



Case Assessment Conferences

The conference for parenting cases
FAMILY COURT OF WESTERN AUSTRALIA

This brochure will tell you

The purpose of this brochure is to provide you with information about what to expect and how to prepare for your Case Assessment Conference in the Family Court of Western Australia.

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

If you are looking for information about Financial Proceedings in the Family Court of WA, refer to the brochure series “Financial Cases”, available from the Family Court of Western Australia’s website, or the registry.

What is a Case Assessment Conference?

A Case Assessment Conference is usually held after the first Court appearance.

- The conference is held with a Family Consultant.
- The purpose of a 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;
 - give you another opportunity to negotiate with the other party; and
 - formulate a case management plan with a view to achieving the best possible outcomes for the children.

Preparing for the Case Assessment Conference

Attend an Information Session:

- These sessions are run by the Family Court of WA and provide information about Court procedure in parenting cases.
- For session times contact the Family Court of WA or visit the website www.familycourt.wa.gov.au.

Serve documents on the other party:

- The documents you will need to exchange will depend on whether you are the Applicant or the Respondent.
- The Applicant is the person who applied to the Court in the first place.
- The Respondent is any other party to the matter.

For more information:

- if you are the Applicant read the “Parenting Orders Kit”;
- if you are the Respondent read the “Parenting Orders Kit - Respondent”;
- contact the Family Court of WA on 08 9224 8222 or 1800 199 228; or
- visit the website www.familycourt.wa.gov.au.

Disclosure and exchange of correspondence

You have a duty to make timely, full and frank disclosure of all information relevant to the issues in dispute. There may be serious consequences for failing to disclose, including punishment for contempt of Court. The Family Court's brochure "Duty of Disclosure" provides more information.

Parties should promptly exchange copies of documents in their possession or control relevant to an issue in the dispute before, as well as after, starting a case. Examples of documents may include: medical reports, school reports, letters, drawings, photographs.

Parties must not use a document disclosed by another party for any purpose other than to resolve or determine the dispute for which it was disclosed.

Compliance

The Court may consider whether these requirements have been met, and if not, what should be the consequences (if any) of either party failing to comply.

The Court may:

- where there is unreasonable non-compliance, order the non-complying party to pay all or part of the costs of the other party or parties in the case, and/or
- take compliance or non-compliance into account when making orders about how your case will progress through the Court.

The Court may also ensure that the complying party is in no worse a position than he or she would have been if these procedures had been complied with.

What to expect at the Case Assessment Conference

The Case Assessment Conference will last from one and a half to two hours.

There are three stages:

Stage 1: ASSESSMENT

You will have a meeting with a Family Consultant:

- You will be given the opportunity to tell your side of the story.
- The other party is not present at this meeting. They will meet with the Family Consultant separately.
- The purpose of the meeting is to work out what are the issues in your particular case, and to decide whether negotiations should occur separately or directly with the other person.

The Family Consultant will answer any questions you may have about the Case Assessment Conference and Court procedure, but they can not give you legal advice

Anything you say to Family Consultant during the conference can be used as evidence in your case

Stage 2: NEGOTIATION

The purpose of this stage is to encourage the parties to come to an agreement about issues in their case.

What happens depends on how close, or how likely the parties are to coming to an agreement:

- If there are several common areas of agreement a follow-up appointment may be scheduled with the Family Consultant.
- You may be referred to an agency outside the Court, prior to your next Court date.
- If agreement cannot be reached or is only possible on some issues, the Family Consultant will discuss which options might assist you in obtaining the best possible outcome for the children.

What happens after the Case Assessment Conference?

Your case will be referred back to your presiding Judicial Officer.

The Court may make orders:

- Temporary (also known as interim) or Final Orders;
 - Temporary and Final Orders are legally binding.
 - They can be made by agreement between you and the other party and approved by the Court.
 - The Court may also make orders regarding any allegations of Child Abuse or Family Violence.
- Procedural orders;
 - Procedural orders involve certain things which need to be done before the next Court appearance, things like:
 - filing of documents;
 - appointing an Independent Children's Lawyer;
 - allocating a Client Administration Officer; or
 - assigning the date of the next Court event.

Your case will be allocated to a 'track';

- The Court will assign your case to a 'track', depending on what issues are at stake.
- The three tracks are:
 - Complex track;
 - Standard track; or
 - Magistrate track.
- The track you are assigned to will determine whether you will make your next appearance before a Judge, a Magistrate or a Family Consultant.
- Once assigned to a Judicial Officer, the Court will attempt to ensure that you will always appear before that Judge or Magistrate.
- Once allocated a Family Consultant the Court will attempt to ensure that you always work with the same Officer.

In any case, the Court will provide you with information explaining what you will need to do and when you will need to return to Court

It may take longer than six months before your case reaches final determination by either a Judge or Magistrate

If you are unable to make it to Court

It may be possible to participate in a Case Assessment Conference via telephone or video link. You will need to complete a form seeking the Court's permission. A "Request to Attend by Electronic Communication" form is available from the registry or the Family Court of WA's website.

The form must be submitted at least seven (7) days before the date of your Case Assessment Conference. You must provide copies of your completed form to all parties.

If you are currently in prison, you must appear via telephone or video link using the form above.

Generally the Court does not allow prisoners to attend Case Assessment Conferences, although they are able to apply to the Court for permission to personally attend their trial.

Personal safety

If you have any concerns about your safety while attending Court, please call 08 9224 8222 before your Court appointment or hearing. Options for your safety at Court will be discussed and arrangements put in place. By law, people must inform a Court if there is an existing or pending family violence order involving themselves or their children.

Seek legal advice

You should get legal advice before deciding what to do. A lawyer can help you understand your legal rights and responsibilities, and explain how the law applies to your case. A lawyer can also help you reach an agreement with the other party without going to Court.

You can get legal advice from a:

- Legal Aid Office;
- Community Legal Centre, or
- Private law firm.

Court staff can help you with questions about Court forms and the Court process, but cannot give you legal advice

Need more information?

For more information about the Family Court of WA, including access to the legislation, forms or publications listed in this brochure:

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

Who else can help?

- **Legal Aid WA**
www.legalaid.wa.gov.au
1300 650 579
- **Community Legal Centres Association of WA**
www.communitylaw.net
08 9221 9322
- **Law Society of Western Australia**
www.lawsocietywa.asn.au
08 9322 7877
- **Aboriginal Legal Service of Western Australia Family Law Unit**
www.als.org.au
08 9265 6666 or 1800 019 900
- **Law Council of Australia – Family Law Section**
www.familylawsection.org.au
02 6246 3788

This brochure provides general information only and is not provided as legal advice. If you have a legal issue, you should contact a lawyer before making a decision about what to do or applying to the Court. The Family Court cannot provide legal advice. The Family Court of WA respects your right to privacy and the security of your information.

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