

What is the Evatt List? A Guide to Family Violence Cases in the Federal Circuit and Family Court

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Most parenting matters will proceed through the Federal Circuit and Family Court ("the Court") system without being allocated to any particular specialist lists. Where there are allegations of family violence, the Court may decide to refer the matter to the 'Evatt List', which is managed by a number of specialist Senior Judicial Registrars, Judicial Registrars and Court Child Experts.

What is the Evatt List and how does it relate to family law?

The Evatt List is a specialist court list which is designed to handle cases involving serious allegations of family violence, child abuse, and risky behaviour by one or both parents that might impact the child. The list focuses on early intervention and management of certain matters, and attempts to accelerate the court process to safeguard against family violence.

If the Court does allocate a matter to the Evatt List, this does not mean that the court has determined that the allegations are substantiated. It is instead an acknowledgement by the Court that potential risk, family violence or child abuse has been identified in the matter and must be dealt with by specialist Senior Judicial Registrars and Judicial Registrars.

How are family law matters allocated to the Evatt List?

When an Initiating Application is filed with the Court, the Court undertakes a triage and risk screening process to assess whether the matter contains certain allegations.

An Initiating Application is one of the first documents that will be filed with the Court in a matter, and sets out the interim and final orders sought by the Applicant. If the matter contains any allegations listed below, it may be referred to the Evatt List, and an Independent Children's Lawyer may be appointed:

- Family violence and child abuse;
- Exposure to family violence;
- Serious drug, alcohol or substance misuse which has caused harm or poses a serious risk of harm to a child;
- Serious mental health issues that poses a risk of harm to a child;
- Recent threats to harm or abduct a child; and
- Threats to harm somebody else relevant to the proceedings (such as a new partner).

Once the matter is on the Evatt List, the matter may progress to the following events:

- Evatt First Return Hearing
- Interim Hearing
- Evatt Mention
- Compliance and Readiness Hearing
- Final Hearing

The above events are not exclusive to Evatt matters and will occur in regular parenting or property matters. The matter being allocated to the Evatt list, however, means that specialist Judicial Registrars and Senior Judicial Registrars will be managing the matter as it progresses through the Court.

Evatt First Return Hearing

The First Return Hearing in an Evatt List matter is likely to be the first time the parties are required to attend Court. The matter will appear before an Evatt Judicial Registrar, who will make procedural orders on how the matter should move forward, and may appoint an Independent Children's Lawyer.

Interim Hearing

The next Court event in an Evatt list matter may be the Interim Hearing before a Judge or Senior Judicial Registrar. The Court may hear issues regarding drug testing, and whether the children should communicate or spend time with a parent. The Court might also make Orders for specialised reports to be produced by a Child Court Expert or the Department of Families, Fairness and Housing.

Evatt Mention

The Mention in an Evatt List matter provides an opportunity for the Evatt Judicial Registrar to monitor the progression of the matter. Depending on how close the parties are to resolution, the Judicial Registrar may make Orders for the parties to file material, attend mediation or attend on a family report writer for the production of a family report.

Compliance and Readiness Hearing

A Compliance and Readiness Hearing is typically the last time the parties will appear in Court before Final Hearing (also referred to as the Trial). The Judge will make Orders regarding the length of the Final Hearing, when the parties are to file certain documents, which witnesses can be called and how many subpoenas can be issued.

Final Hearing

If the matter has been allocated to the Evatt List, it is likely to be listed for Final Hearing faster than other matters where there are no allegations of potential risk, family violence or child abuse as Evatt List matters are given priority. At Final Hearing, each party will have an opportunity to present the evidence in support of the Orders they are seeking, and to tell the Court why those Orders should be made.

After the Final Hearing, the Judge will make their decision and hand down Final Orders, which can only be altered in limited circumstances.

Get help from a family lawyer today if your matter involves family violence or child abuse

A matter being allocated to the Evatt List can be complex and stressful, particularly in instances where allegations of family violence or child abuse are running concurrently to the parenting and/or property dispute.

If you would like to discuss your circumstances and why your matter may have been allocated to the Evatt List, get in touch with one of our family lawyers to make an initial appointment.

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This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.