

THE FAMILY LAWYER

Empowering Your Family Law Journey
Taking You from Uncertainty to Settlement

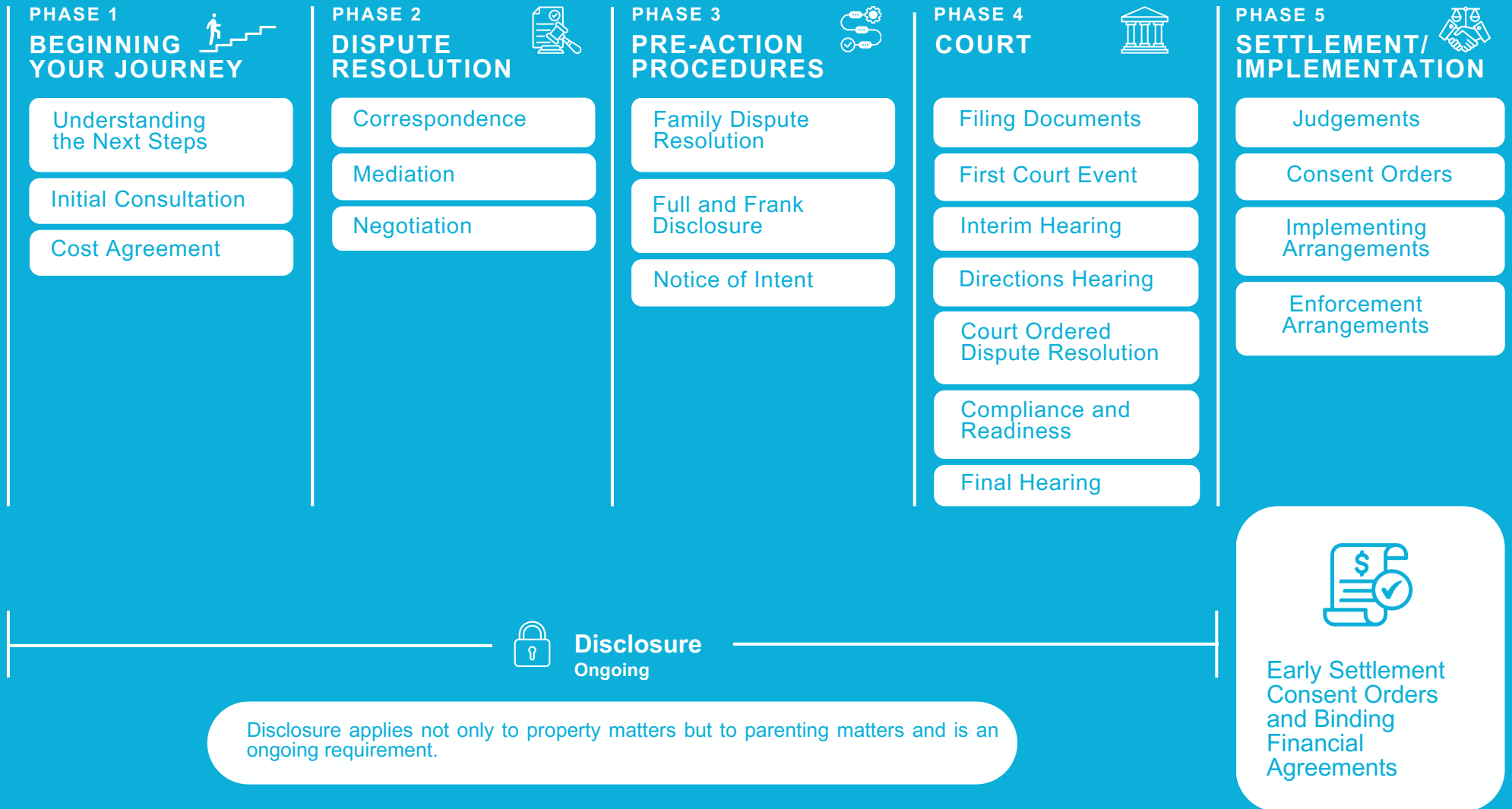
THE FAMILY LAWYER



AN INTRODUCTION TO FAMILY LAW

THE FAMILY LAW JOURNEY

 Click the buttons below to explore each section.



 Your journey and how long it lasts depends on many factors, including the complexity of the case, cooperation between parties, and court resources.

