# Family Dispute Resolution (FDRS) file checklist – Property

Updated October 2023

## 1. Apply for legal aid grant

| **Step** | **Complete?** |
| --- | --- |
| Use VLA Handbook for Lawyers – [Commonwealth Family Law and Child Support Guideline 9.1](https://www.handbook.vla.vic.gov.au/node/6160) |  |
| (All applications are VLA assessed. There is a cap of 20 grants per month. If your application is not within the cap for the month it is submitted, then it will be held over to the following month) |  |
| In your application, ensure you provide as much information about each party and the case (any hearing dates, orders) as you can, to assist FDRS to prioritise it. |  |

## 2. Open file

| **Step** | **Complete?** |
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| Write to client to confirm grant of aid and explain the FDRS process. |  |
| Send client: |  |
| * *Marriage, Families and separation* brochure |  |
| * *Before you file – pre-action procedures for financial cases* brochure |  |
| * Duty of Disclosure brochure, FCFCOA |  |
| * Blank FDRS financial statement to complete |  |
| Obtain from client: |  |
| * Other party contact details including address, phone and email address i(f they have) |  |
| * Any current Family Violence Intervention orders |  |
| * Any relevant court orders (ie prior parenting orders) |  |
| * Completed FDRS financial statement |  |
| * Any supporting financial documents relevant to issues in dispute (eg: real estate appraisals; current superannuation statements; bank statements; tax returns; valuations for other assets etc) |  |
| If above information not received, then follow up with client |  |
| Send collected information from client to FDRS email [fdrs@vla.vic.gov.au](mailto:fdrs@vla.vic.gov.au) with FDRS reference number included |  |
| Write to other party to: |  |
| * Advise of your involvement in the matter |  |
| * Explain the nature and scope of the dispute and any proposed solutions. |  |
| * Seek disclosure of financial documents relevant to issues in dispute (eg: real estate appraisals; current superannuation statements; bank statements; tax returns; valuations for other assets etc) |  |
| Send: |  |
| * *Marriage, Families and separation* brochure |  |
| * *Before you file – pre-action procedures for financial cases* brochure, or |  |
| * Duty of Disclosure brochure: FCFCOA. |  |
| Client completed assessment interview session with FDRS |  |
| Other party completed assessment interview with FDRS (if known) |  |

## 3. FDRS conference booked

|  |  |
| --- | --- |
| **Step** | **Complete?** |
| Received from FDRS offer of conference dates. Respond with your availability ASAP so earliest date can be secured, especially if a hearing is pending.  (Note: |  |
| * Dates offered already consider party availability, based on the assessment interviews. |  |
| * When selecting a date, ensure you are available for the duration of the FDRS conference. |  |
| * FDRS cancellation policy only allows cancellation in exceptional circumstances) |  |
| Conference date booked and conference confirmation letter received from FDRS. Provided FDRS with your contact details for the conference date if not in person. |  |
| Confirm with client the FDRS conference date, time, venue and format and how will connect with client (in person at office, if by phone or Zoom conference, outside venue if in person). |  |
| Consider safety plan for client |  |
| If unable to attend the FDRS conference, book a barrister (if applicable) |  |

## 4. Preparation for FDRS conference

|  |  |
| --- | --- |
| **Step** | **Complete?** |
| Ensure client understands how the FDRS conference works and its benefits, role of mediator, lawyers (including any ICL) and any support people |  |
| Encourage client to explore various options for settlement. |  |
| Discuss with client the range of likely conference outcomes (reality testing) |  |
| Obtain client instructions for settlement proposals |  |
| Prepare a case overview |  |
| Prepare minutes of proposed orders |  |
| Provide referrals to non-legal support services, if required |  |
| Send client’s settlement proposals to the other party (with proposed orders/parenting plan) |  |
| Receive settlement proposals from other party. If not, then follow up other party. |  |
| Discuss with client other party’s proposals |  |
| Discuss with client any relevant documents they wish to present at the conference regarding issues of concern the other party may raise |  |
| Provide case manager and other party with any updated information, if required |  |
| Put any questions to the case manager about the process |  |
| Prepare brief for barrister (if unable to attend in person) and notify FDRS of counsel’s contact details for the conference |  |

## 5. FDRS conference

| **Step** | **Complete?** |
| --- | --- |
| Attend FDRS conference with client |  |
| If final or partial agreement reached, then, unless agreed otherwise at the conference, draft consent orders |  |
| Parties to sign agreement at end of conference, if possible, or at least agree at the end of the conference what the next steps are |  |
| Give each party copy of any agreement at the end of the conference |  |

## 6. After FDRS conference (where settlement reached)

| **Step** | **Complete?** |
| --- | --- |
| FDRS will write to each party and their representative confirming outcome and providing certificate and grants recommendation report. |  |
| Write to client confirming outcome of FDRS conference, including any next steps, such as what is needed before returning for a further conference, or if an application will need to be made for litigation or further funding |  |
| Write to other party confirming outcome of FDRS conference |  |
| If consent orders, then: |  |
| * file consent orders at court |  |
| * send copy of filed court orders to client |  |
| * send copy of filed court orders to other party and ICL (if involved) |  |

## 7. After FDRS conference (where partial or no settlement)

| **Step** | **Complete?** |
| --- | --- |
| Receive reporting letter from FDRS, with grant report and certificate and copy client letter. |  |
| Write to client confirming outcome of FDRS conference and any next steps. |  |
| Consider further conference and diarise request for further FDRS conference |  |
| If further funding required, apply for extension of aid |  |
| Approx 8 weeks prior to the date the further conference is required, send request email to FDRS at [fdrs@vla.vic.gov.au](mailto:fdrs@vla.vic.gov.au) confirming you have funding. FDRS will write to both parties. |  |
| Make appointment with client to obtain updated instructions. |  |
| Draft updated orders. |  |
| Send other party updated settlement proposals. |  |

## 8. Closing file

| **Step** | **Complete?** |
| --- | --- |
| Final letter to client |  |
| Notice ceasing to act (if litigation intervention FDRS) |  |
| Disbursement/invoice/payments/billing within 28 days of final event |  |