

1. What has changed?

Legal aid funding for early intervention mediations in Care & Protection matters is now administered as an Early Resolution Assistance (ERA) service type, not a grant of aid.

The ERA service type is used for legally aided mediations and is a quick, low-cost service with a simplified application and administration process.

Applications for ERA must be submitted by lawyers, not clients.

2. Which C&P mediations are administered as ERA?

Funding for the following legally aided mediations is now administered as ERA:

- Early intervention mediations under the [Legal Assistance for Families Partnership Agreement \(LAFPA\)](#).
- Section 86 contact dispute mediation.
- Pre-filing adoption mediations.
- Post-filing adoption mediations.

3. How much funding will I receive?

The ERA [fee scale](#) for Care mediations depends on the type of mediation. You will be paid a component for preparation and intake, and attendance at the mediation.

4. How is it different?

ERA funding for mediations is not a grant of aid. ERA has simplified eligibility policies, including:

- an [ERA means test](#), and
- an [ERA merit test](#).

Child clients (ILR or DLR matters) are not required to satisfy the ERA Means Test or ERA Merit Test.

There is no discretion to approve ERA to a client who does not satisfy the eligibility policies. A refusal to approve ERA funding cannot be appealed to LARC.

Early Resolution Assistance mediations in Care & Protection matters

INFO SHEET

5. Who is eligible?

The eligibility requirements are set out in the table below:

	Early intervention matters	Section 86 contact dispute	Pre-filing adoption	Post-filing adoption
Eligibility policy	<p>ERA is available where:</p> <ul style="list-style-type: none"> significant safety issues for the child/ren have been identified, including risk of assumption, or the family and child/ren would benefit from a legally assisted mediation, <p>AND</p> <ul style="list-style-type: none"> the family have been referred in accordance with the LAFPA referral criteria. 	<p>ERA is available for attendance at a pre-litigation contact dispute mediation.</p>	<p>ERA is available where the applicant:</p> <ul style="list-style-type: none"> is a birth parent or family member of the child, is connected to that child (if Aboriginal) through kinship systems, or is significant to the care, welfare and development of the child. 	<p>ERA is available where the applicant:</p> <ul style="list-style-type: none"> is a birth parent or family member of the child, is connected to that child (if Aboriginal) through kinship systems, or is significant to the care, welfare and development of the child.
ERA Merit Test	It is likely that ERA will resolve the dispute AND the applicant is committed to resolving the dispute through dispute resolution.			
ERA Means Test	<p>Applicants receiving Centrelink = eligible</p> <ul style="list-style-type: none"> Centrelink income support payments (JobSeeker, Parenting Payment, Age Pension etc.), including part-payment. <p>Other applicants:</p> <ol style="list-style-type: none"> Weekly household income (gross) is less than: <ul style="list-style-type: none"> Single person \$1157 Couple \$1365 Single person + kids \$1757 Couple + kids \$1980 <p><i>NOTE: household income includes Family Tax Benefit and Rent Assistance.</i></p> Cash assets (savings, managed funds etc.) of less than \$10,000. 			

Early Resolution Assistance mediations in Care & Protection matters

INFO SHEET

6. How do I apply on behalf of a client?

1. Create a new grant application. There are two templates for mediations in care/adoption matters:
 - “**Mediation – care and adoption FDR for adults**” or
 - “**Mediation – care and adoption FDR for children**” for ILR and DLR matters.

Create Application Request

Please contact the Legal Aid NSW Service Desk on (02) 9219 5999 if you have any questions about using Grants Online or completing any of the web forms

Select Application Template

Please select the area of law from the list below.
For more details see [Policy Online](#). The policies set out the types of matters for which legal aid is available in criminal, family and civil matters.

