

Seeing a family consultant in the Federal Circuit Court – Frequently asked questions

I have been ordered to attend an appointment with a family consultant.

Who are family consultants?

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 judges achieve the best outcomes for children. Family consultants are recognised as court experts in children's matters.

Where do family consultants fit into the court process?

Family consultants are advisors to the Court. They are only involved with disputes about children. They are not involved in disputes about property or finances.

In the Federal Circuit Court, your matter will be heard by a judge. The judge may ask a family consultant to interview the parents/carers and make a preliminary assessment of the issues in the case. This is known as a Child Dispute Conference. The family consultant will give the judge information to help work out what may be the best next steps.

For more information see the fact sheet *Child Dispute Conferences*.

The judge may ask a family consultant to interview the parents/carers and the children and make a preliminary assessment of the issues in the case. This is known as a Child Inclusive Conference. The family consultant will give the judge information to help work out what may be the best next steps.

For more information see the fact sheet *Child Inclusive Conferences*.

If the case continues, the judge may ask a family consultant to interview the parties and children and make a full, detailed assessment of what is happening in the family and what the child/ren need, and make recommendations about what is best for the child/ren. The written report of this assessment is known as a Family Report. Family Reports are usually ordered later in the case, usually (but not always) in preparation for the case going to trial. The family consultant may also be a witness at the trial.

For more information, see the fact sheet *Family Reports*.

How soon after the order is made in court will I receive notification of my appointment?

Appointments for a Child Dispute Conference or Child Inclusive Conference are made to fit with your next court date. You may be advised of the appointment details at the time the order is made. If you are not, you will receive an appointment letter after the order is made.

Appointments for a Family Report are made so that the report is available by the due date given by the Court. This may be some time after the order is made.

The Court will always try to make sure that you have as much notice as possible.

How long will the appointment take?

For a Child Dispute Conference you should allow approximately two hours.

For a Child Inclusive Conference you should allow half a day.

For a Family Report appointment, the appointment letter may spell out how long you will need. Otherwise you should allow a full day, as there may be a series of appointments throughout the day. The family consultant may also need to see you more than once.

I am worried about my safety when I'm at court. What can I do?

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 trial. Options for your safety will be discussed. The Court takes allegations of violence very seriously and a safety plan will be put in place where 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?*

Can I bring a support person to my appointment?

You can have a support person with you in the waiting area, but it is up to the family consultant to decide whether your support person is included in the interview, and in what way. The family consultant will discuss this with you.

What does the family consultant say to my child?

When the child/ren attend the appointment, the family consultant can answer all their questions and explain to them what will happen. The family consultant will listen to what the child wants to talk about and will ask questions about their life and any views they may want to express. If a child does not want to talk about their family once the family consultant has explained things to them the family consultant will not press the child to do so.

There is a booklet available at www.familylawcourts.gov.au called *Why am I going to see a Family Consultant?* There is a version for children aged 5-8 years of age and another version for children aged 9-12.

Is child care available when I have my appointment?

Limited child care facilities are available at Adelaide, Brisbane, Dandenong, Melbourne, Newcastle, Parramatta and Sydney.

At these locations child care can only be provided where the child is required to attend an appointment with a family consultant. Where this is the case, a place will be reserved for the child/ren, and you will be asked to sign them into child care before the appointment.

Children of all ages are supervised by qualified and trained staff in a secure play area. Once a child is booked in by an adult, no one else, apart from court staff, can have access to or remove the child.

At any other court location, if your child is required to attend an appointment, you will need to bring another adult who can care for the child/ren while you meet with the family consultant.

I need to change my appointment. Who do I contact?

Appointments can only be changed in exceptional circumstances. You should call the National Enquiry Centre on 1300 352 000 if you have difficulty attending your appointment.

Who pays for my travel costs for having to attend appointments at the Court?

You are responsible for costs involved in either yourself or your child/ren attending an appointment with a family consultant. Travel costs are not paid for by the Court. If travel costs are an issue for you, you should discuss this with your lawyer if you have one, or raise the issue in court.

What happens after the appointment is finished? Will I receive any documentation?

After a Child Dispute Conference or a Child Inclusive Conference your lawyer (or you if you don't have a lawyer) will receive a copy of the family consultant's Memorandum to Court.

After the interviews and observations for a Family Report are finished, the family consultant may need to contact other people, such as doctors, schools or other professionals for further information. When all the information has been gathered, the family consultant will write the Family Report. Once the report is finished it has to be released by a judge or a registrar. No one can see the report until it has been formally released. Your lawyer (or you if you don't have a lawyer) will receive a copy of the Family Report. Please note that the family consultant cannot give a copy directly to you or anyone else. Please also note that once the report is released, the family consultant cannot discuss it with you or receive any other information from you, by phone or in writing.

Can I give information I have received in a report or memorandum from the Court to anyone?

No. A Memorandum to Court and a Family Report are admissible in court as evidence in your matter. They cannot be shown to anyone other than the parties to the matter and their lawyers. They cannot be shown to other people, such as other family members, without the Court's permission. This is the case even for people who may have been interviewed, but are not a party to the matter. 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 happens if I don't agree with a recommendation or I believe the family consultant was biased in the report?

The Court considers a range of information when making decisions about your case. The Court is not bound by any advice or recommendations given by the family consultant. As with any evidence, the appropriate place to challenge the family consultant's evidence is the Court itself –during the trial. You should raise your concerns with your lawyer (if you have one), or in court if you do not.

How do I complain about the conduct of the family consultant?

If you have a complaint about the family consultant you should refer to the Federal Circuit Court of Australia's Complaints Policy at www.federalcircuitcourt.gov.au. You should also discuss your concerns with your lawyer (if you have one).