



## FAMILY COURT OF THE FIJI ISLANDS

### CASE ASSESSMENT CONFERENCES

#### **What is a Case Assessment Conference?**

Case assessment conferences are intended as the first court event upon the filing of a Form 9 (Application for Final Orders), except in circumstances of urgency when a Registrar directs that a matter be listed directly into court, or when a case assessment conference is not available within a reasonable timeframe after filing of the application.

#### **What is the purpose of a Case Assessment Conference?**

An important outcome of the conference is that each party is focussed from the very first court event on settling their case without the need for a decision by a court.

The purposes of a case assessment conference are set out in Family Law Rule 9.07(2) as:

1. to enable the person conducting the conference to assess and make any recommendations about the appropriate future conduct of the case; and
2. to enable the parties to attempt to resolve the case, or any part of the case, by agreement.

#### **When is the Case Assessment Conference held?**

In normal circumstances, a case assessment conference will be held as near as practicable to 28 days from the date of filing (Rule 8.04). A Registrar may direct that a case assessment conference be listed at an earlier time, especially when a Form 12 (Application) is filed concurrently with the Form 9 (Rule 8.05).

#### **Who attends the Case Assessment Conference?**

Case assessment conferences **must** be attended by each party **in person**, and if they have a lawyer, their lawyer must also attend (Rule 9.01).

#### **Who conducts the Case Assessment Conference?**

It depends on what the application is about. If the application is for *financial* orders only, the case assessment conference is conducted by a Registrar or Deputy Registrar. If the case is about *children* only, the case assessment conference will be conducted initially by a Court Counsellor who, after assessing the case, will call the Registrar or Deputy Registrar in to the conference to conduct the procedural hearing. If the case relates to *both child*

*and financial* matters, the conference will be jointly convened by a Court Counsellor and Registrar or Deputy Registrar.

**What happens in the Case Assessment Conference?**

At a case assessment conference the parties and their lawyers discuss with each other and the Counsellor and/or Registrar the nature of the issues in dispute between the parties. The parties may be seen all together in the same room with their lawyers, or separately, depending on the circumstances (eg family violence allegations).

**What happens at the end of a Case Assessment Conference?**

The Counsellor or Registrar will see whether the parties are able to reach any agreement, whether final or interim, at that time. If the matter does not resolve at the conference, a procedural hearing is conducted by the Registrar. In children cases the parties will often be directed to attend further counselling with the Court Counsellor at a later time to further explore the issues between them. Counselling takes place without the presence of lawyers.

**How long will the Case Assessment Conference take?**

Case assessment conferences usually take approximately 90 minutes for child cases and less for financial cases.