

## **Session - Legal Aid Queensland Grants of Aid Workshop**

### **Who Gets Funding, How and Under What Circumstances?**

**Tracey De Simone & Lindsey Kelly** - Women's Legal Aid

**Issues:** The main issue raised concerned Toowoomba CLC seeing women where the father has taken the child and they are refused legal aid for recovery of the child because of six week rule.

The following are some of the matters discussed at the Legal Aid workshop:

#### **Refusal and Review**

- 28 days to lodge appeal
- review by grants officer
- internal review
- external review

#### **Domestic Violence**

- Who can apply for a grant of aid
  - Spousal relationship
  - Intimate personal relationship
  - Family relationship
  - Informal Care relationship

##### *Criteria for Applicant*

- No police application
- Act of domestic violence has occurred

##### *Variation and Revocation*

- Change of Circumstance
- No police application

##### *Respondent*

- Independent Evidence
- No basis for application

#### **Family Law**

*The overriding policy directive is that:*

*family law matters should be resolved through non-litigation processes*

Family law conference available for:

- Parenting issues
- Spousal maintenance
- Property settlement

##### *Matters inappropriate:*

- Sexual abuse
- Domestic violence
- Child abuse

##### *Issues in dispute:*

- Risk of / actual removal of child

- Risk to child's right of contact
- Dispute where child should reside
- Dispute about contact

### **Court proceedings**

Immediate risk to the child

- Sexual, physical or emotional abuse
- Drug/alcohol abuse
- Inability to look after child

The applicant is alleging or responding to any two of the following:

- Breach of an agreement reached at a family law conference
- Current court proceedings
- Risk of removal of child
- Actual removal of a child
- Current residence not appropriate

Denial of child's right to contact