



Legal Assistance for Families: Partnership Agreement (LAFPA)

Frequently Asked Questions for DCJ caseworkers making referrals for families to receive legal advice under the LAFPA agreement

What is a Schedule 1 and a Schedule 4 referral form? And which one am I meant to use?

Schedule 1 – early intervention referral form. Use this form to refer a family for legal advice where there is not a care application being served at the same time, or where there are not current Children’s Court proceedings on foot. For example, you should refer when DCJ are responding to a Risk of Significant Harm report and asking families to agree to a safety plan, family action plan, referrals to other services, informal care arrangements, or to be part of a temporary care arrangement, parent capacity order or alternative dispute resolution such as a family group conference.

You can also use the Schedule 1 early intervention referral form to refer families for any post-final care order advice, for example a family needing legal advice about issues such as contact, section 90 applications, or adoption.

Schedule 4 – use this form when you are providing Legal Aid and Aboriginal Legal Service (“ALS”) with a sealed copy of a Children’s Court care application. This allows child representative(s) to be allocated, as well as parents to be offered timely legal advice and representation. You can use this form at any stage while Court proceedings are on foot, for example to refer a parent for legal advice and representation who may not have been engaged or able to be located when the Court proceedings first commenced.

Do I need a client’s consent to make a LAFPA referral?

Yes. You must have client consent before making a referral on a Schedule 1 early intervention referral form. If we receive a referral form that indicates the client did not consent to a referral, that referral will not be accepted. The same applies to any extended family members who are being referred for legal advice.

If you are completing the Schedule 4 form to provide alongside a care application, you do not need to have consent before providing the contact details of the parties. The LAFPA agreement simply formalises practice that has been in place for some time whereby DCJ provide party contact details at the time of providing Legal Aid and ALS with a care application. Legal Aid or ALS will attempt to contact all parties prior to the first court mention date and offer them legal advice and representation.

What information must I send to ALS and Legal Aid with a LAFPA referral?

For early intervention referrals, please complete the Schedule 1 early intervention referral form, along with relevant documents such as a proposed safety plan, family action plan, any TCAs and risk assessments.

Please ensure that you include the name and date of birth of the family member being referred for advice, and also the names and dates of birth any other parent(s) or carer(s), and each of the children. This is really important as it means we can check for any conflicts and ensure the client is provided with advice in a timely manner from a lawyer.

It is very important that you identify in the referral whether there are any safety concerns when contacting the client, for example, we need to know whether it is safe to leave a voicemail message or whether we can send a text message if we are unable to reach the client via phone call.

Why do I have to provide so much information and documentation?

The more information you provide to us, the faster we can determine urgency and which lawyer is best placed to assist and provide some assistance. If we don't have all the information we need, this will delay our ability to provide advice quickly and we are likely to contact you for further information. This means clients will have to wait longer to receive legal advice and that may delay your progress with casework with a family.

Once I make a referral, how long will a client wait for an appointment?

We triage referrals to determine how urgently a client needs to speak with a lawyer. If a matter is considered urgent, we will do our best to contact the client that same day and offer urgent legal advice. If things are not as urgent, we will book the client in for an advice appointment at the next available opportunity.

It assists if you include on the referral form if there is any urgency or time pressures. If you think that the urgency for the client has changed since you made the initial referral, please contact us to provide updating information.

What should I tell a client after I have made a LAFPA referral?

Please tell them to expect a phone call from a private number. If there are particular times of the day that would be better for a client to answer the phone, please include that on the referral form. If the client has a trusted friend or family member that they consent to us contacting on their behalf to arrange an appointment, please provide those details as it will assist us if we are unable to reach the client directly. You should also give the client a copy of the brochure *Is DCJ talking to you about your kids?*, which is also available in Simplified Chinese, Arabic and Vietnamese.

Can I make a referral for a young person in the care of the Minister?

Yes, we encourage LAFPA referrals for young people who are subject to final care orders. It is very important that the referral is made with the young person's consent and that the referring caseworker explains to the young person that a lawyer will be contacting them. If the young person does not have their own mobile phone, please provide details of their carer or another way we can contact them. Some of the legal problems we may be able to assist a young person with are contact with family, placement issues, cultural connection, and guardianship orders.

If there are current Children's Court proceedings on foot, the young person should be directed to their own legal representative for advice.

What if a client identifies as Aboriginal or Torres Strait Islander?

Please indicate on the referral form whether a client identifies as Aboriginal or Torres Strait Islander, and whether the client has a preference for receiving advice from the ALS or Legal Aid NSW. The referral form should then be sent to both ALS and Legal Aid NSW. ALS will determine first whether they can assist. If ALS cannot assist, then Legal Aid will arrange for a lawyer to speak to the client.

What information will Legal Aid or ALS provide to me after I make a referral?

There are rules about what we can and can't tell you about our client appointments, known as client legal privilege. We will confirm via email that we have received your referral and give you a timeframe of when we are likely to speak to the client. We won't be able to tell you if we have or have not been able to contact a client or if they missed their scheduled appointment.

Once a client has engaged with us, we can only get back in touch if our client consents for us to contact you.

How do I know which lawyer is assisting the client?

When ALS is able to assist a client the solicitor who is allocated the matter will make the first contact directly with the client. If ALS are unable to assist there is an automatic referral through to Legal Aid.

For referrals serviced by Legal Aid, the Early Intervention Unit is the first point of contact for all LAFPA referrals, and they will arrange one of their own lawyers to speak to the client or refer clients to Legal Aid offices closer to their home or to other specialist units like the Domestic Violence Unit and the Family Law Service for Aboriginal Communities.

There is more information about these different units on the Legal Aid website:

[Domestic Violence Unit \(nsw.gov.au\)](http://nsw.gov.au)

[Early Intervention Unit \(nsw.gov.au\)](http://nsw.gov.au)

[Family Law Service for Aboriginal Communities \(nsw.gov.au\)](http://nsw.gov.au)

Can I refer more than one person from a family to ALS and Legal Aid for advice?

Yes! We welcome referrals for multiple family members.

You can make referrals for any number of family members to us, with each person's consent. There are often situations where we can assist multiple different family members at one time, across the different Legal Aid NSW family law teams. If we can't assist a person, then we will arrange for them to speak to a lawyer outside of Legal Aid NSW who can assist them. We ask that you please use a separate referral form for each family member, but email the referrals through together in the one email.

Can I still refer families to ALS or Legal Aid like I used to before LAFPA?

We are putting our resources towards making sure we respond to LAFPA referrals quickly and efficiently and have specific pathways for these referrals that mean they will receive advice as soon as possible. You can still direct families to Legal Aid NSW, but these families won't be fast tracked in the same way. We recommend making a LAFPA referral instead.

How can DCJ casework teams get legal advice?

If the DCJ casework team needs legal advice you should complete a Child Law request form and email it through to childlaw@dcj.nsw.gov.au.

Contact details:



als-care-eiu@alsnswact.org.au



childlaw@dcj.nsw.gov.au



eiuadminstaff@legalaid.nsw.gov.au