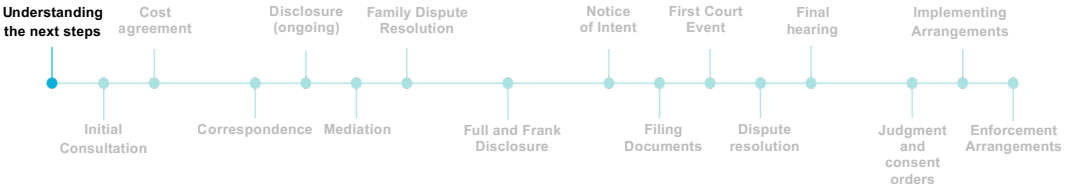
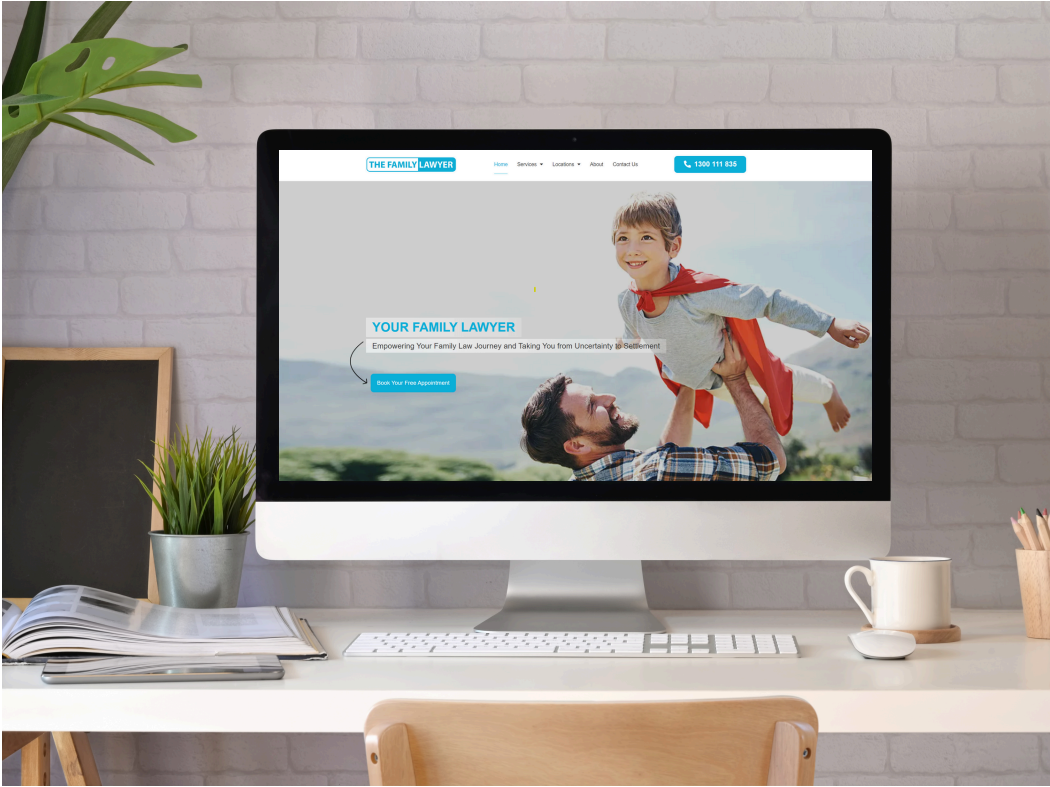
BEGINNING YOUR JOURNEY

Understanding the Next Steps

Embark on your family law journey with us, starting with a crucial first step - understanding your needs.

Before our initial consultation, you will be invited to fill out our intake form through an easy-to-use online platform. This preliminary step is designed to allow you to:

- ☑ Share details of your situation securely and effortlessly
- ☑ Reduces your legal costs
- ☑ Choose how much you share, based on what you are comfortable with



BEGINNING YOUR JOURNEY

Building your Strategy

We provide a fixed fee for our initial consultation where we start to build your strategy.

The Strategy Session is crafted to empower you by:

- Clarifying your questions, enabling you to better understand your legal issues
- Advising you on your legal rights, responsibilities, and entitlements so you can make informed decisions
- Outlining your next steps, giving you back control
- Explaining the process and costs associated with your matter so you know what to expect

We will also provide you with information specific to your unique circumstances such as:

Family Violence

Family violence encompasses a range of abusive behaviors aimed at controlling or harming a family member, and legal measures are available to protect affected family members and address allegations.

- What is family violence
- What options and support services are available for those affected by family violence
- How to contest a family violence application if you believe the allegations are false

Parenting Matters

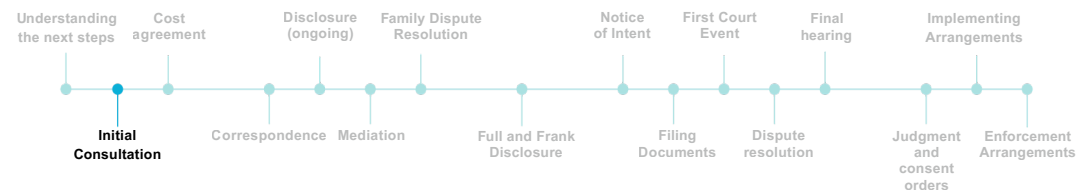
Parenting matters involve negotiating the care and responsibilities for children after separation, focusing on their best interests and defining parental responsibilities within the framework of the Family Law Act.