- + CRIMINAL LAW
- ▶ FAMILY LAW
 - ▶ Mediation - family law early intervention FDR (ERA)
 - ▶ Court proceedings - Children, Property, Recovery, Enforcement, Child Support, Divorce
 - ▶ Care and protection – Adult - Parents in primary care proceedings only
 - ▶ Care and protection – Adult – Parents in other proceedings and third parties in all proceedings
 - ▶ Care and protection – Acting for child
 - ▶ ADVO - Person in need of protection
 - ▶ Independent Children’s Lawyer
 - ▶ Mediation - care and adoption FDR for adults (ERA)
 - ▶ Mediation - care and adoption FDR for children (ERA)
 - ▶ Adoption and other state family law - Court proceedings
- + CIVIL LAW

2. Complete all sections and relevant questions in the Grants Online form.
3. When you get to the “Matter details” question, make sure to select the correct “**Matter Group**” and “**Matter Type**”.
 - Care early intervention and Section 86 mediations are under the “*Care & Protection*” Matter Group
 - Adoption mediations are under the “*Family Law Other*” Matter Group

Matter details

Please choose the appropriate matter group and then matter type

What Matters does this application concern?

This is the primary matter.

Matter Group

Matter Type

Early Resolution Assistance mediations in Care & Protection matters

INFO SHEET

Matter details

Please choose the appropriate matter group and then matter type

What Matters does this application concern?

This is the primary matter.

Matter Group

Matter Type

Matter details

Please choose the appropriate matter group and then matter type

What Matters does this application concern?

This is the primary matter.

Matter Group

Matter Type

4. At the “**Work items: Professional fees and disbursements**” question, you must select the relevant fee clause. If you have completed the form correctly, only relevant fee clauses will appear.

Work items: Professional fees and disbursements

In order to pay disbursements for interpreter fees you must provide the required information under 'Language' at the 'Applicant details' steps and select "Yes" indicating an interpreter is required.

PP12 - LAFPA Pilot conference
You must select this item

Work items: Professional fees and disbursements

In order to pay disbursements for interpreter fees you must provide the required information under 'Language' at the 'Applicant details' steps and select "Yes" indicating an interpreter is required.

ERAS86 - Fees for care contact section 86 mediation

Early Resolution Assistance mediations in Care & Protection matters

INFO SHEET

Work items: Professional fees and disbursements

In order to pay disbursements for interpreter fees you must provide the required information under 'Language' at the 'Applicant details' steps and select "Yes" indicating an interpreter is required.

ERAAD - Pre-filing adoption conference

ERAPF - Post-filing adoption conference

NOTE: select one option

Previous Next

7. What financial information do I need from the client?

You must retain copies of the client's financial verification on your file. You do not need to upload copies of the client's financial verification to Grants Online.

Centrelink Income Support recipients

If your client receives a Centrelink income support payment, they must provide you **one** of the following:

- Authorisation to verify their details with Centrelink (see item 8 for further info)
- Pensioner Concession Card
- Centrelink Income Statement.

Clients receiving a Centrelink income support payment don't need to provide verification for any financially associated persons.

Other applicants

All other applicants (and any financially associated person) must provide:

- A payslip or letter from their employer confirming their income (incl. any overtime)
- Bank statements for all accounts in their name, for the past three months.

8. Does my client have to sign anything?

No. You will complete the application form through Grants Online.

Before applying on behalf of a client, you must confirm they:

- Are aware of and consent to you making the application on their behalf.
- Have given information that, to their knowledge, is true and correct.
- Understand that the information in the application will:
 - be used to provide them a legal service, and

- for Legal Aid NSW to ensure accountability for the assistance it provides and to plan and report on its services.
- Understand that the information provided in the application will be used and stored in accordance with NSW Privacy legislation.

9. How does the client provide their Centrelink authority?

As there is no paper form for ERA, you can accept verbal consent from your client for Legal Aid NSW to access information about their income from Centrelink.

To comply with Centrelink auditing requirements, complete the following steps:

1. Confirm your client's identity (full name, date of birth, address).
2. Read the [Centrelink Consent script](#) to your client.
3. Record the details of the consent including the script in a file note and save to client's file.

10. Will my client have to pay a contribution?

No.

11. What are my obligations?

You have the delegation to determine the application, and you are responsible for:

- understanding the relevant eligibility policies
- certifying the client satisfies the relevant eligibility policies and
- retaining copies of any documents used to determine the client's eligibility.

12. What happens if the matter doesn't resolve at mediation?

You cannot apply for an extension on an ERA file.

If the matter does not resolve at mediation and proceeds to court, you can submit a new application for a grant of aid for court proceedings.