



**Legal Services  
Commission**  
OF SOUTH AUSTRALIA

## CONTACT US

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# Family Law Conferencing

*Negotiated*

*solutions*

*to family*

*law problems*

## WHAT IS A FAMILY CONFERENCE?

Conferencing is a meeting between people involved in a family law dispute. Conferencing is a type of family dispute resolution. It can help you to resolve your dispute without going to court. The Family Law Act requires that in most cases, before you make an application to the court for a parenting order, you must attend family dispute resolution.

## WHO CAN ATTEND A CONFERENCE?

Conferencing is arranged by the Legal Services Commission. To be eligible for conferencing, either you or the other person involved in the dispute must have legal aid. Legal aid is subject to financial and other conditions.

## DO I NEED A LAWYER?

It is not a requirement that you have a lawyer represent you. It is however recommended that you obtain legal advice and if possible have a lawyer attend the conference with you. If you have been granted legal aid, your legal costs will be met by the Legal Services Commission.

## WHY SHOULD I ATTEND A CONFERENCE?

Conferences are a good way of settling your dispute without the stress and anxiety of going to court. It is an opportunity for you to have your say and to consider solutions that everyone can agree on.

It can be very expensive if your dispute has to go to court. Conferencing can often end your dispute more quickly and with less cost than court proceedings.

## WHO ATTENDS A CONFERENCE?

You and the other person will take part in the conference, together with your lawyers.

If the court has appointed a lawyer to represent your child/children's interests, that independent children's lawyer will also be present at the conference.

The conference is conducted by a chairperson who is an independent person trained in conferencing and family law.

## WHAT HAPPENS AT A CONFERENCE?

The chairperson helps you and the other party to state your concerns and to develop options to resolve the dispute which are relevant and practical to your particular situation.

You can ask your lawyer for advice at any stage.

In some conferences you and the other person are in separate rooms and the conference chairperson will move between you (shuttle).

Conferences by telephone or video link may also take place in certain circumstances.

After the conference the chairperson may make recommendations to the Legal Services Commission about whether legal aid should be continued. The recommendations are based on the legal merits of the case, including whether there is a reasonable chance of success in court.

A certificate will also be issued by the chairperson for the purposes of the Family Law Act.

## HOW DO I ASK FOR A CONFERENCE?

The first step is for you or the other person (or both) to apply for legal aid for a conference. To find out how to do this telephone the Legal Help Line 1 300 366 424.

If you have already been granted legal aid to go to court you may still request a conference if you think that it may help you to resolve your dispute.

Discuss conferencing with your lawyer. If the Legal Services Commission thinks that a conference might be helpful, you may be required to take part in a conference.

However, a conference may not be held if there is a background of family violence, intimidation, child abuse, mental illness or other matters of concern. Please make sure that your lawyer or the Legal Services Commission know if any of these issues are relevant to your matter.

## WHAT DOES IT COST?

If you have legal aid a contribution is payable on all grants of legal aid. The amount you have to pay depends on your financial situation.

If you own real estate and your legal costs (including costs for a family conference) exceed \$2,200, the Legal Services Commission will register a charge over the property and require repayment of the amount of your legal costs, plus a contribution of one half of the chairperson costs, when the property is sold or if you refinance.

If you do not have legal aid, you will have to pay your lawyer's fees to attend the conference.