

Information Sheet for Family Law Applications

BEFORE SUBMITTING YOUR APPLICATION PLEASE NOTE THE FOLLOWING:

- Applicants may apply for family law assistance but there is no guarantee that Law Access will be able to place the matter as we rely on lawyers being willing to provide services on a no fee basis.
- There is a high demand for pro bono (no fee) family law assistance.
- Many people self-represent in family law proceedings with the support of self-help kits, and one off or limited help from community legal services or private lawyers (on a full fee or deferred/reduced fee basis).
- A high number of family law applications are assessed by Law Access as unsuitable to try to refer for pro bono assistance.
- Even where Law Access assesses a matter as suitable, it is often difficult to find a lawyer to assist pro bono. An eligible applicant is more likely to have their matter placed for pro bono assistance where the lawyer is requested to provide a discrete service ie: advice only, or to assist with a specific task (for example limited document preparation). Please be aware that even then we are unable to guarantee placement.

Law Access Eligibility Criteria (Applicants must satisfy all criteria below and address these criteria in their application)

- **Means test** – Law Access applies a strict means test – as an indication, only applicants on very low incomes or receiving Centrelink benefits will be financially eligible.
- **Vulnerable applicant test** (see below).
- **No other service option** - Is unable to access assistance from a Community Legal Centre or Legal Aid WA, (or has had assistance terminated, but only because the service has no capacity or limited funds) and has no capacity to fund a lawyer on a private fee paying basis (ie: full fee or reduced/deferred fee basis).
- **Reasonable prospects of success test** - The matter has a reasonable prospect of success, ie: the applicant is likely to achieve the outcome they are seeking.

Vulnerable Applicant

Test - A vulnerable applicant is unable to progress their legal matter without assistance from a lawyer because of the impact of one or more of the following personal circumstances:

- Cultural and/language barriers
- Literacy barriers
- Family violence/power imbalance - family violence is behaviour towards a family member that is violent, threatening or controlling, or causes the family member to be fearful
- Disability – a cognitive impairment, such as an intellectual disability or an acquired brain injury, a serious health condition or physical disability
- A diagnosed psychiatric or psychological illness
- Homelessness or risk of homelessness

Other Information

- It may be difficult to place children and property matters, where the matter has been in the Court system for some time. These matters take significant time to assess and are the most difficult for Law Access to place.
 - In some cases, applicants previously in receipt of a grant of aid may be eligible for further limited assistance at certain stages of the matter- applicants should check their Legal Aid WA correspondence to see if this is an option.
 - Where there is an allegation of family violence, assistance may be available via the Family Violence Ban Cross Examination Scheme, managed by Legal Aid WA. If a personal cross-examination ban notice or order is made by the Family Court of WA, application can be made for a lawyer under the Scheme.

For further information: <https://www.legalaid.wa.gov.au/find-legal-answers/family/family-violence-and-your-safety/family-violence-cross-examination-ban>

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