



## What is a Case Assessment Conference in family law matters (Western Australia)?

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Case Assessment Conferences during family law proceedings in the Family Court of Western Australia are only held in respect of child-related proceedings. The purpose is for risk assessment. The focus of the conference is to assess risk in relation to:

- [family violence](#);

neglect;

abuse;

mental health issues;

substance abuse;

- [parenting capacity](#).

A Case Assessment Conference (“**CAC**”) is often the second stage, after a first return hearing, in child-related proceedings where there is an allegation of risk or safety issues. A first return hearing (also called a first return date) is the first court appearance after an application has been filed. Usually, the first return hearing is a case management hearing. Programming orders will be made, however, in some cases, substantive argument will also be heard. Case Assessment Conferences are not convened for every child-related matter.

A CAC is chaired by a Family Consultant. Family Consultants generally have a background in social work or psychology.

A Family Consultant's role is not to determine the issues in dispute. They do not have the power to make directions or orders. Their role is to assist the Court. The Family Consultant will make recommendations to the Court at the conclusion of the CAC.

Case Assessment Conferences are **not** confidential. Everything that is said during a CAC is reportable to the Judicial Officer (the Magistrate or Judge) and admissible as evidence during any Court proceedings.

The Family Consultant chairing the CAC will publish a memorandum outlining what was discussed during the conference. This memorandum will be provided to all parties, the [Independent Children's Lawyer](#) (if appointed) and to the Court. The CAC memorandum will remain on the Court file.

## What happens at the Case Assessment Conference?

The Family Court of Western Australia has published some [short educational videos, which you can view here](#), to assist parties in knowing what to expect on the day of a Case Assessment Conference.

Both parties must attend the Case Assessment Conference, and it will usually run for 2 hours.

Both parties meet individually (with their legal representative, if they have one) with the Family Consultant to discuss the risk issues. If an [Independent Children's Lawyer](#) has already been appointed, they will also attend the conference and be present during both parties' interview with the Family Consultant.

The Family Consultants will decide which party is interviewed first.

The Family Consultant will have read both parties' court documents prior to the conference. During the CAC, the Family Consultant will ask both parties a series of questions. These questions will surround the risk issues raised.

After both parties have been interviewed, the Family Consultant may meet with each party again for further discussions based on the response of the other party or to give feedback.

If it is appropriate (and both parties agree), the Family Consultant may meet with the parties together to give feedback or to consider whether an agreement can be reached on some or all of the issues.

## What happens at the conclusion of a Case Assessment Conference?

The parties may have discussions during the Case Assessment Conference and reach agreement on some or all matters. If agreement is reached, whether agreement is on a final or interim basis, a Minute of Consent Orders can be prepared, signed by the parties and referred to the presiding Judicial Officer for orders to be made in chambers.

After the CAC, the Family Consultant chairing the conference will publish a memorandum outlining what was discussed and also make recommendations to the parties.

These recommendations can include:

Procedural recommendations to case manage the matter. For example, a recommendation for a [Single Expert Witness](#) to be appointed, an Independent Children's Lawyer to be appointed or for the parties to attend family therapy.

Recommendations for the parties to complete programs such as a [men's behaviour change programme](#) or a parenting course.

Recommendations that the parties do certain things to resolve allegations of risk or provide further information to the Court; such as undertaking a hair follicle test or CDT test where there are allegations of drug or alcohol abuse.

Recommendations for further information to be obtained, such as by way of [Subpoena](#). This can include information about medical history or criminal history.

Recommendations that certain orders be made, such as injunctions preventing parties from doing certain things. For example, injunctions to prevent the parties from denigrating one another or physically disciplining the child or children.

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