- What options are available for resolving your parenting matter
- What are your rights with respect to your children
- What are the factors a court considers when making parenting orders
- What do “best interests” and “joint decision-making responsibility” mean

Financial Matters

Financial matters in family law involve assessing and dividing assets and liabilities between parties, by considering each person's contributions and future needs to achieve a fair and equitable settlement.

- How your assets and liabilities are valued
- What does a fair division look like
- How to protect yourself moving forward
- Understand how contributions are assessed
- How future financial needs might influence settlements



BEGINNING YOUR JOURNEY

Your Options

During the early stage of your matter, we will identify any quick wins and present you with various settlement options. Understanding your options early on and as your matter progresses will enable you to make informed decisions about costs, parenting arrangements, financial decisions, and other important life matters.

Generally, your options include:

1. Mediation
2. Negotiation (direct or lawyer-assisted)
3. Court Proceedings

Except in specific circumstances, such as urgent cases or those involving significant family violence, you must engage in negotiation and mediation to show that you have made a genuine effort to settle your dispute before proceeding to court.



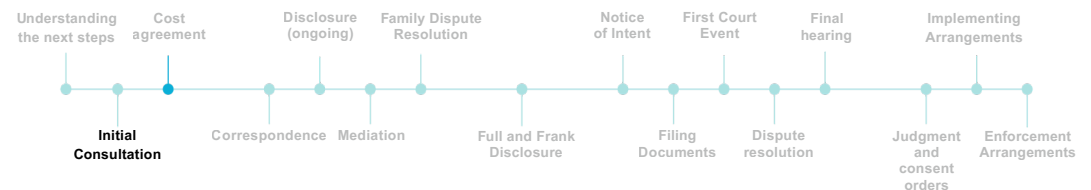
i Understand early settlement options

Support Services

Separation can be one of the most challenging experiences in a person's life, affecting multiple aspects of their well-being. Our goal is to guide you through this difficult period, helping you to focus on rebuilding your life and planning for your future, as well as that of your children. While our expertise lies in family law, we recognise the importance of comprehensive support.

Over our years of practice, we have cultivated strong relationships with a wide array of professionals, including mental health specialists and financial advisors.

We are committed to connecting our clients with these experts to ensure they receive holistic support. Should you or your family need a referral to a psychologist, counsellor, accountant, or financial advisor at any point, please do not hesitate to ask your lawyer.



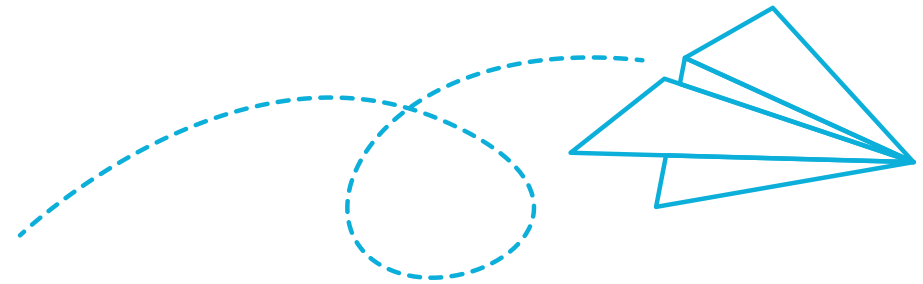
BEGINNING YOUR JOURNEY

Understanding Legal Costs

At The Family Lawyer, we prioritise transparency regarding costs. Our commitment to cost transparency is evident in our detailed cost agreements and the time we take to explain each stage in your journey and break down exactly what you are paying for.

We understand that everyone's financial situation is different, and we provide a variety of options tailored to accommodate these diverse circumstances. We will also provide you with practical tips to help you minimise cost, such as:

- ☑ Requesting a checklist of required documents and ensuring you provide all documents requested.
- ☑ Ensuring that all documents provided are electronic and appropriately named. This facilitates easy access and management.
- ☑ Participating in dispute resolution, such as family dispute resolution, which is less formal, faster, and cost-effective.
- ☑ Get advice from accountants, estate agents, mortgage brokers, and financial planners before you meet with us. This will help you understand your financial position and options down the line.
- ☑ Combine your questions and ask them all at once rather than through multiple calls and emails.
- ☑ Read all the information provided by your lawyer, including court brochures and advice, to better understand your rights and obligations.

