



COVID-19 and the Family Law Courts

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Australia's Family Law Courts are taking unprecedented precautions and measures during the coronavirus. As you are aware this health crisis has affected everyone, and the Family Law Courts are no exception. Courts are however considered an essential service for administering justice and providing vital assistance to families and therefore are required to remain open until further notice.

Changes to the way the family law courts are operating during COVID-19

At the time of writing, these are the changes the family law courts are taking.

Most matters such as mentions, directions, first returns, interim hearings

These will now proceed by telephone. This will be the norm moving forward, rather than the exception.

1. If your matter is urgent and it is not practicable for a telephone appearance, then the court may direct a face-to-face hearing. However, the parties will need to provide a brief outline as to why this matter is urgent and should remain listed for a face-to-face hearing.
2. If it is not practicable for the matter to proceed by telephone and is not urgent then the Judge may administratively adjourn the matter to a date to be advised and if appropriate, send the parties to an [Alternative Dispute Resolution \(ADR\) event such as private mediation.](#)

Final hearings

A telephone callover (a court event to let the court know the parties are ready to proceed to a final hearing) will be conducted where the parties are required to inform the Judge of the urgency and status of the matter and if the hearing should proceed by telephone either partially or completely.

1. Cases which are low in priority or less urgent will be sent to an ADR event and the matter will be adjourned. This is so that the parties have another chance to reach an agreement and finalise their matter.
2. Cases which are high priority will remain listed for a hearing.

Appeal proceedings

Depending on where your appeal is heard, different arrangements will apply.

However, the following are standard arrangements for the hearing of appeals.

1. Only one appeal will be listed each day.
2. Solicitors, barristers, advocates and self-represented litigants will be expected to attend the court where the appeal is being heard. Requests can be made to attend by telephone depending on the circumstances and nature of the appeal.
3. Parties who are legally represented are not required to attend the hearing in person. Parties can listen in by telephone at the request of their legal representatives.
4. All directions hearings before Appeal Registrars will be conducted by telephone.
5. All documents to be provided to Judges are to be sent electronically to the Appeal Registrar no later than 24 hours prior to the hearing.

Child inclusive conferences under section 11F

These will only be ordered where a Judge considers there is an urgent requirement for a family consultant to see the children.

Otherwise, Child Dispute Conferences will be ordered and will be conducted by telephone where parties will be provided dial-in details.

Filing of documents

All documents are to be filed electronically through the Commonwealth Courts Portal. If documents are unable to be electronically filed, then they should be emailed to the relevant Registry for filing. However, in limited circumstances where you are both unrepresented and unable to email documents, you may post or deliver hard copies of documents to the Registry.

Viewing of subpoenas

These are to be by appointment only and only if the matter is scheduled for a hearing in the next four weeks or if the matter is urgent.

The Family Law Courts face-to-face protocol

In the event you are required to attend court in person for a face-to-face hearing, the following measures are taken by the Family Law Courts to ensure the safety of Judges, court staff, and court users.

1. The courtroom will be limited to eight people excluding Judge and Associate at any one time. Therefore, no party is to enter the courtroom before their matter is called. Parties are to remain in the foyer.
2. Parties inside the courtroom are to adhere to the rules of social distancing; that is, seating 1.5 to 2 meters apart. However, these rules should be practised regardless as is required.
3. Parties are to refrain from approaching the Associate's desk and should not be expected to hand up any hard copies of documents while in court.
4. The courtrooms which are used for face-to-face hearings will be cleaned between hearings and when the court is adjourned.
5. Hearings will not be for more than 1.5 hours. After that time, the court will be closed, and the appropriate surface cleaning will take place. To ensure the safety of everyone in the court the matter will not continue after the first 1.5-hour period.

Obviously, if you are feeling ill or displaying any symptoms of COVID-19, you should inform the Family Law Courts Registry immediately.

It is understandable that these measures have been put in place by the Family Law Courts so that Judges, court staff and court users, particularly those who fall in the most vulnerable category, are protected.

The situation is obviously unpredictable and the above measures may well change in due course. Accordingly, [parties should keep updated through the court's website](#).

This article relates to Australian law; either at a State or Federal level. The information contained on this site is for general guidance only. No person should act or refrain from acting on the basis of such information. Appropriate professional advice should be sought based upon your particular circumstances. For further information, please do not hesitate to contact Hall Payne Lawyers.