

2024

FAMILY LAW PRECEDENTS



Family Law

FAMILY LAW PRECEDENTS

- ✓ 170+ high level precedents
- ✓ Industry leading content
- ✓ Checklists and workflows
- ✓ Regular new content
- ✓ Written and proofed by leading Lawyers



FCFCOA - Pre Litigation

NEGOTIATIONS AND PREACTION PROCEDURES

- P01 Initial letter to Client on retention
- P02 Initial formal letter to Client regarding Children and/or Parenting
- P03 Initial formal letter to Other Party regarding Children and/or Parenting (self-repped)
- P04 Letter to Client requesting Financial Disclosure
- P05 Initial formal letter to Other Party regarding Children and/or Parenting (legally represented)
- P06 Property Division Letter of Advice
- P07 Letter to Other Party following Financial Disclosure with offer and/or proposing mediation
- P08 Letter to Mediator

FINAL NOTICE PRE-PROCEEDINGS

- P09 Letter to client with obligations and CPD - pre-filing advice consistent with section 95
- P10 Written Notice of Intention to Commence
- P11 Written Notice of Intention to Commence 2 - no response - send after 14 days
- P12 Written Notice of Intention to Commence 3 - response but no resolution - send after negotiations exhausted

FCFCOA - In Litigation

Stage 1 - FILING

P13 Letter of Submissions to the Court when filing

Stage 2 - FIRST RETURN

- P14 Cost Letter to Client
- P15 Letter to other Party and Court with Cost Notice
- P16 Signed Statement as to Costs
- P17 Case Summary Document
- P18 Cost Notice
- P19 Letter to Client regarding outcome

Stage 3 - INTERIM HEARING

- P20 Letter to Client to confirm no substantial change in circumstances
- P21 Letter to Client regarding obligations and Cost Notice
- P22 Letter to Other Party regarding readiness to proceed & serving Interim Hearing Case Outline & Minute
- P23 Letter to Court confirming ready to proceed and attaching Interim Hearing Case Outline
- P24 Letter to Court and Other Party serving Cost Notice
- P25 Letter to Client with Outcome

Stage 4 - DISPUTE RESOLUTION

- P26 Letter to Client to confirm no substantial change in circumstances
- P27 Letter to Client regarding obligations and Cost Notice
- P28 Letter to Court and Other Party attaching Cost Notice
- P29 Letter to private Mediator and Other Party
- P30 Letter to Other Party regarding issues in dispute
- P31 Post FDR letter to Client
- P32 Conciliation Conference compulsory Offer of Settlement

Stage 5 - COMPLIANCE READINESS HEARING

- P33 Letter to Client to confirm no substantial change in circumstances
- P34 Letter to Other Party with proposed Trial Plan
- P35 Letter to Other Party confirming agreement/no agreement to Trial Plan
- P36 Letter to Court providing Trial Plan, Directions and Compliance
- P37 Letter to Client regarding obligations and Cost Notice
- P38 Letter to Court and Other Party with Cost Notice
- P39 Letter to Client regarding outcome and next steps

FCFCOA - In Litigation

Stage 6 - TRIAL PRE

- P40 Letter to Client to confirm no substantial change in circumstances
- P41 List of Authorities to be relied on together with copies of any unreported decisions
- P42 Letter to Expert to notify of need for Cross Examination
- P43 Letter to Client regarding Expectations for Final Hearing

Stage 7 - TRIAL MANAGEMENT HEARING

- P44 Letter to Client to confirm no substantial change in circumstances
- P45 Final Cost Notice to Client
- P46 Final Cost Notice to Court and Other Party
- P47 Scheduled Costs where likely cost outcome

Stage 8 - TRIAL / POST TRIAL / JUDGEMENT

- P48 Letter to Client with outcome with expected time until judgement
- P49 Letter to Client regarding receiving Judgement and next steps - as required
- P50 Final Letter to Client with summary of outcome and finalising matter