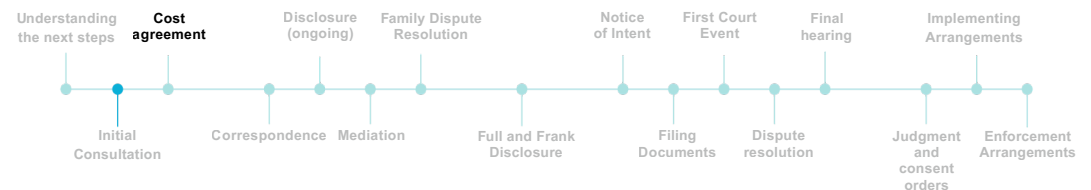


We continuously provide cost updates and estimates, enabling you to make informed and strategic decisions throughout your matter.

Every case is unique, and various factors can affect the legal costs, such as the parties' attitudes, the complexity of issues, court delays, and the involvement of third parties like expert witnesses or valuers.

During our initial meeting, we typically provide an estimate for three different scenarios: reaching a negotiated settlement, attending mediation, or proceeding to court. This approach helps our clients understand their potential legal expenses and options from the outset.

[Learn more about mediation](#)



DISPUTE RESOLUTION

The Correspondence Process

It is important for us to understand each side's perspective and determine the key issues to be resolved. To do this, we engage with the other party or their lawyer.

Your lawyer will handle all communications with the other party or their lawyer. These communications may involve discussions about temporary arrangements for children, exchanging information, negotiating terms, and making settlement offers. The process of sending and revising these communications can take time, particularly if there are a large number of issues.

During this period, both parties will need to share relevant information about their finances and other matters, a process known as disclosure.

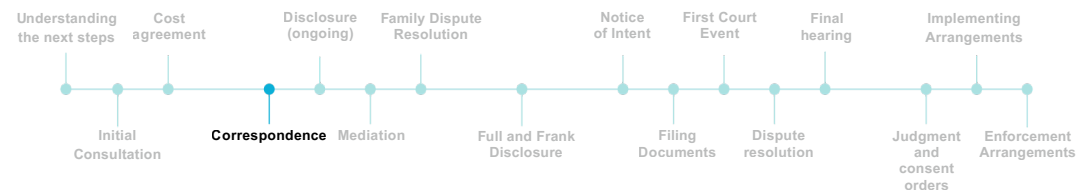
In our communications with you and all other parties involved, including your former partner, we adhere to the Best Practice Guidelines issued by the Family Law Council and the Family Law Section of the Law Council of Australia. Our approach is carefully tailored to the specific circumstances of your case, focusing on a style that promotes effective resolution without exacerbating tensions unnecessarily. Our goal is to resolve matters efficiently and harmoniously.



Before any correspondence is sent to the other party, you will have the opportunity to review it. Your lawyer will also explain the purpose of specific types of correspondence, along with key terms and phrases, to ensure you fully understand the objectives of the communication.

You will be kept informed about all communications received concerning your matter and will be asked to provide your input or instructions in response.

If an agreement is reached through these negotiations, it can be formalised into consent orders, a binding financial agreement, parenting plan, or other type of formal agreement.



[Understand more about the disclosure process](#)

DISCLOSURE

The disclosure process in family law is a critical step in both parenting and property matters. It requires both parties to provide all relevant information to each other. This ensures that all decisions are made with the best available information and that outcomes are fair and meaningful.

Financial Matters

The disclosure process involves both parties sharing detailed information about their financial circumstances.

This includes:

-  Bank statements
-  Superannuation statements
-  Tax returns and business financial statements
-  Details of investments, cryptocurrency, and shares
-  Mortgage documents evidencing loans, and other debts
-  Evidence of any inheritances, gifts, or other financial contributions

The objective is to create a comprehensive "property pool" that accurately represents all assets and liabilities associated with both parties. This allows for a fair division based on contributions, needs, and other relevant factors under the law.

Parenting Matters

In cases involving children, disclosure focuses on providing all information relevant to the welfare and best interests of the children.

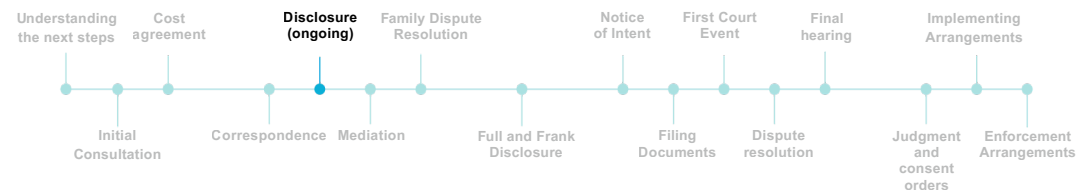
This might include:

-  Medical records
-  School reports
-  Records of communication between the parents
-  Documentation of any incidents that might affect parenting capacity or child safety, including police reports or interventions by child services

The aim is to ensure that all decisions made about the children's living arrangements, care, and parental responsibilities are in the children's best interests. This involves considering the children's health, emotional well-being, connections with family, and the ability of each parent to meet their needs.

