HEMMING+HART LAWYERS

Court Proceedings in Federal Magistrates Court

6 to 8 weeks

2 to 6 months

3 to 6 months

6 to 18 months

1

Court proceedings are commenced

The Applicant files an Initiating Application and Affidavit.

For Parenting matters a Section 60I Certificate from a Family Dispute Resolution Practitioner will also need to be filed unless exemptions apply.

For property matters the Applicant must also file a Financial Statement.

2

Applicant's Court Documents are served on Respondent.

3

Respondent files and serves Response and Affidavit

For property matters the Respondent must also file a Financial Statement.

All documents to be filed within 14 days of service.

4

Respondent's Court Documents are served on Applicant.

5

First Court event

The Court can on this date:

1. Conduct an Interim Hearing if Interim Orders are sought.
2. Give directions and make Orders including making Orders for a Family Report to be completed in parenting matters and listing financial matters for a Conciliation Conference or private mediation.
3. Make Orders for valuations to be obtained.
4. Approve Consent Orders if the parties agree to settle.
5. List the matter for further interim hearing or Trial.

6

Attend Conciliation Conference or Private Mediation. If outstanding interim issues, can be a further interim hearing.

7

Trial Directions for Final Hearing are made

8

Final Hearing / Trial

The number of days for the trial will depend on the issues in dispute and number of witnesses. All parties and witnesses will need to attend Court to give evidence and for cross-examination.

9

Await decision

This fact sheet provides general information only and does not constitute legal advice.