

child(ren) will live with (residence) or when the other parent will have contact (access) then this may also be discussed with the counsellor.

- It is alright to disagree with the Counsellors if you are not happy with any suggestion.

**(Footnotes)**

<sup>1</sup> See pamphlet on *Service*.

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LEGAL AID  
COMMISSION

COUNSELLING

(Solving your problems  
through talking or  
talanoa or baatchit)

## What is Counselling?

- The Family Law Act 2003 provides for counselling between the parties.
- Counselling service is **free**.
- The Family Court has trained qualified counsellors who can help you with your marriage and family problems.
- The counsellors are there to listen and help sort out your problems.
- They are not there to force you to settle your argument if you do not want to.

## Who can go for Counselling?

- Anyone facing any family problems can go for counselling.

## When do I go for Counselling?

There are two ways you can go for counselling:-

1. You don't have to file divorce, maintenance or custody etc papers in court to be seen by a counsellor.
  - Pick and fill a *Notice Seeking Counselling* (FORM 14) from the Family Court Registry nearest to you.
  - Fill and file the form at the Family Court Registry

nearest to you.

- If you need help filling the form, take it to the Legal Aid office in your area.
- Once the form is filled, you have to file it in the Family Court Registry. The court clerk will send you to the counsellors office where you will be given a date to see the counsellor.
- You have to give a copy of the form to the other party.
- You cannot give this form to the other party directly it has to be done by another person.<sup>1</sup>
- Once you have had the form served on the other party, the person who served him/her must fill an *Affidavit of Service* (FORM 21) and have this filed in the Family Court Registry.
- You still have to appear before Counsellor on the date written on the form whether you have served or not.
- Problems may be solved with counsellors before reaching the Magistrate or lawyers.

2. If you already have an application in court the Magistrate may refer you for counselling before hearing your case.
  - When the Court refers you for Counselling you **MUST** attend

the session.

- You have to tell the Counsellor your problems that you are facing.
- It is alright to disagree with the Counsellor if you are not happy with his/her suggestion.
- The outcome from the Counselling session will be reported to the Magistrate who will then make orders regarding your case.

## What happens during Counselling?

- On this day both you and your partner will sit with the counsellor and discuss any problems you have. The Counsellor will try to help you solve these problems.
- If you are not comfortable talking in front of your wife or husband or partner the counsellors can talk to the parties separately and try to resolve problem.
- If your marriage problems involve your mother in-law, father in-law, or other relatives, they may also be asked to attend the counselling session as well.
- If you and your partner have problems deciding who the