Throughout the Disclosure Process

Both parties are required to continuously update and provide new relevant information as it becomes available. The court can impose penalties for non-compliance with the Duty of Disclosure. Your lawyer will guide you on what is required and advise you on the necessary documents and deadlines.



DISPUTE RESOLUTION - MEDIATION

Mediation

Mediation is designed to foster a cooperative environment where both parties can openly discuss their needs and work towards an acceptable solution. It places significant control in the hands of the parties involved, often leading to more satisfactory and practical outcomes compared to court-imposed decisions.

Preparation for Mediation

Mediation can occur at any stage during your family law journey and can occur more than once. It can be conducted in person or via video conference. The timing of mediation is generally agreed upon between the parties and can be subject to the completion of valuations or family reports. Prior to mediation, each party prepares and shares a case outline that sets out the background of the matter, the issues, and their desired outcomes.

Costs

Mediation is a more cost-effective process than litigating. Parties have the flexibility to select their mediator and decide on the mode of mediation, providing greater control over the costs involved. The costs for the mediator and any necessary facilities, like a mediation centre, are typically shared equally between the parties. However, each party will bear its own cost of representation and work in preparation for mediation.

What are the Benefits of Mediation

Mediation offers greater privacy than litigation, is less expensive and less adversarial. The process is confidential, and any offers made during mediation cannot be used in subsequent court proceedings or negotiations.

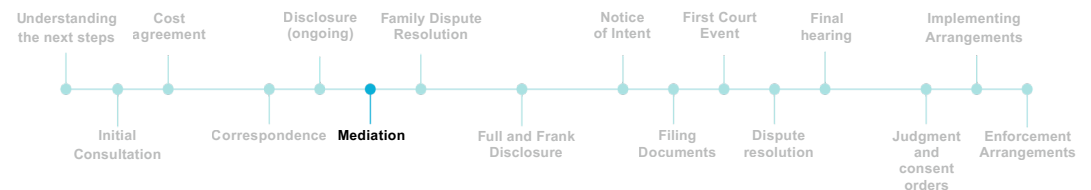
Outcomes of Mediation

Successful Mediation: If an agreement is reached, the terms can be captured in consent orders which is submitted to the court for approval or a financial agreement, which your lawyer will advise you on. Once formalised, these agreements become legally binding and must be complied with. Legal assistance continues to be available to implement and enforce these agreements.

Unsuccessful Mediation: If mediation does not result in an agreement, parties have several options. They can choose to continue negotiations directly, attempt further mediation, or proceed to court. Each option should be considered carefully, taking into account the likelihood of success and the potential costs involved.



[Learn more about other types of mediation](#)



PRE-ACTION PROCEDURES

Pre-action procedures in parenting and property matters are mandatory steps that parties must undertake before initiating court proceedings. These procedures are designed to help parties to resolve disputes amicably, by requiring genuine efforts to negotiate and exchange all relevant information.

Family Dispute Resolution

Except in specific circumstances, such as urgency, or where exemptions apply under [section 60I\(9\) of the Family Law Act](#), the Court requires that parties involved in parenting disputes engage in [family dispute resolution](#) to show that they have made a genuine effort to resolve their matter before proceeding to court.

Family dispute resolution is available through Family Relationship Centres, which offer free information and referrals.

Family dispute resolution operates on a means-tested basis, whereby individuals with a gross annual income of \$50,000 or more are charged \$30 per hour. However, clients earning less than \$50,000, as well as those receiving Commonwealth health and social security benefits, are eligible for these services free of charge.

 [Learn more about more about the Disclosure Process](#)

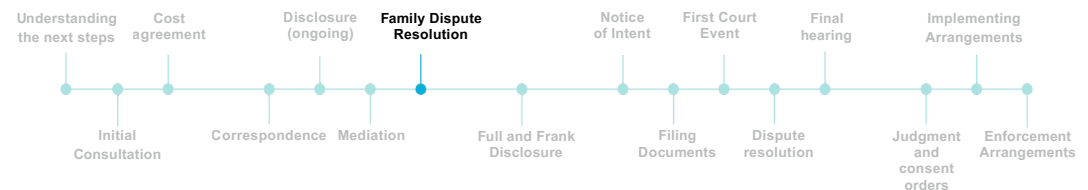
What Happens After Dispute Resolution

Family dispute resolution can also be ordered by the court during a parenting matter. If the court orders these events, it is essential that you attend. When an agreement is reached at court-based family dispute resolution, interim or final orders will be made to reflect the agreement.

When an agreement is reached at private or community-based dispute resolution, the parties can file [consent orders](#) with the court or enter into a [parenting plan](#).

 A parenting plan is not legally enforceable. You should obtain legal advice about the impact of parenting plans, including on existing court orders.

If an agreement is not reached, you can choose to continue negotiations directly, attempt further dispute resolution, or proceed to court. Each option should be considered carefully, taking into account the likelihood of success and the potential costs involved.