SPECIAL RELEASE PRECEDENTS

- SP1 Letter to Client regarding *Family Law Amendment Act 2021* (CTH)
- SP2 Joint Letter to Valuer
- SP3 Mediation Position Paper
- SP4 Orders Suite (coming soon)
- SP5 Domestic Violence - Coercive Control Factsheet
- SP6 Affidavit Preparation Document
- SP7 Letter to Superannuation Fund providing procedural fairness

FCFCOA OFFER LETTER PRECEDENTS

- FLO1 General Offer
- FLO2 Compulsory Offer in Property Proceedings
- FLO3 Open Offer
- FLO4 Withdrawal of Offer and Alternate Offer made
- FLO5 Acceptance of Offer
- FLO6 Counter Offer
- FLO7 Calderbank Offer

FCFCOA - SPECIALIST LIST

SPECIALITY LIST - MAJOR COMPLEX PROCEEDINGS

- MCFP1 Letter to client identifying and explaining Major Complex Financial Proceedings List
- MCFP2 Letter to Major Complex Financial Proceedings List team for listing
- MCFP3 Letter to Client confirming Major Complex Financial Proceedings Allocation
- MCFP4 Letter to Other Party regarding Major Complex Financial Proceedings allocation and progression

SPECIALITY LIST - CRITICAL INCIDENT LIST

- CIL1 Letter of Submission to Court to be allocated to Critical Incident List
- CIL2 Letter to Client regarding Critical Incident List
- CIL3 Letter to Client following allocation to Critical Incident List
- CIL4 Orders and Affidavit Content

SPECIALIST LIST - EVATT AND LIGHTHOUSE

- LH1 Letter to Client regarding Lighthouse
- EV0 Evatt Checklist
- EV1 Letter to Client identifying the matter as possible Evatt matter
- EV2 Letter to Client on allocation to Evatt List
- EV3 Letter to Client following matter being set down for an Interim Hearing
- EV4 Letter to Client when matter is listed for Evatt Mention following an Interim Hearing or Dispute Resolution Conferencen
- EV5 Evatt Matter set down for Family Dispute Resolution Event
- EV6 Letter to Client following the Evatt Dispute Resolution Conference
- EV7 Specialist Case Management Mention - List of Unresolved issues
- EV8 Letter to Client following Client Readiness Hearing

DIVORCE PRECEDENTS

DIVORCE

Divorce Checklist

- D1 Initial Letter to Client on Retention for Divorce
- D2 Initial Letter to Client seeking additional evidence
- D3 Letter to Other Party regarding joint Application for Divorce
- D4 Letter to Other Party where marriage is less than 2 years and Client is seeking Counselling
- D5 Letter to translator
- D6 Template Affidavit contents - Family Counselling
- D7 Template Affidavit contents - separated under one roof
- D8 Template Affidavit contents - Application without a Marriage Certificate
- D9 Letter to Client providing Draft Application for Divorce

DIVORCE

- D10 Letter to Other Party providing Joint Application for Divorce for signing
- D11 Letter to Process Server
- D12 Letter to Client providing filed Application for Divorce (Applicant)
- D13 Letter to Process Server
- D14 Template Orders and Affidavit Content - Substituted Service
- D15 Letter to Client providing filed Application for Divorce (Respondent)
- D16 Letter to Other Party serving Response to Application for Divorce
- D17 Letter to Client confirming filing of Response to Application for Divorce
- D18 Submissions for Divorce
- D19 Letter to Client confirming outcome
- D20 Letter to Client providing Divorce

FCFCOA - OTHER PRECEDENTS AND TOOLS

DEFAULTERS LIST PRECEDENTS

Defaulters List Checklist

- DEFL1 Cost Notice
- DEFL2 Letter of Advice to Client regarding Defaulters List
- DEFL3 Initial Letter to Other Party regarding Defaulters List
- DEFL4 Letter to Client serving unfiled Notice of Ceasing to Act - 7 day notice letter
- DEFL5 Letter to Client serving Notice of Ceasing to Act
- DEFL6 Letter to Other Party serving Notice of Ceasing to Act
- DEFL7 Letter to Other Party serving additional material
- DEFL8 Defaulters List Submissions
- DEFL9 Letter of Outcome to Client, next steps and invoice

