

# Your first day in court

04 October 2017

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## The directions hearing or case conference

The first step in court proceedings is an Initiating Application that needs to be filed by you or your partner. The application will set out the orders you seek, and may be of a financial nature, or relate to your children.

Your application will be filed in either the Family Court of Australia, or the Federal Circuit Court of Australia. If your matter is filed in the Family Court of Australia, the first date will be either a directions hearing or a case conference. If your matter is filed in the Federal Circuit Court, the first date will be known as a mention.

## Directions hearings, case conferences and mentions

Depending upon which court your application has been filed in, your proceedings will be conducted by either a Judge or Registrar of the Family Court.

On the first day, the Judge or Registrar will:

- enquire whether all parties have filed all necessary initial documents in court and will make directions for the filing of any further documents, if necessary;
- enquire as to the status of negotiations between the parties and facilitate any settlement discussions; and
- make directions as to the progress of your matter in court.

## The nature of directions that can be made

On your first day in court, the Judge or Registrar may take many different directions for the ongoing conduct of your matter, but typically will make directions that may include the following:

- a direction that yourself and your partner obtain and exchange market appraisals or valuations of any assets (for example, your home, other real estate, motor vehicles, furniture etc);
- an order for further confidential counselling or that the parties obtain family law reports if the applications are for parenting orders;
- an order for the production of certain financial documents if the applications are for financial orders;
- an order directing the parties to amend any documents where necessary; or
- an order allocating a date and a time for the holding of a conciliation conference to attempt to resolve your matter.

Sometimes an order can be made directing the parties to attend mediation rather than attending a conciliation conference.

## What happens in court on the day?

On the first day of court, we will either meet you at court, or travel with you from our office to the court. Your matter will either proceed in a court room (if set down for a directions hearing or mention),

or in a conference room (if set down for a case conference). Otherwise, the process is very similar; you will come into the court or the conference room, and sit with us.

- It will be necessary for you to attend court with us on the first day (although there are some limited exceptions to this rule).
- The first day in court usually takes between one to four hours in total, including time spent waiting at court.
- There is no need for you to give any evidence or to say anything to the court – we speak on your behalf.
- The Judge or Registrar may ask us, or your partner's solicitor, to provide a background summary of the relevant issues in dispute in your matter and a general summary as to how negotiations in your matter have progressed.

The Judge or Registrar will then make further directions in relation to the ongoing management of your matter in court and try to facilitate negotiations, if possible. On the day, we are required to advise you in writing of your legal costs leading up to the court event and also your likely future costs should your matter progress through the court system.

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