

# Should I use Amica for my Family Law Matter?

Article by Townsville Family Law Paralegal, Bridget Barrie  
25 March 2022

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## What is Amica?

Amica is an automated legal advice tool (ALAT) available online that can be used on a desktop computer or mobile phone. It has been developed by the Australian government by National Legal Aid.

It is designed to assist couples to reach and record their agreement for parenting or financial matters. Amica does not give legal advice. It only gives suggestions.

It is reliant on people entering correct information to the platform.

Amica uses artificial intelligence to take into account your situation and the many factors that are relevant under the Family Law Act and will suggest an appropriate agreement for your situation.

A small fee is charged for agreements.

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## Should I use it?

It will only be effective if you and your ex are getting along and are fairly amicable.

For people who don't 'get along' it is not very helpful.

It is reliant upon both users 'plugging in' correct and accurate information.

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## Amica is not suitable if:

- There is a Family Violence Restraining Order in place between the parties.
- A limitation period will expire in the next 3 months.
- There is a genuine dispute about the validity of the relationship.
- One of the parties to a relationship or marriage is on a visa or seeking a visa which is dependent on their relationship with their partner.
- There are any existing court orders in place about parenting arrangements for any children of the relationship.
- There are ongoing cases or allegations in any court involving family law, child support, family violence or child welfare that involve either parent, or a child of the relationship.
- One of the parties wishes to relocate with a child of the relationship.
- Either party wishes to divide superannuation.

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- There are any genuine disputes over what is included in the property pool.
  - Any property of the relationship has been disposed of (such as sold or transferred) without consent of both parties.
  - There are caveats or charges lodged over any property in the property pool.
  - Assets in the property pool are held in a company or trust.
  - One party is a director of a company that forms part of the property pool.
  - Where either party owns or partly owns property or other assets overseas.
  - The property pool includes property which is also owned by a third party.
  - Either party currently has bankruptcy proceedings against them, or if either party was bankrupt during the relationship, or if either party is an undischarged bankrupt.
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## What do our Family Law Professionals think?

In the limited situations that it applies, it could be great.

However, in our experience, it is very rare to encounter a matter which does not involve *at least one of the factors listed above* – and this makes amica unsuitable for most separating couples.

Almost all of our family law clients who are working towards property settlement have superannuation to deal with. That issue is an extremely important issue that warrants obtaining advice from an experienced family lawyer.

Also – users need to be aware that the agreements are not legally binding documents that can be relied upon in the future.

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## Warning: Be Aware!

It is important to be aware that even if a separating couple can reach agreement using Amica, **it is not legally binding.**

Sometimes couples separate amicably and work things out themselves. This is ideal – but it is also important to know that you are agreeing to a fair and reasonable arrangement. Even if you have reached agreement that you think is fair – you should get advice from an experienced family lawyer. This is a cost that is well worth it.

An experienced family lawyer can also formalise your agreement so that it is binding and stands the test of time.

At O'SheaDyer Solicitors, we encourage our clients to obtain personalised advice from an experienced family lawyer.

We offer all new clients a first appointment with an experienced family lawyer for a low fixed fee of \$220.

Please call us on 0747 725 155 to make an appointment. We would love to help you.

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**Bridget Barrie** is a senior family law paralegal at OSheaDyer Solicitors, Townsville. Bridget has worked in Family Law for over 8 years. She has assisted on thousands of family law matters over the past 8 years and will complete the final semester of a law degree at QUT Brisbane in June 2022.

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## O'Shea Dyer Townsville has experienced lawyers who practice exclusively in Family Law

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