PRE-ACTION PROCEDURES

Full and Frank Disclosure

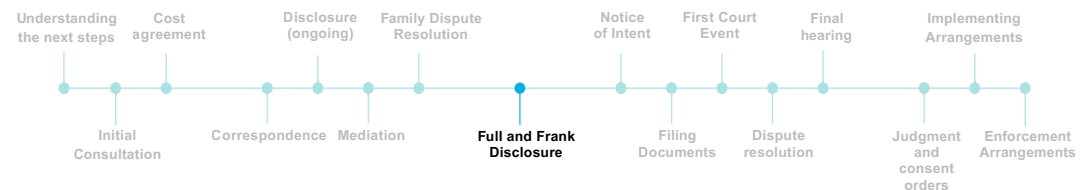
The disclosure process in family law is a critical step in both parenting and property matters.

It requires both parties to provide all relevant information to each other. This ensures that all decisions are made with the best available information and that outcomes are fair and meaningful.

Disclosure is a complex area of law. To fully understand your obligations, You should read [Chapter 6 of the Federal Circuit and Family Court of Australia \(Family Law\) Rules 2021](#) and [section 71B](#) for married couples or [section 90R](#) for de-facto relationships.

You should ask your lawyer if you are unsure about any of your obligations. Your lawyer will help you understand your legal rights and responsibilities, including:

-  Your duties and obligations about disclosure, including full and frank disclosure
-  The effect of the undertaking as to disclosure
-  The consequences of not complying with your obligations regarding disclosure



 [Learn more about more about the Disclosure Process](#)

PRE-ACTION PROCEDURES

Notice of Intent

Issuing a Notice of Intent

If dispute resolution in a financial matter fails, a person considering legal action must issue a Notice of Intent to the other party involved.

This notice must include:

-  The specific issues in dispute
-  The orders they intend to seek if legal proceedings are commenced
-  A genuine offer to resolve the matter
-  Set a response deadline of at least 14 days

This notice should be accompanied by an informational brochure explaining the process and implications of the notice.

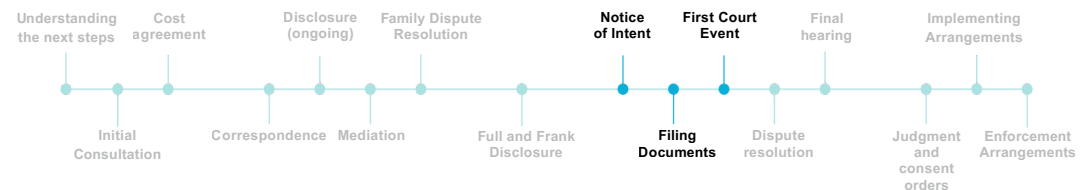
Responding to a Notice of Intent

Upon receiving a Notice of Intent in financial matters, the recipient must respond in writing within the nominated timeframe. The response should clearly state whether the offer is accepted. If the offer is accepted, parties are encouraged to formalise the agreement through a financial agreement or consent orders.

If the offer is not accepted, the recipient must provide a response that includes:

-  Outline the disputed issues
-  Specify the orders they will seek if the matter proceeds to court
-  Make a genuine counteroffer to resolve the issues
-  Set a response deadline of at least 14 days.

Failure to respond to a Notice of Intent allows the initiating party to proceed with court action, as they are deemed to have fulfilled their obligation to follow pre-action procedures.



COURT

Filing Documents

If your matter has not resolved, you will need to commence legal proceedings.

Your lawyer will gather detailed information necessary for drafting the appropriate documents. The specific documents required will vary depending on your circumstances and may include:

- Initiating Application, including Orders
- Affidavit
- Notice of Child Abuse, Family Violence or Risk
- Undertaking as to Disclosure
- Genuine Steps Certificate
- Financial Statement

These documents are crucial as they provide a comprehensive account of your situation, present your evidence, and clearly outline the orders you are seeking from the court.

First Court Event

The initial court event, conducted by a judicial registrar, generally occurs 1-2 months after the filing and is procedural in nature. Your lawyer will appear for you at this hearing, and your active participation is not required.

The hearing aims to efficiently advance your matter through the court system by identifying the specific issues, assessing if dispute resolution is appropriate, and considering whether any expert reports, such as valuations or family reports, are required.

If necessary, the court may schedule an interim hearing to address any urgent matters, such as interim parenting arrangements.

 The first court event is generally conducted via video conference.

Interim Hearing

If your case involves urgent issues, such as parenting arrangements or temporary financial support, the court may schedule an interim hearing to address these matters. At an interim hearing, a barrister typically represents you, guided by instructions from your lawyer.

