# 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)