



## FAMILY COURT OF THE FIJI ISLANDS

### PROCEDURAL HEARINGS AND CONFERENCES

#### **What are Procedural Hearings and Conferences?**

Procedural Hearings are meetings between you and the other party with your lawyer (if you have one). The meetings are conducted by a Magistrate in court or by a Registrar or Deputy Registrar in conferences.

Procedural hearings and conferences focus on what needs to be done by the parties and their lawyers to ensure that they will be ready to conduct meaningful negotiations at the conciliation conference. [See GIS 4 “*CONCILIATION CONFERENCES*”]

The purpose of a procedural hearing or conference is to make appropriate orders or directions to progress the matter to the next stage of the case management process.

#### **Who conducts Procedural Hearings and Conferences? Who makes orders and directions?**

Procedural hearings may be conducted in court by a Magistrate or in conferences by a Registrar or Deputy Registrar. Whilst the court makes orders, Registrars and Deputy Registrars make directions. Those directions, however, may be enforced by a court.

#### **What things are considered in the Procedural Hearing or Conference?**

The Magistrate or Registrar must know the actual issues involved in the case to properly conduct a Procedural Hearing. The orders or directions should focus on what is necessary to resolve, or at least define, the issues in dispute between the parties.

Further, it may be appropriate in the Procedural Hearing or Conference to dispense with some procedures in the circumstances of a particular case, for example if a property settlement case relates to very little property or in urgent cases relating to the welfare of children.

The matters to be considered are set out in Family Law Rule 8.13(2)(b) and include what the issues are and what needs to be resolved by the court, whether the parties should attend counselling, appointing a child representative, amendment of documents, obtaining and exchanging valuations in financial cases and setting a date for a conciliation or pre-hearing conference.

#### **What happens after Procedural Hearings or Conferences?**

In most cases the Procedural Hearing or Conference will take place as part of the case assessment conference and the next court event will be a conciliation conference.