



# FAMILY LAW

EDUCATION NETWORK OF AUSTRALIA

## *Precedent Suite*

### Family Law Precedents

#### Family Law Education Network of Australia – Family Law Precedents

##### *Family Law Checklist*

##### *A. Negotiations*

*P01 Initial Letter to Client on Retention*

*P02 Initial Formal Letter to Client Regarding Children and or Property*

*P03 Initial Formal Letter to Other Party (self-repped) regarding Children and/or Property*

*P04 Letter to Client Requesting Financial Disclosure*

*P05 Initial Formal Letter to Other Party's solicitor regarding Children and/or parenting*

*P06 Property Division Letter of Advice*

*P07 Letter to Other Party Following Financial Disclosure with offer and or Proposed Mediation*

*P08 Letter to Mediator*

## B. Final Notice Pre-Proceedings

*P09 Letter to Client with Obligations and CPD - pre-filing advice consistent with 190 - client docusign*

*P10 Written Notice of Intention to Commence (wait 14 days prior to filing min)*

*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*

## C. Proceedings

### Stage 1 – Filing.

*P13 Letter of Submissions to the Court when Filing*

### Stage 2 – First Return Date

*P14 Cost Letter to Client*

*P15 Letter to Other Party & Court with Cost Notice*

*P16 Signed Statement As to Costs*

*P17 Prepare Summary Document*

*P18 Cost Notice*

*P19 Letter to Client re Outcome of Date*

### Stage 3 – Interim Hearing.

*P20/P20A Letter to Client to confirm No Substantial Change*

*P21 Letter to Client re Obligations and Cost Notice (min 7 day prior)*

*P22 Letter to Other Party re Ready to Proceed and Attaching Interim Hearing Case Outline Plus Minute (min 2 days prior)*

*P23 Letter to Court re Ready to Proceed & Attaching Interim Hearing Case Outline (min 2 days prior)*

*P24 Letter to Court and Other Party with Cost Notice (min 1 day prior)*

*P25 Letter of Outcome to Client Following Interim Hearing (including invoice outcome next steps new timetable)*

### Stage 4 – Dispute Resolution

*P26/P26A Letter to Client Confirming No Substantial Change*

*P27 Letter to Client re Obligations & Cost Notice*

*P28 Letter to Court & Other Party Attaching Cost Notice*

*P29 Letter to Private Mediator and Other Party*

*P30 Letter to Other Party Issues Left in Dispute Children*

*P30A Letter to Other Party Children & Property*

*P30B Letter to Other Party Property only*

*P31 Post FDR Letter to Client*

*P32 CC Compulsory Offer of Settlement*

*Stage 5 – Compliance Readiness Hearing*

*P33/P33A Letter to Client Confirming No Substantial Change*

*P34 Letter to Other Party with Proposed Trial Plan*

*P35 Letter to OP confirming agreement or no agreement to Trial Plan*

*P36 Letter to Court Providing Trial Plan, Directions & Compliance*

*P37 Letter to Client re Obligations & Cost Notice*

*P38 Letter to Court and Other Party with Cost Notice*

*P39 Letter to Client re Outcome of Date - Next Step & Invoice + Funds in Trust for Next Steps*

*Stage 6 – Trial Preparation*

*P40/P40A Letter to Client Confirming No Substantial Change*

*P41 List of Authorities which Counsel Intends to cite together with copies of any unreported decisions relied upon*

*P42 Letter to Expert to Notify of Need for Cross Examination*

*P43 Letter to Client re Expectations for Final Hearing*

*Stage 7 – Trial Management Hearing Pretrial Checklist*

*P44/P44A Letter to Client Confirming No Substantial Change*

*P45 Final Cost Notice to Client*

*P46 Final Cost Notice to Court and Other Party*

*P47 Prepare Schedule Costs IF Likely Cost Outcome*

*Stage 7 - Post Trial Management*

*P48 Letter to Client with Outcome - expect time until Judgment Up to date Tax Invoice*

