



Family Court hearings – Interim Hearing

Author: [Jodie Jarvis](#)

Email: jodie@emerafamilylaw.com.au

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In family law proceedings, Interim Hearings are generally scheduled after a [First Return Hearing](#) (a procedural hearing and the first Court event after you have filed an application) and once you and your former partner have had an opportunity to resolve interim (temporary) issues by consent but have been unable to do so. As the name suggests, decisions made at an Interim Hearing are on a temporary (or interim) basis.

Interim Hearings related to urgent matters

Interim Hearings can, however, be scheduled as the first Court event if there are urgent issues that need to be addressed.

Examples of matters requiring an urgent Interim Hearing

An example of an urgent issue during [property settlement proceedings](#) would be when a Court Order is needed to protect the assets of the relationship. Consider the scenario where one party has disposed of real property (e.g. the family home) without the other party's consent. In that situation, an urgent Interim Hearing may be needed to obtain a Court order protecting the sale proceeds.

In [parenting proceedings](#), a party may be trying to change care arrangements for children (for example, if [one party relocates interstate with the children](#) without the other party's consent). In that scenario, an urgent Interim Hearing may be needed to obtain a Court order that the children be returned to their home.

If you need help with scheduling an Interim Hearing regarding an urgent matter, you should seek legal advice from an experienced family lawyer early.

[FREE ADVICE FROM A FAMILY LAWYER: 03 9006 8907](tel:0390068907)

What is the purpose of a family law Interim Hearing?

An Interim Hearing is a Court event where a decision can be made about particular issues in dispute on an interim (or temporary) basis. In addition to the urgent issues addressed above, the following are examples:

- In a financial (property settlement) matter, there may be an Interim Hearing to determine whether real property should be sold, which party should be permitted to occupy real property (e.g. who gets to stay in the family home while proceedings continue) and/or whether spousal maintenance should be paid by one party to another pending a final property settlement agreement being reached.
- In a parenting matter, there may be an Interim Hearing to determine whether the current care arrangements for children should change (and if so, how) or whether a party needs to [complete drug testing](#).

Unless you make an application in a proceeding, each matter will generally only be permitted to have one Interim Hearing. For this reason, it is generally best to schedule an Interim Hearing once you have obtained any expert reports, such as [property valuations](#), [child impact reports](#), [family reports](#) or [subpoenaed documents](#) that are likely to assist in your matter.

An overview of an Interim Hearing in family law

Parties are generally required to prepare and file updated Court documents, a minute of proposed orders (setting out the orders you are seeking from the Court) and a [Case Outline Document](#) before an Interim Hearing.

Unlike the First Return Hearing, the Interim Hearing will be listed before a Senior Judicial Registrar or a Judge (as opposed to a Judicial Registrar). The Senior Judicial Registrar and Judge have greater decision-making power and can make interim Orders in relation to both financial and parenting matters where there is no agreement between the parties.

In making this decision, the Senior Judicial Registrar or Judge will consider the material filed by each party and hear submissions in relation to the interim issues in dispute. It is unlikely that you or your former partner will be cross-examined at an Interim Hearing, although you will need to be present and available to provide your instructions to your legal representative or to the Court if you are self-represented.

The court will let you know in advance whether the Interim Hearing will be conducted online via Microsoft Teams or in person.

There are likely to be several other matters listed on the same day. If this is the case, you may be encouraged to enter into further negotiations on the day to see if the matter can be resolved by consent.

Any Orders made by a Senior Judicial Registrar or a Judge at an Interim Hearing are temporary or interlocutory. Temporary Orders will remain in place until a further Court order is made or until a final financial and/or parenting agreement can be reached.

What happens after an Interim Hearing?

Following the Interim Hearing, unless exceptional circumstances exist, the parties will be required to participate in dispute resolution. Exceptional circumstances could include, for example:

- [family violence](#) or safety concerns; or
- urgent matters.

Dispute resolution may be a Court-based Family Dispute Resolution or private mediation subject to the means and resources of the parties.

Following dispute resolution, and in the event that agreement has not been able to be reached on a final basis, matters are usually listed for a further procedural hearing to determine the next steps. This may include listing the matter for a Compliance and Readiness Hearing to ascertain whether the case is ready to proceed to a Final Hearing before a Judge.

How can a family lawyer help?

The Court process in family law matters can be complex and stressful. If you are considering issuing Court proceedings or if proceedings are already on foot, it is likely that you will benefit from legal advice and assistance at this stage of your matter. Please contact our office to arrange a consultation with a member of our team.

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.