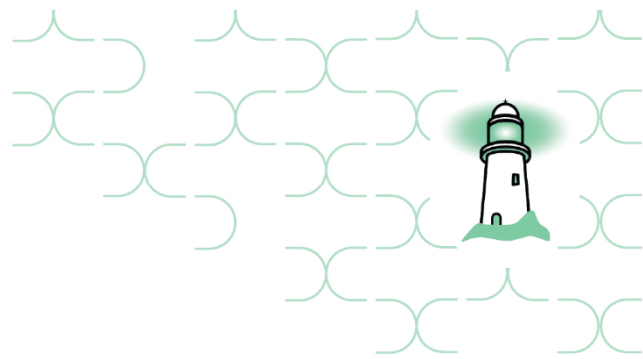




FEDERAL CIRCUIT  
AND FAMILY COURT  
OF AUSTRALIA



15 November 2022

## Update to the Profession #3: Lighthouse Model Expansion – The Evatt List

*New court reform focuses on the safety of children and their families by identifying and addressing issues of family violence and other risks*

The Federal Circuit and Family Court of Australia (Division 1) and the Federal Circuit and Family Court of Australia (Division 2) (the Courts) are delighted to provide the third update in the lead up to the commencement on 28 November 2022 of the expansion of the Lighthouse model and the Evatt List. You can also find out more from the [previous updates](#).

The third update focuses on the Evatt List which is the Courts' specialist list for those matters that are considered to be of the highest risk, with a focus on family violence and other family safety risks. The Evatt List ensures that families are provided with appropriate support to safeguard against family violence and other associated risks. It also ensures cases are managed through the Court process as efficiently and effectively as possible, with a focus on identifying risks and early information gathering.

**The next webinar will be held tomorrow, [Wednesday 16 November 2022 4pm ACST/ 4.30pm AEST/ 5pm ACDT/ 5.30pm AEDT](#).**

### The Evatt List

Matters are eligible to be placed on the Evatt List where the application to the Courts is for “parenting” orders, or “parenting and financial” orders only and in accordance with Family Law Practice Direction – Evatt List (FAM-EVATT) which will commence on 28 November 2022. It does not include:

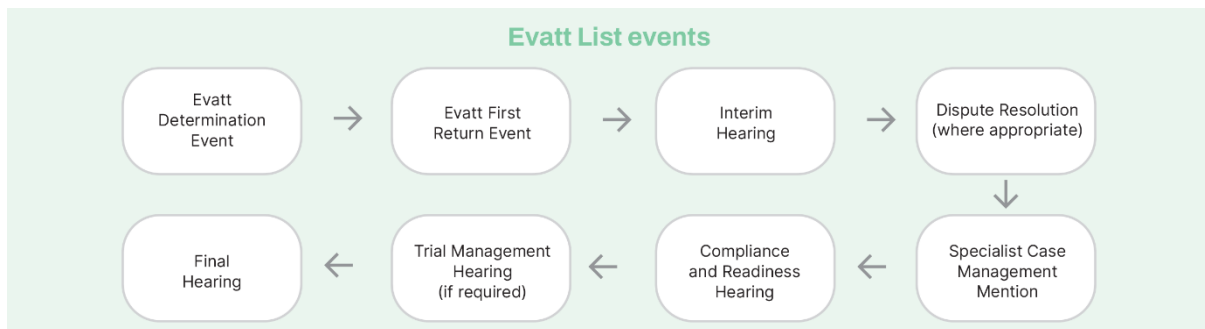
- matters where only financial orders are sought
- child support only cases
- child maintenance only cases, or
- contravention applications.

In order to be referred to the Evatt List, at least one of the parties to the proceeding must have:

- completed the online risk screen Family DOORS Triage; and
- been identified as high risk during the triage and risk screening process, including a review by a Triage Counsellor.

It is important for you to note that matters cannot be placed on the Evatt List by way of transfer, order or request. At the earliest stage of a matter coming before the Courts, you should ensure that you speak to your client about risk screening, the benefits of undertaking the screen and the Evatt List.

One of the key objectives of the Evatt List is to ensure that when your client and their children have been identified as being at high risk, they are provided with greater court resources to support them and provide safeguards around risk, while closely managing the matter as it progresses through the Court system. The case management approach focuses on ensuring that critical and in-depth information is gathered and collated from a variety of sources (such as police, child welfare and Court Child Experts) which helps to identify important issues for the first return listing, and throughout the course of the matter. The diagram below outlines the key court events and steps of the Evatt case management pathway.