OTHER TOOLS

Financial Disclosure Checklist

2024

MEDIATION PRECEDENTS



Family Law

FDRP/MEDIATION PRECEDENTS

SPECIALITY

Child Inclusive Brochure
Child Inclusive Content
AVO Consent
Third party attendance consent

FDRP/MEDIATION - PRE LITIGATION

Pre Litigation Checklist

- L01 Initial enquiry email
- L02 Initial contact letter to Other Party
- L03 Letter to contact party advising invitation sent
- L04 Further letter to Other Party seeking a response if none received
- L05 Letter to agreeing party with intake
- L06 Letter to Other Party - advising if no response will issue section 60I Certificate with deadline
- L07 Letter to contacting party providing section 60I Certificate for refusal or no response
- L08 Letter enclosing intake with deadline
- L09 Letter to both parties confirming intakes and to schedule FDR
- L10 Letter to both parties confirming scheduled conference
- L11 Letter scheduling Child Inclusive Mediation
- L12 Final letter following FDR

BROCHURES AND FORMS

FDR Brochure
FAQ regarding FDR Brochure
Best Interests Legislation
Confidentiality Agreement
Agreement to Mediate
Intake Form
Pre-action procedure (prescribed)
FDR Court brochure (prescribed)
Marriage, Families and Separation Brochure (prescribed)
60I (prescribed)

FDRP/MEDIATION - IN LITIGATION

- L0 In-Litigation Checklist
- L1 Initial Letter to parties upon engagement
- L2 Initial Letter to Lawyer
- L3 Letter to Other Party (self-rep) confirming pre conference date
- L4 Letter following pre-dispute resolution conference
- L5 In litigation pre-conference Checklist
- L6 In Litigation Consent Terms

PRECEDENTS IN DEVELOPMENT



Family Law

IN DEVELOPMENT - 24

QUARTER 3 2024

- Precedent Orders Suite (Version 1)
 - Consent Orders including recitals
 - Interim Orders:
 - Procedural
 - Property
 - Children
 - Final Orders:
 - Property
 - Children
- Consent Orders Supplementary Suite
 - Workflow
 - Checklist
 - Correspondence
- Affidavit Preparation Document
 - Property
 - Children
- Automated Affidavits (Version 1)
- Letter to Superannuation Fund for Procedural Fairness
- Family Law Cost Suite
 - Estimates
 - Cost Agreement Inserts
 - Brochures

QUARTER 4 2024

- FLENA Precedent:
 - Manual
 - Support Videos
- Financial Agreements:
 - Binding Financial Agreement:
 - Pre Relationship
 - During Relationship
 - Post Relationship
 - Spousal Maintenance
 - BFA Precedent Suite:
 - Workflows
 - Checklists
 - Advices
 - General Precedent Letters
- Child Support Suite
 - Binding Child Support Agreement
 - Limited Child Support Agreement
 - Associated Precedents
- Child Support Litigation Suite
 - Departure Applications
 - Parentage Applications
- Child Support Orders Suite

IN DEVELOPMENT - 25

QUARTER 1 2025

- FLENA Precedent:
 - Manual
 - Support Videos
- Subpoena Suite
 - Scope Precedent
 - Correspondence
 - How to Guide
 - Strategy Guide
- ICL Suite (full details to be expanded and scoped)

QUARTER 2 2025

- FLENA Precedent:
 - Manual
 - Support Videos
- Arbitration (full details to be expanded and scoped)
- Appeals (full details to be expanded and scoped)
- Child Maintenance (full details to be expanded and scoped)

QUARTER 3 2025

- Contravention (full details to be expanded and scoped)
- Medical Procedures (full details to be expanded and scoped)

QUARTER 4 2025

- Passport (full details to be expanded and scoped)
- Surrogacy (full details to be expanded and scoped)



FAMILY LAW

EDUCATION NETWORK OF AUSTRALIA



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