



## The perils of self-representation in the Family Court

We often receive instructions after family court orders have been made, making it harder to provide the legal help clients need.

We set out some detail about a matter we recently encountered to illustrate how tough it can be.

The matter revolved around the residence and care of the young daughter of our client. The biological mother was unfortunately unable to take care of the child as she suffers from serious mental illness, and shortly after the birth of the child admitted herself into psychiatric care.

Our client had been living with his girlfriend (not the biological mother) from the period shortly after the birth of the child, and in October 2013, after a breakdown in the relationship, the girlfriend disappeared *with our client's daughter*, with no communication whatsoever until our client was served with an Interim Family Violence Intervention Order from the Police, which included our client's daughter as a protected person. On this same day an envelope was left on the front door step of our client's home containing an application for custody filled out by our client's girlfriend in relation to *his daughter*.

Our client made multiple attempts at settling this matter himself and appeared in court himself without legal representation and without filing any court documents.

Unfortunately, the ex-girlfriend was legally represented and due to lack of court documents from the father and/or representation, Interim Orders were made for the continuation of the status-quo in terms of residence of the child and the matter was adjourned.

The client appointed RRR Lawyers the day before it was to be heard in court. We needed time to properly prepare his matter and could not then produce any responding material before the Court date and unfortunately the Judge was unwilling to reverse the Orders regarding residence.

Following this, we spent a significant amount of time conferring with our client and his current partner to prepare and file a number of documents supporting his case.

The matter returned to Court and through a long negotiation process with the other side we were able to secure 6 days a fortnight for the child to spend with her father, 6 days spent with the ex-girlfriend, and 2 days a fortnight with the mother under supervision on an interim basis until the matter is concluded by the Court in the final hearing.

As it now stands with legal representation our client is in a much stronger position because we were also able to secure a much earlier final hearing date, and have every confidence that on this date we will be able to return the child to her father on a full-time basis, as set out in our supporting evidence.

We set this out as we often receive instructions in family court matters after they have commenced and in circumstances where court decisions have been made, often making it much harder to reverse those current orders.

It is much better to seek advice before the first court date so your legal position is not compromised. If you know someone in need of family law help encourage them to give us a call and just have a chat, it could make all the difference.

Call us on 03 9387 2424 or email [info@rrrlawyers.com.au](mailto:info@rrrlawyers.com.au) today and see how we can help.