When a matter is placed on the Evatt List, the Evatt Judicial Registrar will make an order and notify the parties.

A key principle of the Evatt List, is the early and front-ended proactive case management of the matter by the Evatt Judicial Registrar prior to its first listing date and interim hearing. This approach is designed to assist the Judge or Senior Judicial Registrar to make the most appropriate decision as soon as practical, based on the evidence gathered by the Evatt Judicial Registrar and parties. To support this approach, the Evatt Judicial Registrar will conduct regular chambers events to ensure compliance with orders/directions, pursue information, and liaise with Court Children’s Service as and when required.

The Courts have produced a series of guides which provide detailed information on the case management pathway events, timeframes, and expectations:

- [Evatt List Guide for Practitioners](#)
- [Evatt List Guide for Independent Children’s Lawyers](#)
- [Evatt List Guide for Parties](#)

In all matters, you must ensure that the material filed addresses any risks your client is experiencing to ensure that the matter is directed to the most appropriate case management pathway. You are also reminded of the obligation to inform the Courts of any family violence orders that apply to a party, to a child of the proceeding, or a member of the child’s family.

## Risk

Prior to this expansion of the Lighthouse model, important data as to risk was extracted from the project (as at 30 June 2022). This data has shown that 60% of Lighthouse risk screens are classified as high risk. Further, of those that are classified as high risk, 76% of parties responding indicate that they have experienced family violence.

This is a significant result, and corresponds with the data collected through the Notice of Child Abuse, Family Violence or Risk (since 31 October 2020), which indicates that 80% of parties allege they have experienced family violence and 70% of parties allege a child has experienced abuse. 89% of cases allege one risk factor, and 66% of cases allege 4 or more risk factors.

One of the most important outcomes of the Pilot period for the Courts and profession alike, has been the increased awareness of family safety risks and applied learnings to all matters, irrespective of whether or not a matter has been formally identified as having high risk.

The expansion of the Evatt List is an important reform to the family law case management pathway which ensures that the Courts continue to focus on supporting those families experiencing family violence and other family safety risks.

### **Further Information**

Next week's written update will provide an overview of all the information and resources to support the legal profession, unrepresented litigants and parties to become familiar with the expansion of the Lighthouse model.

Further webinars with detailed information on the Lighthouse model expansion are scheduled as follows:

- [Tuesday 22 November 2022 3pm ACST/ 3.30pm AEST/ 4pm ACDT/ 4.30pm AEDT](#)
- [Thursday 24 November 2022 11.30am ACST/ 12pm AEST/ 12.30pm ACDT/ 1pm AEDT](#)

### **The Honourable Justice William Alstergren AO**

Chief Justice – Federal Circuit and Family Court of Australia (Division 1)

Chief Judge – Federal Circuit and Family Court of Australia (Division 2)



## Evatt List – Case Study

The following case study outlines how the Evatt List can provide support and highlights the benefits that tailored case management can bring to both the matter in general, and to the parties involved.

### **Facts:**

The legal representative filed an Initiating Application on behalf of the Applicant Mother for the future parenting arrangements for the parties' young child. The Applicant completed the Family DOORS Triage questionnaire within 24 hours of receiving the invitation and family violence risk was identified for the family. The Applicant mother, upon speaking with a Triage Counsellor, received a number of referrals for domestic and family violence agencies and services. The matter was formally designated as an Evatt matter 15 days after filing due to the serious and significant family violence risk.

The matter was managed by the Evatt Judicial Registrar and chambers orders were made requesting:

- A Child Impact Report
- Appointment of an Independent Children's Lawyer
- Information from State police and child welfare authorities under s69ZW *Family Law Act 1975*
- An Interim hearing date before a Senior Judicial Registrar

### **Outcome:**

With the early information gathered through the Evatt List the parties were able to capture the key issues in dispute. Through discussions with the Court Child Expert at the interviews the parties were able to take ownership of their dispute. This resulted in the parties reflecting on the needs of the child and resulted in meaningful negotiations which resulted in developmentally appropriate shared-care parenting arrangement. Within 4 months of filing and with the assistance of the Evatt List case management approach, the parties successfully settled their matter together. The parties avoided lengthy, litigation, culminating in a safe, child focused long term agreement.

