# Family Law Party Checklist

## Using this checklist:

* Type file name and number, print and attach to all new files for family law matters
* Complete manually as the file progresses

## Purpose of checklist:

Completing this checklist fully and accurately will help:

* Demonstrate that you have met the duties of competence and standard of care expected of a legal representative representing a parent
* Demonstrate that you have met Legal Aid’s expectations of practitioners undertaking legally aided work, articulated in the [Quality Standards](https://www.legalaid.nsw.gov.au/__data/assets/pdf_file/0012/41511/Quality-Standards.pdf)
* Another solicitor in the event they need to quickly identify the progress you have made with this matter
* If you are audited by Legal Aid

## Note:

* This tool is designed as a prompt only. It does not prescribe how litigation should be conducted in family law matters and is not exhaustive
* This document could potentially be considered a client document and provided to the client upon request (rule 14 Australian Solicitors’ Conduct Rules) or as a result of a GIPA request

# Part A: Open File and Start Proceedings

## Step One - Family Dispute Resolution (FDR)

| **Task** | **Details/Date Done** |
| --- | --- |
| Meet with client and prepare for FDR before scheduled date for conference and take instructions in relation to:   * the position to be put forward at the conference * the likely position of the other party or parties and * how the client would like to participate, taking into account any safety concerns |  |
| Complete and submit FDR checklist and provide any other information requested by FDR |  |
| Liaise with FDR about conference date |  |
| Attend conference (or arrange an appropriate agent) |  |
| Write to client about outcome of conference |  |
| Consider whether an application for a grant of legal aid for litigation is necessary and advise client about this option |  |

## Step Two- Prepare for Proceedings

| **Task** | **Details/Date Done** |
| --- | --- |
| Meet with the client as soon as possible to:   * To seek the client’s instructions on all available options, including dispute resolution options * Take instructions to help prepare documents. |  |
| Comply with any applicable requirements for family dispute resolution or pre-action procedures |  |
| Write to the client using plain English to confirm the lawyer’s advice in relation to:   * any applicable time limits (in property settlement, spousal maintenance or child support matters) * dispute resolution options (if applicable) * the next stage of the Court proceedings * steps needing to be taken by the client (including referrals to services) |  |
| If there are allegations of family violence undertake safety planning with the client and ensure he or she is referred to appropriate services |  |

# Part B: Court Attendances

Complete for all Court events

|  |  |
| --- | --- |
| **Task** | **Details/Date Done** |
| Meet with the client before each Court event and take instructions in relation to:   * All documents filed in the proceedings and documents produced under subpoena; * Whether a further affidavit should be filed; * Issuing subpoenas. |  |
| Attend each Court event (or arrange an appropriate agent) and communicate the outcome to the client at Court and in writing. |  |
| Record outcome |  |

## Part C: Preparation for Trial

| **Task** | **Details/Date Done** |
| --- | --- |
| Refer to a litigation intervention conference (if agreed and appropriate) |  |
| Take instructions from client and prepare and file documents (eg trial affidavits, subpoenas etc) |  |
| Provide advice to client about the Court process including giving evidence, cross examination and Court procedures. |  |
| Issue updating subpoenas |  |
| Ensure witnesses are on notice of hearing dates |  |
| Brief Counsel (if approval has been given by the Grants Division) |  |
| Prepare and file Case Outline Document |  |
| Meet with the client and obtain updating instructions before hearing |  |

## Step Three- Trial

|  |  |
| --- | --- |
| **Task** | **Details/Date Done** |
| Attend trial as solicitor advocate or to provide instructions to counsel for the duration of the hearing |  |
| Make an application for costs if appropriate |  |
| Meet with the client and advise them of the outcome of the hearing. |  |
| Advise the client of their ability to appeal and the relevant time limits for filing an appeal if appropriate |  |
| Write to the client and advise of the outcome and appeal rights |  |
| Record outcome |  |

## Step Four- Finalise File

|  |  |
| --- | --- |
| **Task** | **Details/Date Done** |
| Advise the Grants Division of any costs orders made |  |
| Submit a File Outcome to the Grants Division |  |