

CHILDREN'S COURT (FAMILY DIVISION) WORKSHEET

Refer to Ch 2 Appendix 2C Guideline 5 of the VLA Handbook & Section 7 of the Notes on the Guidelines.

CHILD

- ☐ Child sufficiently mature to give instructions (10 yrs or older)
- ☐ Children under 10 years of age, but deemed mature enough to give instructions.
 - ☐ Yes – Refer to VLA for determination with relevant form
 - ☐ No – Recommend refusal of aid.

ADULT (Assistance may be granted to a parent/guardian of a child, or interested party, subject to the merit and costs/benefit)

Applicant Responding to Proceedings:

- ☐ Yes – Assess Merit &/or Cost/Benefit
- ☐ No – Refer to Vary or Revoke Order

Applicant Seeks to Vary or Revoke an Order:

Are there current proceedings on foot?

- ☐ Yes – Assess Merit &/or Cost/Benefit
- ☐ No **Compelling reasons?** (does not refer to cross-applications made after DHS has issued proceedings)
 - ☐ Yes – Refer to VLA for determination with relevant submission & documentation
 - ☐ No – Recommend refusal of aid.

Merit Test (Assessment of whether proceedings will terminate in a manner favourable to the applicant) :

- ☐ The applicant opposes:
 - ☐ The proving of a Protection Application; or
 - ☐ The proving of a Breach Application; or
 - ☐ The finding of an Irreconcilable Difference; or
 - ☐ An application to vary or extend an order; or
- ☐ Alternative order sought to that recommended by DHS; or
- ☐ Application by DHS for a protection order would remove the child from the applicant's custody and the applicant is applying to retain custody of the child; or
- ☐ Applicant seeks to oppose the making of a condition(s), or seeks the inclusion of a condition(s), in an order that concerns a substantive issue which will significantly affect the lifestyle of the family or the applicant; or
- ☐ Application by DHS is for a Guardianship or Permanent Care order.

Provide Details: _____

Cost/Benefit Test? (Nature & extent of any benefit/detriment that may be gained/suffered vs likely cost of the case.)

- ☐ Yes – Recommend Aid

Provide Details: _____

- ☐ No - Recommend Refusal of aid

Special Circumstances? (refer to guideline 2.3.1)

- ☐ Yes – VLA for determination (Application and supporting documentation to be attached)