



Family Reports

This fact sheet provides information for people who have not reached an agreement about their child/ren, who are involved in a case in the Family Court of Australia or Federal Circuit Court of Australia and for whom the Court has ordered that a Family Report be prepared by a family consultant.

What is a Family Report?

A Family Report is a document written by a family consultant appointed by the Court. It provides an independent assessment of the issues in the case and can help the judge hearing the case to make decisions about arrangements for the child/ren. It may also help the parties reach an agreement.

In preparing the report, the family consultant considers the family's circumstances, explores issues relevant to the case and recommends arrangements that will best meet the child/ren's future care, welfare and developmental needs. The best interests of the child/ren are the main focus of the report.

The report must be formally released by the Court before parties can receive it. It cannot be shown to anyone other than the parties to the court case and their lawyers. It cannot be shown to other people, such as other family members, without the Court giving permission for this to happen. This is the case even for people who may have been interviewed, but are not a party to the court case.

It is an offence, under s121 of the *Family Law Act 1975*, to publish or disseminate to the public, or a section of the public, any part of proceedings under the Act that identifies a party, a witness, or certain other persons.

What is a family consultant?

Family consultants are qualified social workers or psychologists, with skill and experience in working with children and families. They are appointed by the Court to help parents and judicial officers achieve the best outcomes for children. Family consultants are recognised as court experts in relation to children's matters. For more information see the fact sheet *Family Consultants*.

How much does a Family Report cost?

A Family Report is ordered and provided by the Court and there is no cost to either party.

What happens after a Family Report is ordered?

You, or your lawyer (if you have one), will receive a letter or phone call from the Court advising you of appointment times and the location of interviews. Interviews may be conducted in the Child Dispute Services Section of the Court, or at other premises.

Attending your appointment

The Court has ordered that you and the child/ren attend specific appointments—this means you must attend. If you do not attend, the report may not be able to be completed by the date set for the next hearing, which may result in delay and additional cost. Family consultants are obliged to tell the Court if you do not attend. Appointments can generally only be changed in exceptional circumstances.

Where interviews are to be conducted at the Court you should call the National Enquiry Centre on 1300 352 000 if you have difficulties with the appointment time/s. Where interviews are to be conducted at other premises you should call the family consultant.

Important information about personal safety

If you have any concerns about your safety while attending court, or any appointment ordered by the Court, call the National Enquiry Centre on 1300 352 000 before your court appointment or hearing. Options for your safety will be discussed. The Court takes allegations of violence very seriously and a safety plan will be put in place when the Court is aware of concerns. By law, people must inform a court if there is an existing or pending family violence order involving themselves or their children. For more information see the brochure *Do you have fears for your safety when attending court?*

Interviews and observation sessions

The family consultant will conduct a series of interviews in one day or over a few days. They will have individual interviews with you and the other party/s. They may also interview other significant people, such as adult siblings, step or half siblings, partners or grandparents.

Your child/ren will be seen separately from any adults (except in special circumstances). The child/ren will be given an opportunity to express their views and wishes, but no child will be expected to do so. The family consultant may also observe the interaction between the children and each parent (and other significant people) in separate observation sessions.

Where possible, children are supervised by qualified child care staff in a secure area. This is to ensure that they are in a neutral environment and not exposed to possible adult conflict in the open areas of the Court. You should confirm availability of child care before attending your appointment. Where this service is not available, you may be required to bring someone who can look after the child/ren for you.

What information will the family consultant need to prepare the Family Report?

The family consultant may request your permission to contact teachers, doctors or other relevant professionals for more information about your child/ren. The Court may also direct that the family consultant have access to material which has been subpoenaed.

Generally the family consultant will gather information about:

- the issues in dispute
- past and present parenting arrangements
- the parenting capacity of each party
- your child/ren's relationships with significant people
- your child/ren's wishes and views, and
- any risks to the child/ren.

Is the information provided to the family consultant confidential?

No. What is said to the family consultant is not confidential. All information gathered by the family consultant is admissible in court. The family consultant is required to include relevant information in the report, and may also be required to give evidence in court.

When will I receive the Family Report?

You or your lawyer (if you have one) will receive a copy of the Family Report prior to the hearing. It is possible (and not uncommon) for matters to settle based on what is contained in the Family Report.

If you are able to reach an agreement and submit signed consent orders to the Court you may not have to come back to Court. The Court encourages this and will provide you with assistance if you need it. Please inform the Court immediately (if you have a lawyer they can do this for you) if you reach an agreement outside of the Court.

What if I don't agree with the Family Report?

The Family Report is only one source of evidence that the Court considers in making its decision. The Court is not bound by any recommendations made in the report. As with any evidence, the appropriate place to challenge the report is the Court itself.

If you wish to challenge the contents of the Family Report at trial you must call the family consultant as a witness. For this to occur, the family consultant needs at least 14 days notice in writing. Write to the family consultant at the address shown on your court correspondence.

The family consultant can be cross-examined in court at the hearing. In cross-examination you (or your lawyer if you have one), the other parties and the judicial officer may ask the family consultant questions about the contents of the report and their assessment of the family.

What if I have a complaint about the family consultant?

If your case is in the Family Court of Australia refer to the Family Court of Australia Feedback and Complaints Policy at www.familycourt.gov.au

If your case is in the Federal Circuit Court of Australia refer to the Federal Circuit Court of Australia Complaints Policy at www.federalcircuitcourt.gov.au

You should also discuss your concerns with your lawyer.

How does a Family Report differ from a private assessment?

A Family Report is ordered by the Court and prepared by a family consultant appointed by the Court. Under these circumstances there is no cost to either party. Parties may ask a private professional to undertake a family assessment and provide the Court with a report, which may be admitted by the Court. A private assessment is paid for by the party/s.

How does a Family Report differ from an Expert Report?

In some matters, the Court requires an expert to provide assessments, diagnosis and information which cannot be provided by the family consultant. For example, the Court may require a psychiatrist to provide a psychiatric assessment report. An Expert Report assessment is paid for by the party/s.