, at the time, was a member of the parent's family (or that other person's family); or family violence.
- Can also be rebutted by evidence showing not in child's best interests
- May not to apply in interim proceedings.



With Whom a Child Spends Time



With Whom a Child Spends Time (Notes)

- Once parental responsibility has been determined, the Court will look at the time a child is to spend with the parents. When an order for equal shared parental responsibility is made, the Court is obliged to consider whether an equal time arrangement with each parent would be in the child's best interests and also be reasonably practicable. If the court decides not to make an order for the child to spend equal time with each parent, then the Court must consider whether or not it would be in the child's best interests to spend substantial and significant time with each of the child's parents, and if so, whether such an order would be reasonably practicable.



With Whom a Child Spends Time

Substantial and significant time includes:

- Days that fall on weekends & holidays;
- Days that do not fall on weekends & holidays;
- Parent involved in child's daily routine;
- Significant events and occasions to child; and
- Significant events and occasions to parent.



Best Interests of the Child

The Court's focus is on the *best interests* of the child or children

- Primary Considerations:
 - The benefit to the child of having a meaningful relationship with both parents; and
 - The need to protect the child from physical or psychological harm from being subjected to or exposed to abuse, neglect or family violence.

Best Interests of the Child (Notes)

- There are two primary considerations and several additional considerations in determining what is in a child's best interests.



Best Interests of the Child cont...

Additional Considerations:

- Views of the child
- Nature of the relationship between the child and each parent and significant people
- How well each parent facilitates a close relationship between the child and the other parent
- Likely effect of a change in circumstances
- Any difficulties with the child spending time with the other parent
- Each parent's capacity to provide for the child's needs
- The maturity, sex, lifestyle and background of the child
- Cultural factors
- Attitude of the parties towards parenting
- Any family violence

Best Interests of the Child cont... (Notes)

- Children do not express their views personally in Court.
- They may or may not have an interview with a Family Consultant who will prepare a family report. In some cases, a psychologist or psychiatrist might prepare a report. Reports from the Family Consultant and the child psychologist or psychiatrist are given to the Judge or Magistrate. An Independent Children's Lawyer may also be appointed if the Court thinks it is appropriate.
- How much importance the Court places on the child's views will differ from case to case and depend upon the child's age and their maturity.



Reasonably Practicable

What is “Reasonably Practicable” depends upon your particular circumstances. The court can take into account factors such as:

- How far apart the parents live from one another;
- The parents’ capacity to implement an equal or substantial and significant time arrangement
- The parents’ capacity to communicate with each other and resolve difficulties arising from an equal or substantial and significant time arrangement
- The impact on the child; and
- Any other matters that the court thinks relevant.

Court Fees



Married clients

- Divorce (Form 3) \$550
- Initiating Application (Form 1) \$243
- Response (Form 1A) \$243
- Application for Consent Orders \$ 80
- Fixing of a trial date: Magistrate \$444
Judge \$608
- Reduced fee \$ 60

Unmarried clients

- Initiating Application (Form 1) \$243
- Response (Form 1A) \$243
- Application for Consent Orders \$80
- Fixing of a trial date: Magistrate \$444
Judge \$608
- Reduced fee \$ 60

Court Fees (Notes)

- These are the current Court fees, they are subject to change. You can obtain a copy of the Family Court's fees brochure from our website or the Registry.



Being represented or representing yourself

- You don't have to get a lawyer if you decide to go to Court, but it is difficult to conduct Court proceedings without legal help. Some people employ a lawyer for only certain parts of the process and do the rest themselves. For example, a lawyer may prepare documents but the person may choose to represent him or herself in Court.
- If you intend to seek legal advice you should ensure your lawyer has experience in family law.
- There are brochures available online and also at the registry to assist self-represented litigants.



