# Case Management Pathway for Family Law Evatt List matters

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The Federal Circuit and Family Court of Australia ("the FCFCOA") was created in 2021 amalgamating the Family Court of Australia and the Federal Circuit Court of Australia.

The FCFCOA places emphasis on efficiency, responsiveness, resolution, and a more simplified Court procedure. Prioritisation of Court resources to cases involving children and parties more vulnerable to risk of harm led the FCFCOA to establish the new case management pathway. The case management pathway involves an Australia wide (except WA) consistent series of steps that separating parties progress through. The new case management pathway aims to resolve up to 90% of cases within 12 months of the date of filing with the Court.

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The new Court structure involves an early risk identification process called the Lighthouse Project which involves risk screening and triage of matters. The Lighthouse Project identifies at risk children and parties and endeavours to put safety measures in place to protect those children and parties. Matters identified that fit into this category are allocated into specialist lists such as the Evatt List within the Court where the matter can be fast tracked. Strict timeframes and compliance with Orders and Directions are applied in the Evatt List to ensure matters continue to progress efficiently.

If a matter is allocated to the Evatt List, the case management pathway provides for an initial determination in Chambers by a Judicial Registrar between 5 to 10 days post triage referral. At the Chambers hearing, preliminary Orders are made, such as the appointment of an Independent Children's Lawyer and Section 69ZW Orders which request documents and information held by the Police and the Department of Communities and Justice in relation to the parties and children. These Orders fast track the matter by ensuring relevant material is available promptly, and at times even before the first Court event.

At around 4 to 6 weeks after allocation into the Evatt List, the matter will be listed for Case Management or first Court event before the Judicial Registrar. At this Court event, consideration will be given to whether a Child Impact Report should be ordered and whether the matter should be set down for an Interim hearing. If a child impact report is required, the report will be prioritised and usually occurs between 9 to 11 weeks after a matter is allocated to the Evatt List.

The next stage in the case management pathway for Evatt List matters is the Interim hearing. This is listed before a Judge or a Senior Judicial Registrar. This occurs around 10-12 weeks after being allocated. At the Interim hearing, the Court can make decisions about issues in dispute on an interim basis. At the Interim hearing, evidence and submissions of the parties will be considered. The Court will make interim Orders which will remain effective until the matter is

determined on a final basis.

Where appropriate, matters may then be referred to Dispute Resolution. Alternatively, the matter may be fast tracked to trial. In the lead up to trial, and at around the 10-month mark post allocation to the Evatt List, the matter will be set down for a Compliance and Readiness Hearing to ensure all Orders have been complied with such as exchange of evidence and expert reports, and that the matter is ready to proceed to a final hearing.

At around 12 months, the Court will list the matter for a Trial Management Hearing where further directions can be made concerning the conduct of the final hearing.

The final stage of the case management pathway is the Final hearing. At the final hearing the Court will hear all evidence and submissions of the parties.

Following the Final hearing, the Judge will make a decision and deliver their reasons for judgment. This often does not occur on the same day as trial as the Judge may need more time to consider the case and evidence. The Judgment is usually delivered a few months following the final hearing.

The new case management pathway is designed to give parties a structured guide to ensure that their matter is progressing efficiently towards a resolution as timely of a manner as possible.

Despite the case management pathway making the process simpler and more straight forward to understand the Court process, it is important to note that family law matters, in particular Evatt List matters can be complex, and it is recommended that individuals seek legal advice.

If you would like further information on any issue relating to a family law matter, please contact one of the family law lawyers at Matthews Folbigg on 9635 7966 or simply use the contact form below.

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