

## A. Family law and domestic violence advice worksheet

Client name: \_\_\_\_\_ Client no: \_\_\_\_\_  
Lawyer's name: \_\_\_\_\_  
Referred by: \_\_\_\_\_ Date: \_\_\_\_\_

I have discussed and advised this client as indicated below and taken instructions as noted:

### Domestic violence

- Is aggrieved / respondent to DV application
- Has Temporary or Final Protection Order for / against sighted / not sighted
- Has client ever had previous DVO? Y / N

When did it expire? \_\_\_\_\_ Which court? \_\_\_\_\_

- Has other party ever breached current or previous DVO? Y / N

When? \_\_\_\_\_

Details: \_\_\_\_\_

Were the police told? \_\_\_\_\_

- Was the other party charged with breach? Y / N

When? \_\_\_\_\_

Outcome? \_\_\_\_\_

- Recommended client advise police of every breach and advised client what constitutes a breach
- Explained basis of DVO including court process and procedure
- Explained respondent's options and outcomes at first mention
- Explained options as respondent in cross-applications
- Explained protection order conditions
- Does client wish to change any of the conditions of the TPO? Y / N
- Explained possible ouster order / return of property order
- Explained to client likelihood of others (including children) being included in DVO

- Does client wish to include children or anyone else in DVO or TPO?

If yes, who and why?

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- Explained relevance of protection order re children's welfare and contact
- Recommended practical steps for own safety / safety plan eg change locks
- Referred to Domestic Violence service / police / IWSS for assistance

Where?

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- Migration advice needed Y / N
- Referred client to RAILS Y / N
- Recommended proceeding with application / getting / varying / defending / revoking DVO
- Merit to apply for legal aid to obtain / vary / defend / revoke DVO
- Recommended client apply for legal aid
- Application given to client Y / N
- Application received Y / N
- Resource material given to client

#### Children's matters

- Existing parenting plan/order/agreement Y / N    sighted / not sighted
- Explained (a) best interests (b) childrens rights – objects and principles (c) parental responsibilities – shared/rebuttable (d) equal/substantial/significant time with parents (e) protecting children from harm
- Explained options for parenting plan/order and consent orders – court / mediation / counselling / LAQ conference
- Explained duty of disclosure and other obligations under the *Family Law Act 1975*
- Issues to consider – where children live/how they spend time with and communicate with parent/other issues/willingness and ability to facilitate contact with other parent/reconciliation
- Recommended keeping a parenting diary
- Recommended reporting child abuse / neglect to doctor / Department of Child Safety / police
- Recommended writing to other party re parenting proposal and keep copy of letter
- Merit to apply for legal aid for conference / court
- Completed solicitor / client assessment sheet for conference
- Contraventions – procedure/evidence/penalties
- Explained use of location orders and recovery orders by other party
- Explained options of location and recovery order for client (a) making own enquiries to locate child/ren (b) federal police watch list (c) child passport alert
- Merit to apply for legal aid for location / recovery order/s
- Role of the ICL
- Resource material given to client

### Property married / de facto

- Time Limits – Married – 12 months after divorce
- Time Limits – De facto – two years after separation
- De facto – proof of existence of de facto relationship
- Contributions – how assessed – financial and non-financial
- Options for distribution of assets – superannuation
- Needs – children / health / earning capacity
- Grounds for seeking periodic / lump sum spousal maintenance Y / N
- Explained (a) severance of joint tenancy (b) caveat or injunction to preserve property
- Options for applying for sole occupancy of home
- Practical steps – closing / separating joint accounts and household bills and changing will – how
- Explained LAQ arbitration and gave client property arbitration information sheet Y / N
- Merit to apply for legal aid Y / N
- Explained costs – private solicitor to spec / LAQ retrospective contribution process
- Referred to family court for consent order kit and / or Relationships Australia / other for mediation

### Divorce

- Time Limits – 12 months separation – effect of reconciliation
  - Grounds – marriage broken down irretrievably / can live separately under one roof
  - Proper arrangements made for children – especially minors
  - Compulsory counselling if married under two years when apply
  - Referred to Relationships Australia / Lifeline / other service for counselling and/or to FCCA for divorce kit and/or to community divorce scheme / divorce class / counter staff / FACT team
  - Merit to apply for legal aid because
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### Child support / child maintenance

- Refer to the child support unit at Legal Aid Queensland for DNA testing / court proceedings in stage one or stage two cases / kit including for review or departure
- Refer to the Department of Human Services (Child Support) for assessment / collection / enforcement / review