# Family law worksheet – FDRS Adults - Guideline 1.2

*Refer to parts 4 & 13 of the VLA Handbook and Notes on the Guidelines*

**Client Name**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**VLA Grant No**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*VLA Family Dispute Resolution Services (‘FDRS’) can be utilised both pre-litigation and during litigation (see Commonwealth Family Law Fee Schedule – Stages 1B and 2H funding)*

## Criterion 1 - Threshold Tests

### Jurisdiction tests

*Refer to part 4 of the VLA Handbook (under Jurisdiction of Family Paw Proceedings)*

Under forum test, Victoria is the appropriate jurisdiction (*eg. resident parent lives in Victoria*)

Proceedings issued in lowest court with appropriate jurisdiction to hear the matter (*if not, file must record why choice to issue proceedings in higher court was appropriate*)

### Substantial Issue in dispute test

*Satisfaction of this criteria requires ongoing assessment. Where substantial issues in dispute are resolved, but non-substantial issue remains, a further grant of aid is not available*

An issue that:

is likely to have a significant impact on the child’s safety or welfare; or

where the dispute is about with whom a child is to live; or

where the dispute is about the child’s right to spend time with their parents or other people significant to their care, welfare and development.

**Provide further details of basis for being ‘substantial issue’**

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### Commonwealth merits test

Reasonable prospects of success test (*legally and factually, the matter is more likely than not to succeed – more than having a 50/50 chance of success*); and

Prudent self-funding litigant test (*person with limited financial resources would use their own finances in paying for the matter*); and

Appropriateness of spending limited public legal aid funds test (*costs involved in granting assistance are justified by the likely benefit to the person seeking the grant of assistance (or, if appropriate, the likely benefit to the community)*)

**Provide details of how test is satisfied or not satisfied (as applicable) for each new application or extension**

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### Contravention test

Applicant has **not** been found by a court within the last 12 months to have contravened a Federal Circuit and Family Court of Australia order without reasonable excuse

### Means test

*Refer to part 12 of the VLA Handbook. Completing the Proof of Means Worksheet is recommended*

*If an extension application* - Applicant’s financial details:

Have not changed; or

Have changed (*update ATLAS and ensure new documentary proof of means is on file*)

## Criterion 2 or Criterion 3

### Criterion 2: EITHER applicant is a ‘Family Law Priority Client’

A family law priority client is:

1. a person with one or more of the following vulnerabilities:

a disability diagnosed psychiatric or psychological illness  literacy barriers  
cultural and/or language barriers drug and/or alcohol issues

and this

makes the person unable to participate effectively in family dispute resolution at VLA's FDRS without legal representation (for an advice and negotiation or FDRS grant)

OR

B. a person who:

is experiencing homelessness or  
identifies as Aboriginal or Torres Strait Islander or   
has experienced, or is at risk of experiencing family violence  
 **Provide further details on how this guideline is satisfied**

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### OR Criterion 3: One or more of the following apply:

allegations have been made that indicate there is a risk to the wellbeing and/or safety of the [child](https://www.handbook.vla.vic.gov.au/key-definitions) from being subjected or exposed to abuse, neglect or family violence; or

The [child](https://www.handbook.vla.vic.gov.au/key-definitions)’s ability to maintain a meaningful relationship with one or both of their parents (or where the person seeking assistance is not a parent of the [child](https://www.handbook.vla.vic.gov.au/key-definitions), with that person) will be substantially prejudiced by the proposals or conduct of a party to the dispute; or

There are allegations that there is or has been a risk of family violence. The person alleged to be the victim, as a [family law priority client](https://www.handbook.vla.vic.gov.au/key-definitions), and the person who is alleged to be the perpetrator of the family violence are both included in this definition.

**Provide further details of on how this guideline is satisfied**

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## Other Requirements (if applicable)

### If the person applying is not a parent of the relevant child

Applicant for an early intervention and dispute resolution grant of legal assistance where applicant is a party but not a parent and:

the person is significant to the care, welfare and development of the child (eg. grandparent); and/or

it is in the child’s best interests.

**Provide details of how the guideline is satisfied**

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### If the person applying seeks to discharge or vary current Orders

Significant change of circumstance.

If the applicant is the cause of the significant change, VLA will need to consider the surrounding circumstances.

**Provide details of how the guideline is satisfied**

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### If contravention/enforcement of parenting orders; or contempt of Court

*VLA will treat proceedings as a ‘new matter’ (refer to* [*Family law costs management, VLA Handbook)*](https://www.handbook.vla.vic.gov.au/family-law-costs-management) *)*

[substantial contravention](https://www.handbook.vla.vic.gov.au/key-definitions) of the orders

For applicants - no unreasonable delay in requesting assistance

**Provide further details of how the guideline is satisfied**

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*\* If additional space is required, attach a separate sheet*

Applicant for a grant of legal assistance where they are:

an applicant in relation to a family law or child support matter for contempt of court (‘contempt of court proceedings); or

respondent to contempt of court proceedings. *Note*: VLA may have regard to the severity of any penalty which may be imposed

**Provide further details of how the guideline is satisfied**

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## Part A - Early intervention and dispute resolution criteria

### Advice and negotiation grant

*If an application for parenting orders is made by a child (including a parent who is a child), this will be VLA assessed & evidence supporting the application will need to be uploaded via ATLAS*

Guideline 1.1 (adults parenting disputes) Guideline 1.6 (child parenting disputes)

Applicant for an advice and negotiation grant of legal assistance where:

first request for assistance; and

lawyer considers matter may be resolved through early advice, negotiation and exchange of letters; and

Threshold tests met (see Criterion 1 above); and

Family Law Priority Client (see Criterion 2 above) or  Criterion 3 (see above); and

Other requirements (if applicable, see above)

*Note: Where dispute does not resolve and proceeds to a grant for VLA FDRS or litigation (, the subsequent grant will be reduced by the amount paid for the advice and negotiation grant (with the exception of recovery order, information/location or enforcement grants which will not be reduced)*

### FDRS grant - Parenting orders

*If an application for parenting orders is made by a child (including a parent who is a child), this will be VLA assessed & evidence supporting the application will need to be uploaded via ATLAS*

*Where a second VLA FDRS conference may reasonably be expected to result in resolution - proceed to a further conference without an extension (preparation fee is not payable a second time)*

Guideline 1.1 (adults parenting disputes) Guideline 1.6 (child parenting disputes)  
Applicant for an early intervention and dispute resolution grant of legal assistance in relation to parenting orders where:

Threshold tests met (see Criterion 1 above); and

Family Law Priority Client (see Criterion 2 above) or  Criterion 3 (see above); and

Other requirements (if applicable, see above)