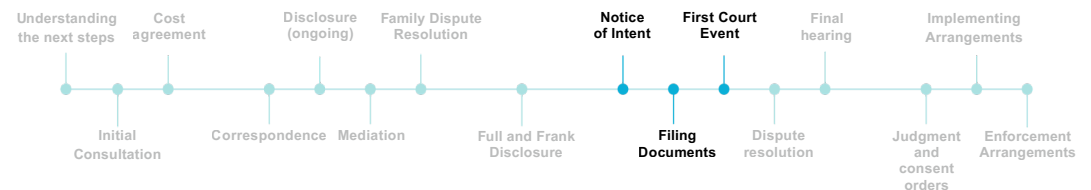
Before an interim hearing a number of documents must be provided to the court such as a case outline setting out details of the issues to be determined.

The parties can engage in discussions prior to the interim hearing, including on the day, and resolve some or all of the issues. If you cannot resolve the interim issues, the barrister will make oral submissions to the court, which will decide the matter and make an interim order.

Interim Orders

Interim orders are temporary and remain in effect until further orders are made in your matter.

 These hearings are generally conducted in person and you should expect to be at court for the whole day.



COURT

Directions Hearing

A directions hearing is a procedural hearing to review the progress of a case and give directions that the parties must follow to ensure the case progresses efficiently toward resolution.

During a directions hearing, the court may:

-  Order the parties to attend mediation or other forms of dispute resolution
-  Schedule specific dates for future hearings, including interim or final hearings
-  Made orders for the preparation of expert reports, and other evidentiary materials
-  Issue costs orders for non-compliance

Court Ordered Dispute Resolution

 The first court event is generally conducted via video conference.

Conciliation Conference

The court may direct parties to attend and participate in court-based dispute resolution, typically involving a conciliation conference. This form of dispute resolution is

 [Learn more about Family Dispute Resolution](#)

confidential and aims to facilitate a resolution between the parties. Conciliation conferences are conducted by a judicial registrar of the court and are often held via video conference.

To ensure constructive negotiations, the parties must exchange a series of documents, such as a case outline, the arrangements sought, a balance sheet and financial disclosure.

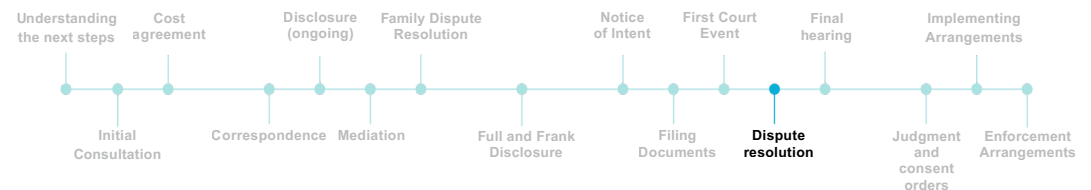
The main objective of these conferences is to encourage parties to actively resolve their disputes or at least narrow the issues. All parties are expected to make a sincere effort to settle the matter.

If both parties agree, the registrar has the authority to make binding orders during these conferences. If an agreement is not reached, the matter will proceed to the next court event.

Private Mediation

Parties may also be directed to engage in barrister-led mediation or private or community-based family dispute resolution. All these dispute resolution methods are confidential.

 [Learn more about Mediation](#)



COURT

Compliance and Readiness

If your matter is not resolved at dispute resolution and there are outstanding issues to be determined, it will be listed for a compliance and readiness hearing before a judge. This hearing aims to ensure the parties have complied with all court orders and directions, such as family reports or valuations, so the matter is ready to proceed to a final hearing.

Orders are generally made for the parties to take procedural steps to prepare for a final hearing, such as the filing of an amended application and response, trial affidavits of both parties and any witnesses and case outlines setting out the background of the matter, the issues, and the parties desired outcomes.

You can still negotiate after a final hearing date has been set



[Learn more about settlement options](#)

Final Hearing

Approximately 2% of all cases actually proceed to a final hearing, and it is common for parties to engage in last-minute discussions, including on the morning of the final hearing, in an attempt to settle the matter.

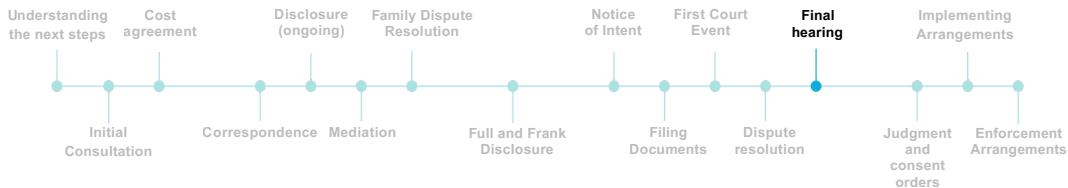
This approach allows parties to maintain significant control over the outcome, often resulting in more satisfactory and practical resolutions than those imposed by the court.

At a final hearing, a judge will consider the evidence of the parties, hear oral submissions, and consider relevant case law and legislation. Both parties, witnesses and experts are cross-examined during the final hearing.

