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**Compromise of claim by a person under disability or minor**

**CHECKLIST**

**Practitioners should ensure that all ex-parte applications requesting “Orders Approving Compromise” comply with the following checklist:**

1. Applications are to be filed via email **as a package\* to:** [Compromise@countycourt.vic.gov.au](mailto:Compromise@countycourt.vic.gov.au)**. Multiple copies are not required.**
2. Order 15A or 15B (the applicable form)**.** Form 15A and 15B can be found on the County Court website.
3. Ex-parte Application fee (See the County Court Fees, Costs and Charges form on the County Court website).
4. Affidavit of Solicitor which must include the following:
   * all amounts of settlement;
   * correct date of birth of person under disability;
   * properly witnessed affidavit;
   * supporting exhibits including
     1. memorandum of counsel advice
     2. letter of offer
5. Affidavit of the Litigation Guardian which must include the following:
   * state the relationship to the plaintiff;
   * state an understanding that acceptance of the compromise forever stays the action;
   * all amounts of settlement are correct.
6. The original probate parchment must be provided for matters in the **Common Law Division – Family Property List.**

**PLEASE NOTE THE FOLLOWING**:

* Under *Rule 15.03* of the *County Court Civil Procedure Rules 2018,* the Certificate of Solicitor and Consent of Litigation Guardian must be filed at the commencement of the proceeding. If these documents are not filed, the Compromise application cannot be processed.
* The application is considered ‘on the papers’ and therefore does not require a summons date. However, please note that the Judge approving the compromise may request parties to attend a directions hearing to address and clarify any issues with the application.

For more information on Compromise Claims, please refer to *Rule 15.08* of the *County Court Civil Procedure Rules 2018.*

For more information on Money Held in Court for a Person under Disability, please refer to *Rule 39C* of the *County Court Act 1958.  
  
\* The compromise application is considered to be a package of documents. If all documents mentioned in the above checklist are not present at the time of filing, the whole application will be returned.*