# Family law worksheet – property disputes – Guideline 9

*Refer to parts 4 & 24 of the VLA Handbook and section 6 of the Notes on the Guidelines*

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

**VLA Ref No**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## [Threshold tests](https://www.handbook.vla.vic.gov.au/notes-guideline-9-property-disputes)

### Forum test

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

### Means test

*Refer to part 12 of the VLA Handbook. Completing the Proof of Means Worksheet is recommended. The assessable asset test is suspended for this guideline.*

Client meets the assessable income test

*Complete a Proof of means worksheet*

### Is there a parenting dispute

No current parenting dispute

Yes, and client is eligible for assistance under our parenting guidelines

## Assets

Estimated total net property pool is $500,000 or less (not including superannuation); OR

client’s estimated total net claim is $250,000 or less; OR

Property pool is superannuation only; OR

Property pool is purely debt alone

**Provide details of the property pool (assets, liabilities and superannuation) and their values**

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## Family law priority client

A [family law priority client](https://www.handbook.vla.vic.gov.au/key-definitions) 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 criteria is satisfied**

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## Your client seeks a grant of assistance for:

[Guideline 9.1](https://www.handbook.vla.vic.gov.au/guideline-91-family-dispute-resolution-services-family-law-property-disputes) – FDRS

[Guideline 9.2](https://www.handbook.vla.vic.gov.au/guideline-92-litigation-family-law-property-disputes) – Litigation

[Guideline 9.3](https://www.handbook.vla.vic.gov.au/guideline-93-urgent-ligation-family-law-property-disputes) – Urgent litigation

### If FDRS

Estimated total net property pool is $500,000 or less; **OR**

client’s estimated total net claim is $250,000 or less

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

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### If litigation

client is more likely than not to succeed in their application or response to court

AND

FDRS attempted or FDRS has assessed as unsuitable or unable to proceed; OR

threshold factual issue as to existence of defacto relationship; OR

client seeking leave to file out of time; OR

client responding to a family law property application

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

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### If urgent litigation

estimated total net property pool is $500,000 or less or the applicant’s estimated total claim is $250,00 or less; **AND**

Without an urgent court order the client’s claim to the net asset pool will be significantly and irretrievably dissipated; **AND**

client more likely than not to succeed in their application to court

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

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**Notes:**

* Applications for aid under guideline 9 are VLA assessed only and cannot be submitted through the simplified process. Please use the ‘VLA Assessed – Family Law Property Program’ template.
* Your client needs to satisfy the income test and must include with their application proof of income:
  + Current pension or health care card if on a government benefit
  + Latest pay slip or letter from their employer, if employed
  + Latest tax return and profit and loss statement; or business activity statement, if self-employed
  + Last 3 months of statements for every bank account in their name.