

C2 cases

LAA caseworkers have identified an increase in C2 applications being claimed under the Family Advocacy Scheme (FAS) as well as an increase in queries from providers asking if these can be considered paper hearings.

The LAA advises that a court order made following a C2 application is not considered a paper hearing. These are administrative orders made through the court's administrative process. It is not an advocacy activity so cannot be claimed under FAS.

Unlike a paper hearing, the matter is not considered on paper in lieu of a hearing. Any work in relation to the submission of a C2 application or review of the resultant order is remuneration within the representation fee or at hourly rates if the matter escapes or is exempt.

If a FAS fee is claimed for this work, the claim will be rejected and the provider asked to remove it from their claim.

Paper hearings

Where the court lists the matter for a paper hearing (to be considered on statements) in lieu of an attended hearing, Hearing Unit 1 is payable.

This should be recorded clearly on the court order. Where the order is not clear, to prevent a reject, please clarify this within the bill narrative and provide any further evidence.

As no parties were present, attendance times will not be recorded on the order.

In the rare event a final hearing is considered 'on paper' the usual considerations for a final hearing should be taken into account.