*P49 Letter to Client re Receiving Judgment and Next Steps - as required*

*P50 Final Letter to Client with Summary of Outcome and Completion*

*D. Specialist Lists*

*Critical Incident List*

*CIL1 Letter of Submission to Court*

*CIL2 Letter to Client*

*CIL3 Letter to Client following Allocation to List*

*CIL4 Orders & Affidavit Contents*

*Evatt and Lighthouse Precedents*

*LH1 Lighthouse Initial Letter*

*EVO Evatt Checklist*

*EV1 Letter to Client Identifying the Matter as Possible Evatt*

*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 DRC*

*EV5 Evatt Matter set down for FDR Event*

*EV6 Letter to the client following the Evatt DRC*

*EV7 Specialist Case Management Mention - List of Unresolved Matters*

*EV8 Letter to the client following CRH*

*Major Complex Financial Proceedings Checklist*

*MCFP1 Letter to client identifying and explaining MCFP list*

*MCFP2 Letter to MCFP team for listing*

*MCFP3 Letter to Client confirming CMFP allocation*

*MCFP4 Letter to Other Party re MCFP allocation and progression*

E. Special Release Precedents

*SP1 Letter to Client regarding Family Law Amendment Act 2023*

*SP2 Joint Letter to Valuer*

*SP3 Mediation Position Paper*

*SP4 Precedent Orders (COMING SOON)*

*SP Domestic Violence - Coercive Control Fact Sheet*

F. Offer Letter Precedents

*FLO1 General Offer*

*FLO2 Compulsory Offer in Property Proceedings*

*FLO3 Open Offer*

*FLO4 Withdrawal of Offer Withdrawal and Alternative*

*FLO5 Acceptance of Offer*

*FLO6 Counter Offer*

*FLO7 Calderbank Offer*

G. Divorce Precedents

*Divorce Checklist*

*D1 Initial Letter to Client on Retention for Divorce*

*D2 Initial Letter to Client Seeking Additional Evidence*

*D3 Letter to Other Party re 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*

*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 other party providing filed Joint Application for Divorce*

*D14 Template Orders and Affidavit Contents - 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 - Copy*

*D20 Letter to Client providing Divorce*

#### H. Defaulters List

*DEFL Checklist*

*DEFL1 Cost Notice*

*DEFL2A Letter to Client (client is defaulting party)*

*DEFL2B Letter to Client (client is not defaulting party)*

*DEFL3 Letter to Other Party*

*DEFL4 Letter to Client serving unfiled Notice of Ceasing to Act - 7 days notice letter*

*DEFL5 Letter to Client serving filed Notice of Ceasing to Act*

*DEFL6 Letter to Other Party serving filed Notice of Ceasing to Act*

*DEFL7 Letter to Other Party serving additional material*

*DEFL8 Defaulters List Submissions*

*DEF9 Letter of Outcome to Client after Court, next steps and invoice with request for funds in trust and next steps*

#### TOOLS

Financial Disclosure Checklist

## Family Law Education Network of Australia – Mediation Precedents

### A. Pre Litigation

*L00 Pre-litigation Checklist*

#### Stage 1 – Engagement and Intake

*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 – if no response issue of s.60I by close of business*

*L07 Letter to contacting party providing s.60I for refusal or no response*

*L08 Letter enclosing Intake with deadline*

#### Stage 2 – Arranging and Attending FDR

*Consent for Child Inclusive FDR*

*FDRP Confirmation Sheet*

*Heads of Agreement Pro-forma*

*L09 Letter to both parties confirming intakes and to schedule FDR*

*L10 Letter to both parties confirming scheduled conference*

#### Stage 3 – Completion & s.60I Certificates

*L12 Final letter following FDR*

*s 60I Certificate*

#### Child Inclusive Additional Materials

*L08 Letter enclosing Intake with deadline*

*L11 Letter scheduling child inclusive meeting*

#### Forms, Brochures & Intakes

*Agreement to Mediate*

*Attendance with AVO\_ADVO*

*Before-you-file-pre-action-procedure-for-financial-cases-0921V1*

*Before-you-file-pre-action-procedure-for-parenting-cases-0921V1*

*Best Interest Legislation*

*Compulsory Pre-filing Family Dispute Resolution -Court procedures & requirements*

*Confidentiality Agreement FDR*

*FAQ*

*FDR brochure PDF*

*Fee Disclosure Form*

*Third Party Attendance Agreement*

**B. In Litigation**

*L0 In-Litigation Checklist*

*L1 Initial Letter to parties upon engagement*

*L2 Initial letter to Lawyer*

*L3 Letter to Other Party (if self rep) confirming pre conference date*

*L4 Letter following pre-dispute resolution conference*

*L5 In Litigation Pre-Conference Checklist*

*L6 In Litigation Consent Terms*