# Family law worksheet – Information or Location Order - Guideline 2.2

*Refer to parts 4 & 24 of the VLA Handbook and Notes on the Guidelines*

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

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

*This guideline applies where a person seeks assistance to start legal proceedings with a* [*location*](https://www.handbook.vla.vic.gov.au/key-definitions) *or* [*information order*](https://www.handbook.vla.vic.gov.au/key-definitions)*, and a* [*recovery order*](https://www.handbook.vla.vic.gov.au/key-definitions) *is not also sought in the application.*

*Where a person seeks assistance for a* [*location*](https://www.handbook.vla.vic.gov.au/key-definitions) *or* [*information order*](https://www.handbook.vla.vic.gov.au/key-definitions) *in addition to an application for a* [*recovery order*](https://www.handbook.vla.vic.gov.au/key-definitions)*, the application for assistance should be made under* [*Guideline 2.1 – assistance for a recovery order.*](https://www.handbook.vla.vic.gov.au/guideline-21-assistance-recovery-order)

## Criterion 1 – Reasonable steps to locate

[ ]  the person has taken reasonable steps to locate the [child](https://www.handbook.vla.vic.gov.au/key-definitions), or a person who has the [child](https://www.handbook.vla.vic.gov.au/key-definitions) in their care

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

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## Criterion 2 – Court order required

[ ]  a court order is required to obtain information about the whereabouts of the [child](https://www.handbook.vla.vic.gov.au/key-definitions), or a person who has the [child](https://www.handbook.vla.vic.gov.au/key-definitions) in their care

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

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## Criterion 3 - 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 4 or Criterion 5

### Criterion 4: EITHER is applicant 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 effectively run their own case in court without a lawyer representing them
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 5: One or more of the following apply:

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); 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 existing parenting 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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## Part A – Information or Location Order Criteria

[ ]  Reasonable steps to locate (see Criterion 1 above); and

[ ]  Court order required (see Criterion 2 above); and

[ ]  Threshold test met (see Criterion 3 above); and

[ ]  Family law priority client (see Criterion 4 above) or [ ]  Criterion 5 (see above); and

[ ]  Other requirements (if applicable, see above)