Legal Advice

The Court recommends that every party seeks legal advice from a lawyer with family law experience

- Law Society of WA – list of Family Law Specialists
Law Society of WA
89 St George's Terrace Perth
Phone: 9322 4911
- Legal Aid WA –
55 St George's Terrace, Perth
Toll Free: 1300 650 579
- Community Legal Centres Association
33 Moore Street
East Perth, WA, 6004
Ph: (08) 9221 9322
Website: www.communitylaw.net

Legal Advice (Notes)

- If you are looking for a lawyer you can contact the Law Society of WA and they will give you a list of family law specialists or you can check the Yellow Pages telephone directory.
- Legal Aid WA offers limited over the phone legal advice and a wide range of other services. You may or you may not be eligible for legal representation. Legal Aid WA also has an Alternative Dispute Resolution Service, which is where you will be helped to reach your own agreement. Only one person needs to be financially eligible for you to participate.
- There are several suburban and regional Community Legal Centres which make family law part of their practice. Staff at these Community Legal Centres can help you to fill out your court forms and give you legal advice usually either free of charge or for a nominal fee. Their website will provide you with your local centre.



Lawyers' Fees

- The law prescribes a scale rate that lawyers can charge their clients. Unless you agree otherwise, lawyers cannot charge more than the scale rate per hour:
- - \$429 per hour for a Senior practitioner (admitted 5 years +)
- \$297 per hour for a Junior practitioner (admitted less than 5 years).
- However, if you enter into a Costs Agreement with your lawyer, they can charge you above the scale rate.
- Your lawyer must keep you informed of all costs and expected costs for each stage. Lawyers must also disclose what they are charging to the Court and the other party.



Where Can I Get More Information?

Family Court of Western Australia website

www.familycourt.wa.gov.au gives you access to:

- *Family Law Act 1975 (Cth)*
 - *Family Court Act 1997 (WA)*
 - Daily Court Lists
 - Judgments
 - Frequently asked questions
- There are computers available to use at the Court on Level 1, 150 Terrace Road, Perth, most local libraries and internet cafes.



Need Some More Help?

Separation of parents is a stressful time for everyone in the family. There are many services in the community available to help both parents and children through this time.

- Family Court Counselling & Consultancy Service
Level 3, 150 Terrace Road, Perth
Phone: 9224 8248
Toll Free: 1800 199 228
- You can speak to the Family Court's Counselling & Consultancy Service.



Need Some More Help cont...

- Law Council of Australia, Family Law Section
www.familylawsection.org.au
- My family is separating — what now?
www.familyseparation.humanservices.gov.au
- Family Relationship Advice Line
 - 1800 050 321
 - 8.00am to 8.00pm Monday to Friday; and
 - 10.00am to 4.00pm Saturdays.

Need Some More Help cont... (Notes)

- The Law Council of Australia has a family law section on their website where you can access information about property orders and dispute resolution.
- The Department of Human Services (DHS) has an online support tool to assist separated families in navigating their way through the family law system. It is called *My family is separating — what now?* and can be accessed at www.familyseparation.humanservices.gov.au.
- If you have questions in relation to children's issues you can phone the Family Relationships Advice Line from 8:00 am until 8:00 pm Monday to Friday and 10:00 am until 4:00 pm on Saturdays. They can refer you to a Family Relationship Centre.



Post Separation Parenting Programs

- Anglicare
 - www.kinway.org.au
- Centrecare
 - www.centrecare.com.au
- Relationships Australia
 - www.relationships.com.au
 - Women and Separation – Managing New Horizons
 - Men and Separation – Choices in Tough Times

Post Separation Parenting Programs (Notes)

- **Post Separation Parenting Programs**
- Anglicare, Centrecare and Relationships Australia all offer post separation parenting programmes as well as many other services:
- For example:
- Anglicare provides services such as:
 - - Domestic Violence Programs
 - - KinWay Relationship Counselling
 - - Mens Time
 - - Mums and Dads Forever
 - - Primary Dispute Resolution Service
- Centrecare provides services such as:
 - - Up to 3 hours of Family Dispute Resolution free
 - - Counselling support services
 - - Mediation
 - - Parenting workshops
- Relationships Australia provides services such as:
 - - Relationship Counselling
 - - Family Mediation
 - - Family Violence Prevention
 - - Relationship Skills Courses
 - - Family Skills and Parenting Courses & Seminars



End of Session

Thank you for viewing the
Information Session