This can be a stressful time. Your experienced legal team will ensure that you understand what is expected of you at the final hearing and the court's processes.

You will almost certainly be represented by a barrister, who is an experienced court advocate. Depending on the complexity of your matter, a final hearing can last from one to four or more days.

 These hearings are generally conducted in person and you should expect to be at court for the whole day.



SETTLEMENT/ IMPLEMENTATION

Judgements

Following a final hearing, the judge will make a decision. This decision may be made on the day, or if the judge needs more time to think about the case, they will announce their decision within 3 to 6 months of the final hearing.

💡 Until a Final Order is issued, the parties must comply with any existing court orders.

Binding Financial Agreements

Financial agreements are legally binding arrangements available to married and de facto couples and can be entered into before, during, or after a relationship. They must meet certain requirements, such as being in writing and signed by both parties after each has received written independent legal advice from a qualified lawyer.

Once properly executed, a financial agreement is binding and has the same power as a court order; however, unlike a court order, it can be customised to reflect the parties' specific needs, financial positions, and goals which the court may not regard as being "just and equitable".

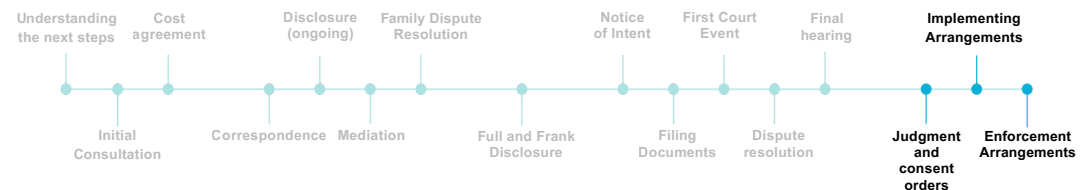
💡 A statutory declaration does not protect your property interests in family law.

💡 It is important to consider whether a consent order is the most appropriate way to formalise your matter. Your lawyer will be able to advise you on this.

Consent Orders

Once an agreement is reached, your lawyer will prepare and submit the appropriate documents for the courts' review. If approved, sealed orders are issued and become enforceable.

The court can request changes be made or inquire as to how arrangements were decided. These inquiries are known as requisitions. The court can also require parties to re-negotiate where it does not consider the agreement to be "just and equitable".



[Learn more about Binding Financial Agreements](#)

SETTLEMENT/ IMPLEMENTATION

Implementing Arrangements

Following the finalisation of a matter through a court order or binding financial agreement, your lawyer will send you a letter outlining the final outcome of your matter and your obligations.

 We provide in-house conveyancing services, should your settlement involve a transfer of real estate.

Financial Matters

Your lawyer may recommend consulting with a commercial lawyer, financial planner, or accountant to help implement strategies that align with your new financial responsibilities. These professionals can provide assistance in several key tasks, including:

-  Removing directors from companies or trusts
-  Refinancing mortgages
-  Making payments to third parties
-  Selling real estate or other significant assets
-  Transferring real estate ownership
-  Managing the sale of assets located overseas

Parenting Matters

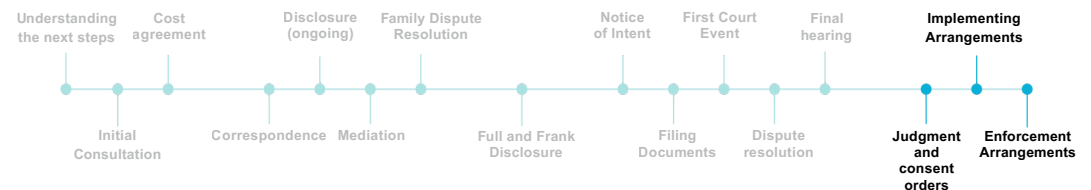
In parenting matters, implementing custody arrangements can involve a gradual increase in time, with numerous important dates and times to remember.

It is crucial to carefully record all significant dates and keep the court orders readily accessible. Many custody arrangements, particularly for very young children, are designed to span several years. Staying organised and aware of these details will help ensure that you comply with all terms and support the best interests of your children. In cases involving children, you may need assistance implementing arrangements such as:

-  Changing the child's name
-  Providing copies of court orders to schools, healthcare providers, and third parties to ensure they are aware of the legal requirements
-  Obtaining records from third parties, such as medical, educational, or therapeutic records
-  Arranging for updated emergency contact information and authorised pickups at schools and extracurricular activities
-  Facilitating passport applications or renewals
-  Ensuring compliance with specific healthcare or educational needs

Enforcement Arrangements

If either party fails to comply with the court orders or the terms of a binding financial agreement, the party adhering to the arrangements has the right to inform the court of this non-compliance. In response, the court has the authority to modify the original arrangement or to impose costs against the non-compliant party.



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