

FAMILY LAW MERITS WORKSHEET

Please refer to Chapter 2 Appendix 2D of the VLA Handbook & Section 5 of the Notes on the Guidelines.

1. CLASS OF MATTER FOR WHICH AID IS SOUGHT (COMMONWEALTH PRIORITY)

- ☐ Parenting Orders ☐ Child Maintenance & Support
☐ Residence ☐ Contact
☐ Variation of Orders (Passage of time, child now at age to express view etc insufficient on their own.)
☐ Material change in circumstances, **OR** ☐ Court order imperative
☐ Paternity ☐ Matrimonial Property
☐ Spousal Maintenance
☐ *Recovery/Location/Information Orders: Parenting Orders already exist? ☐ YES ☐ NO
(*Where no parenting orders are in place they should also be sought in conjunction with these orders.)

2. MERIT TEST

(Where issues may not warrant litigation they may be sufficient for PDR. Eg If specific elements of a current order are not working or create repeated conflict & negotiations might resolve these.)

- ☐ Primary Dispute Resolution **OR** ☐ Court Proceedings

Substantial issue in dispute satisfies the following:

- ☐ Reasonable prospects of success test
☐ Prudent self-funded litigant test
☐ Appropriateness of spending limited public legal aid funds test

Basis: _____

3. PRIMARY DISPUTE RESOLUTION (PDR must be considered before a litigation grant is sought)

3.1 RDM (Aid may be recommended regardless of the respective positions of the parties)

- ☐ Matter might be resolved by assisted dispute resolution
☐ Not suitable for RDM by reason of
☐ Urgent matter (complete section 3 above);
☐ Current reported allegations, investigations or proceedings about child abuse;
☐ Immediate risk of removal or relocation of the child;
☐ Can participate in RDM, even with representation, jeopardised by violence, intimidation etc
☐ Clearly documented refusal of other party to participate
☐ On advice from RDM
☐ Other: _____

3.2 Advice and Negotiation

- ☐ Matter may be fully resolved with limited correspondence/attendance by lawyers
☐ Issues not significant enough for assisted dispute resolution (eg mediation/counselling)

4. LITIGATION

- ☐ PDR not appropriate (refer 3.1)
☐ RDM chairpersons' recommendation ☐ for / ☐ against grant for litigation (If against, reason for litigation)

5. FORUM TEST

- ☐ If court proceedings initiated, Victoria is the appropriate jurisdiction (eg. resident parent lives in Vic.)

6. INTERIM ORDERS AND INJUNCTIONS / URGENT MATTERS

- ☐ "6 week rule" satisfied
☐ "6 week rule" does not apply because:
☐ Child's or applicant's safety at risk / child's welfare at risk
☐ Immediate risk of removal of child from Australia or to remote area in Australia
☐ Preserve assets or other exceptional circs eg. child seriously ill, party dies