



## BRIESE LAWYERS FACTSHEET

# Family Reports



If your dispute involves children then the Court has the power to order that a Family Report (or Welfare Report) be prepared by a family consultant. The Judicial Officer can direct family consultants to provide a report about the care, welfare and development of your child.

The Court will usually make an Order for a Family Report in circumstances where:

- the counselling section of the Family Court has recommended the preparation of a report; and/or
- there are other matters relating to the family dynamics which need to be explored by an expert (such as a social worker) and will be of assistance to the Court. For example, where the wishes of a child are in dispute and the child is of such an age that his/her wishes should be considered as a significant factor.

If the Family Report is ordered by the Court, then the report will be prepared by an in-house social worker at the Family Court or by an expert, (social worker, psychologist or psychiatrist) privately engaged.

### THE FAMILY CONSULTANT

Family consultants are generally psychologists and/or social workers who specialise in child and family issues surrounding relationship breakdown.

Family consultants can help you and the Courts in many ways, they can:

- help you and the other party resolve the dispute;
- assist and advise the Courts by making recommendations;
- write and provide a report to the Courts about your family; and
- advise the Courts about the services provided to families by government, community and other agencies.

The family consultants must notify a child welfare authority if:

- they reasonably suspect that a child has been, or is at risk of being, abused; and/or
- they reasonably suspect that:
  - a child is being ill-treated, or is at risk of being ill-treated; or
  - a child has been exposed or subjected, or is at risk of being exposed or subjected, to psychological harm.

You cannot speak off the record with a family consultant. Communication with family consultants is not confidential, and may be used in Court. At the beginning of a conference, the family consultant must tell you it is not confidential. If you are still unsure what this means, ask the family consultant to explain it again, so that you do understand.



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In some situations, even before Court proceedings are instituted, you and your partner can agree to have a social worker/child psychologist prepare an independent Family Report concerning the children. This may be advisable where you have experienced particular difficulties in resolving the issues in dispute and you both need some professional and expert guidance.

Reports prepared by social workers or psychologists in the Family Court are usually of significant assistance to the Judge in determining the issues in dispute.

### THE FAMILY REPORT

A Family Report usually involves the following steps:

- The family consultant will obtain a brief of relevant background material from your legal representative;
- The family consultant will ring yourself and your partner to discuss the matter;
- The family consultant will discuss the matter with any other relevant counsellors/therapists upon whom you or your partner have attended;
- The family consultant will either visit your home and talk to yourself and any other people in your home, or they will arrange for you and your partner and the children to attend at their offices for the purpose of interviews during the course of a particular day;
- The family consultant will then prepare a report in writing and this will make observations and in some circumstances, make recommendations as to what arrangements would suit the best interests of your child/ren;
- If Court proceedings are on foot, the Report is then filed in Court.

Most times, the family consultant will try to work out the views and experiences of your child and to include those views in the report. Sometimes it is not appropriate to report on a child's views because of their age, maturity or some special circumstances.

If you fail to attend any appointment with a family consultant or to follow instructions made by the family consultant, the family consultant must report this to the Courts.

Further details with respect to Family Reports can be obtained by contacting one of our Solicitors, who can offer practical legal advice and guidance. We can assist by referring you to experienced social workers and psychologists for the purpose of preparing Reports.



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