

This factsheet is part of a series from Legal Aid NSW that aims to help answer your questions about COVID-19 and family law.

You may be worried or confused about how COVID-19 will affect you and your family. Sometimes a crisis can make legal problems worse or new problems might develop. Legal Aid NSW understands that there will be a lot of questions about family law issues, parenting and staying safe. This series of fact sheets will give you helpful information and contacts to support you and your family to manage all the changes that are happening in our community.

The COVID-19 pandemic has affected separated families in lots of ways. Some parents and carers are finding it difficult to follow the usual arrangements they have in place for their children because of public health restrictions and the closures of some services and businesses. If families cannot agree on alternative arrangements, Legal Aid NSW can help. Our new COVID-19 telephone mediation scheme supports parents to decide on practical solutions that are in the best interests of their children.

Who is eligible for the COVID-19 telephone mediation scheme?

We have a means test and a merit test that help us decide who is eligible for this service. The [means test](#) looks at your assets and how much you earn. It is different from the usual Legal Aid NSW means test, and you may be eligible to participate in the COVID-19 telephone mediation scheme even if you would not normally be eligible for legal aid. The [merit test](#) looks at whether mediation is likely to help resolve your disagreement.

How is the mediation arranged?

You can call 1300 888 529 and ask to speak to a lawyer about the COVID-19 telephone mediation scheme. If you decide to go ahead with the mediation, the lawyer can apply for funding for you. The lawyer will ask you for information about your financial situation.

Once funding is approved, the Legal Aid NSW Family Dispute Resolution Service will contact the other party (the other parent or carer) to set up a time for the mediation. Each party must complete an intake checklist form to help us decide whether the matter is suitable for mediation, as well as a confidentiality agreement. Your lawyer will ask you for information to help complete the checklist. This information is confidential.

If you already have a lawyer, you can speak to them about whether mediation under the COVID-19 telephone mediation scheme is an option for you.

What happens in the mediation?

The mediation will happen by telephone and take about two hours. It will be conducted by a qualified and experienced family dispute resolution practitioner, and it will be confidential. The focus is on finding practical solutions to the problems you are facing now because of the COVID-19 pandemic. The COVID-19 telephone mediation scheme is not designed to help you re-negotiate your usual arrangements or resolve general disagreements about the care of your children.

What happens if we reach an agreement at mediation?

There are different options for formalising your agreement, depending on the situation. In most cases your lawyer will draft a temporary parenting plan. Parenting plans are written plans that are agreed, signed and dated by the parents, but they are not legally enforceable agreements.

In some cases, it may be appropriate for your lawyer to use your agreement to draft consent orders. A consent order is an agreement that is approved by a court, and it is legally enforceable, just like other court orders. Your lawyer will explain your options to you more fully.

If your matter is not suitable for mediation or isn't resolved through mediation, your lawyer will talk to you about other options, including going to court.

How can I get help?

COVID-19 telephone mediation scheme advice: 1300 888 529

For more information, or to get legal advice about your specific situation, contact LawAccess NSW on 1300 888 529 or [call your local Legal Aid NSW office](#).

There is also a series of [factsheets about COVID-19 and the law](#) available on the Legal Aid NSW website to assist you to manage all the changes that are happening in our community.

If you need an interpreter, call the Translating and Interpreting Service on 131 450 and ask for LawAccess NSW. If you find it hard to hear or speak, call the National Relay Service on 133 677 and ask for LawAccess NSW or visit www.relayservice.gov.au.