

FAMILY LAW COURTS

FACT SHEET

Going to court – tips for your court hearing

This fact sheet is for people who are representing themselves in court. It covers some of the things you can do to prepare for your court hearing, as well as what you should and should not do inside the courtroom.

Getting ready

Be prepared and ready to present your case on the day of your court hearing. Do as much research as possible and gather all the information for your case.

Make sure you have all your documents clearly organised and mark the documents that have already been filed with the Court. Bring a note pad and pen with you too.

Some people find it helpful to sit in a courtroom before the hearing if they have never been in a court before. Most court hearings are heard in open court so you can do this any time.

What to wear

There are no rules about what to wear in court. However, the court is a formal place and you should dress accordingly. If you have any questions about what to wear, call 1300 352 000.

Children at court

Generally, courts are not appropriate places for children. Please make other arrangements for your child's care when you come to court.

If your child needs to attend court to speak to a family consultant or judicial officer, check with court staff before your court appointment whether any child-care arrangements need to be made for the day.

Personal safety

If you have any concerns about your safety while attending court, please call 1300 352 000 before your court appointment or hearing. Options for your safety at court will be discussed and arrangements put in place. More detail is in the fact sheet 'Family Violence - Important Safety Information'.

Arriving at court

You should arrive at least 30 minutes early to give yourself plenty of time to find the courtroom. If you have any problems finding the right courtroom, ask court staff.

In most court locations, a duty lawyer may be available to assist you on the day of your court hearing. The duty lawyer assistance is limited and you must meet certain guidelines to be eligible for assistance.

You can bring a family member or friend (who is over the age of 18) to sit with you and provide support. Unless approved by the judicial officer, your support person cannot sit with you at the bar table and cannot speak on your behalf.

Recording devices are not permitted in courtrooms without permission of the judicial officer.

Before entering the courtroom you should:

- turn off electronic equipment, including mobile phones, and
- remove hats or sunglasses, unless for medical or religious reasons.

Do not bring any food or drink into the courtroom.

Inside the courtroom

Before you enter the courtroom, give your name to the person assisting the judicial officer (either the court officer or associate). Let them know that you are representing yourself. If you are unsure, ask them where you need to sit.

You will have to wait for your case to be called as there may be a number of cases listed on the same day. If you are waiting for your case to be called, you should avoid talking or making any distracting noises in the courtroom.

You must stand each time the Court commences or adjourns. The court officer or associate will announce this by saying 'All rise' or 'Please stand'.

When your case is called

When your case is called, stand up and the court officer or associate will direct you to the bar table. Take your paperwork with you but do not put bags or briefcases on the bar table.

There is no rule about where you should sit. Normally each party (or their lawyer if they have one) will sit at opposite ends of the bar table. If there is an independent children's lawyer appointed, they will sit in the middle. If in doubt, ask the court officer or associate.

Stand with the other party or parties at the bar table until everyone has announced themselves. Announce your name clearly and state whether you are the applicant or respondent.

In the Family Court, less formal procedures apply to child-related proceedings. For more information go to the About Going to Court section at www.familylawcourts.gov.au or see the Family Court's brochure about less adversarial trials.

When orders are made

When the judicial officer announces their decision, listen carefully to the reasons given and write down the orders made. Ask for the orders to be repeated if you missed any. If you do not understand any of the orders, ask the judicial officer to explain them once they have finished speaking. Once the judicial officer signs the orders, a sealed copy will be sent to you.

Sometimes, a judicial officer may reserve or holdover their decision for another time or date. The Court will advise you when the decision has been made and you must attend court when the decision is handed down.

Once orders are made, your case is finished and you are free to leave. As you leave the courtroom, pause at the door briefly and nod to the judicial officer. You should also follow this procedure whenever you enter or leave the courtroom while the Court is in session. If your case is the last, the court officer or associate will ask everyone to stand while the judicial officer leaves the bench.

Speaking to the judicial officer

In the Family Court, the judicial officer hearing your case will either be a judge, judicial registrar or registrar. In the Federal Magistrates Court, the judicial officer will be a federal magistrate and, for divorce hearings, a registrar. The court officer or associate can tell you who is hearing your case. You should address a judge, judicial registrar or federal magistrate as 'Your Honour' and a registrar as 'Registrar'.

At a final hearing or trial, the judicial officer usually asks the applicant to outline their case first. Following the applicant's case and any cross-examination by the respondent, the respondent outlines their case and may be cross-examined by the applicant. If there is an independent children's lawyer appointed, they may also cross-examine the applicant and/or respondent and present evidence to the Court. The parties then make any final comments in support of their case.

Unless advised otherwise, you should stand when you are speaking or being spoken to. Speak clearly and politely to the judicial officer. Do not:

- address comments to other people in the courtroom
- point or use abusive language, or
- raise your voice or shout.

The judicial officer may ask questions or interrupt you. Listen carefully and answer as clearly as you can. If the judicial officer says something is not relevant, move on to your next point.

You cannot interrupt the other party with an objection unless it is about a matter of law. If you do have a legal objection, stand and tell the judicial officer of your objection.

Legal advice

You should seek legal advice before deciding what to do. A lawyer can help you understand your legal rights and responsibilities, and explain how the law applies to your case.

You can seek legal advice from a legal aid office, community legal centre or private law firm. Court staff can help you with questions about court forms and the court process, but cannot give you

legal advice.

This fact sheet provides general information only and is not provided as legal advice. If you have a legal issue, you should contact a lawyer before making a decision about what to do or applying to the Court. The Family Law Courts cannot provide legal advice.

FAMILY COURT OF AUSTRALIA

FEDERAL MAGISTRATES COURT OF AUSTRALIA

www.familylawcourts.gov.au 1300 352 000
FSTIPS.1006