



FAMILY LAW ASSISTANCE PROGRAM



CLIENT BROCHURE

*Helping those who want to help
themselves*

ABOUT THE PROGRAM

The *Family Law Assistance Program* is a clinical legal service which offers members of the community assistance with their family law matter, while at the same time provides law students the opportunity to gain invaluable practical experience.

It is well recognised that the breakdown of a family relationship can have a devastating and longstanding impact on all involved. The *Family Law Assistance Program* aims to reduce this impact by providing clients with general advice and information on issues such as mediation, family law procedure and self-representation before the Court.

Clients of the *Family Law Assistance Program* are interviewed and assisted by senior students from the Faculty of Law, Monash University. All legal advice however, is provided following consultation with a qualified legal practitioner.

Areas in which the *Family Law Assistance Program* can provide assistance include ~

- Divorce
- Child contact and residency and/or Consent Orders
- Division of property held in marriage
- Child Support

Assistance cannot be given in relation to the division of property where the parties were in a de-facto relationship. If you require assistance in this area, the services of a private practitioner will need to be engaged.

IMPORTANT THINGS TO NOTE

- It is unlikely that your matter will be resolved at your initial interview - for an estimated timeframe see "From Initial Interview to Family Court Hearing".
- Staff of the *Family Law Assistance Program* are unable to represent you in Court - you are required to do this yourself. If appropriate and necessary, a barrister may be engaged to appear on your behalf.
- If you are seeking orders relating to children, the *Family Law Act 1975* requires that you and all parties involved first attempt mediation. Where this has not occurred, the Court is likely to reject your application. Further information can be obtained from our staff.
- Parties must be separated for at least 12 months before the Court can grant a divorce. Such separation may occur "under the one roof" whereby although you continued to live in the same house, you did so separately (ie. cook, shop, wash clothes individually).
- An application relating to the division of property (including superannuation) must be commenced in the Court within 12 months of your divorce being granted. Such an application can however be made prior to and/or without first seeking a divorce.

SELF-REPRESENTATION IN FAMILY LAW MATTERS

Understandably, the sheer thought of having to get up in Court and argue your own case is terrifying for most people. Unlike other courts, the Family and Federal Magistrates' Courts do allow litigants to present their own matter without the need for legal representation.

Although the experience may appear quite daunting, it need not be ~ the atmosphere and the conduct of the court is not at all like it appears on *Law & Order*!

Below are a few suggestions to help make the task of representing yourself in Court a little easier ~

- Arrive at the Court early on the day of your hearing. If your hearing is on a Monday, attend the FLAP drop-in service prior to your hearing for support and information. If your hearing is on any other day, there is always another Duty Lawyer at the Court who can offer assistance.
- Be prepared to spend the entire day at Court ~ although your matter is set to be heard at 9.30am, the Court may not reach it until that afternoon.
- Children under the age of 18 years are not permitted in the courtroom. Ensure that if necessary, appropriate child care is arranged for the day of your hearing.
- Dress appropriately ~ it is advisable that you wear business attire or similar.
- Don't worry if you don't know 'lawyer speak' and have trouble articulating exactly what you want to say ~ the main thing is that you tell the Court your 'story'.
- Be honest and be yourself.
- Take all documentation with you on the day of your hearing.
- Know what it is that you are seeking from the Court.
- Don't worry if your matter is 'stood down' or 'adjourned' ~ this is common and does not mean that the Court is likely to decide the matter against you.
- If you do not understand something that is being said in court ~ ask for it to be clarified.
- Remember that the Federal Magistrate or Registrar who is hearing your matter is here to help you achieve the best available resolution.

Further information regarding the Court process and what to expect on the day of your hearing can be obtained from a representative of the *Family Law Assistance Program*.

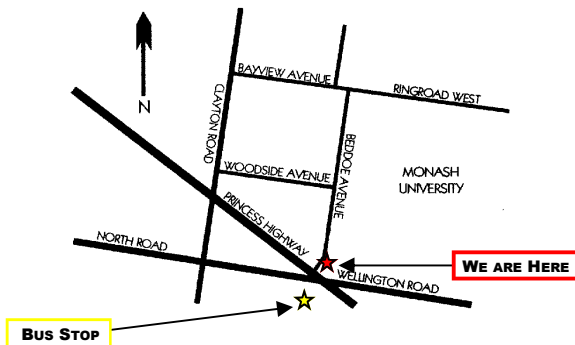
Alternatively, where appropriate and/or necessary, a barrister may be engaged, at your expense, to appear in Court on your behalf.

LOCATION & APPOINTMENT TIMES

The *Family Law Assistance Program* is open on an **appointment only** basis as follows ~

Monday	Closed*
Tuesday	1.00pm - 5.00pm
Wednesday	1.00pm - 5.00pm
Thursday	9.30am - 1.00pm
Friday	9.30am - 1.00pm

* A duty lawyer service is run on this day at the Dandenong Federal Magistrates Court. No appointment is necessary.



Melway Map reference 70 E11

If you are travelling by public transport, catch either of the following buses departing from Clayton Railway Station and get off at the 'Princes Hwy/North Road' stop ~

- Route 703** towards Blackburn
- Route 733** towards Box Hill

**** The contents of this brochure are informative only, and do not constitute legal advice ****



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