

A year on...

Changes in Family Law

It has been just over a year since the Federal Circuit Court and the Family Court of Australia merged to create the Federal Circuit and Family Court of Australia (FCFCA).

There is now a single point of entry into the court system for all family law matters, a new case management pathway, changes to practice directions, and a focus on pre-action procedures and dispute resolution.

After a year, and time to adjust, it's prudent to review the practical implications of these changes on everyday practice. What new risks have emerged and how can solicitors adapt to manage these risks?

Practical implications and risk

The overarching purpose of the changes is to ensure that the resolution of family disputes is achieved as cost effectively and efficiently as possible. However, when transitioning from old systems, new challenges can emerge.

- ▼ Matters are now being listed very quickly. While clients are generally happy with an early listing and want solicitors to accept the earliest possible date, this can place increased pressure on solicitors to manage their client's expectations. Solicitors must ensure that they have the resources to complete the work quickly otherwise they run the risk of non-compliance through not filing, or filing late, and disappointing their client.



- ▼ There is more emphasis on pre-action procedures which, if not met, can lead to costs applications being made against the solicitor.
- ▼ Compliance with the timetables set by the registrar, and compliance with orders and directions, is no longer a guideline. Solicitors must be prepared to comply, and respond, with all relevant documentation.

These are only a few examples and solicitors need to remain aware as a matter progresses.

To manage these challenges and mitigate associated risks, solicitors should:

- ▼ Review practice procedures and ensure they align with the changes
- ▼ Diarise all directions

- ▼ Ensure client correspondence emphasises the time involved and any actions they need to complete within that timeframe
- ▼ Create timetable alerts
- ▼ Conduct regular file maintenance and reviews
- ▼ Ensure the client understands your obligations as a solicitor and the requirement for adherence with the central practice directions.

For further guidance, and insight into the changes in Family Law Court practice and how they may impact your everyday practice, listen to Lawcover's Risk on Air podcast episode – [*The impact of change – Family Law Court practice.*](#)

Candice Perriman
Risk Education Manager
Practice Support Services

