

# Family Reports

This fact sheet provides information for people who have a disputed case about their children in the Federal Magistrates Court of Australia (the Court), and where the Court has ordered a Family Report to be prepared by a Family Consultant.

## What is a Family Report?

A Family Report (the Report) is a written report ordered by the Court. It can help the Federal Magistrate hearing your case make decisions about arrangements for your children. The Report can also help you and the other party/s reach an agreement.

A Family Consultant will prepare your Report. Family Consultants are qualified social workers or psychologists, with expertise in working with children and families, and are appointed by the Court. For more information about Family Consultants, see the fact sheet 'Family Consultants'.

The Report will contain the Family Consultant's professional assessment of your family. It will also include their recommendations for arrangements that will best meet the future care, welfare, and developmental needs of your child/ren.

## 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 Family Consultant advising you of your appointment time/s. You, and your children if they live with you, must attend all appointments. If you do not attend, the Family Consultant may be unable to prepare your report by the court due date, resulting in delay and additional costs.

## Interviews and observation sessions

The Family Consultant will conduct a series of interviews that may be done in one day or over a few days. They will usually interview you, the other party/s and your child/ren. They may also interview other significant people such as a new partner or grandparents.

Interviews may be conducted individually and/or together. Separate interviews will be conducted where one party is fearful of another party, or where a family violence order restrains the parties from coming into contact. If you have concerns about your safety you should tell the Family Consultant before attending your appointment.

Your child/ren will be interviewed separately from you and the other party/s (except in unusual circumstances). The Family Consultant may also observe the way you and other significant people interact with your child/ren in separate observation sessions.

## What information will the Family Consultant require for the Family Report?

The court order may specify the issues that need to be addressed in the Report. Generally the Family Consultant will gather information about, but not limited to:

- the issues in dispute
- past and current parenting arrangements
- the parenting capacity of each parent
- your child/ren's relationships with significant people, and
- your child/ren's wishes and views.

The Family Consultant may ask for your permission to contact teachers, doctors or other professionals to give more information about your child/ren. The Federal Magistrate may direct the Family Consultant to also read subpoenaed documents at the Court.

## Is what I tell the Family Consultant confidential?

No. What you, the other party/s, and your children say to the Family Consultant is not confidential. All information gathered by the Family Consultant is admissible in Court. The Family Consultant will include relevant information in the Report and may also be required to give oral evidence in Court.

## When will I receive the Family Report?

You, or your lawyer, will receive a copy of the Report prior to the hearing. The Report is released by order of the Court and it is only intended for the party/s and their lawyers. This means you must not show the Report to other people, especially your child/ren.

It is possible (and not uncommon) for matters to settle based on what is contained in the Report. If your matter settles then you do not need to return to Court. Please inform the Court immediately if you reach an agreement with the other party/s.

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

The Report is only one source of evidence that the Court considers in making its decision. The Court is not bound by the recommendations in the Report. As with any evidence, the appropriate forum for challenging the Report is at your hearing by cross-examination. This is where you, or your lawyer, may ask the Family Consultant questions about the contents of the Report and their assessment of your family.

If you wish to cross-examine the Family Consultant, you (or your lawyer) must write to the Family Consultant at least 14 days before the hearing.

## What if I have a complaint about the Family Consultant?

If you have a complaint about the Family Consultant you should notify the Dispute Resolution Coordinator at the Court in writing.

**NOTE**—The Court only deals with complaints in relation to Family Reports prepared by Family Consultants who are appointed by the Court. If you and the other party/s select the family report writer yourselves, or if an independent children's lawyer has been appointed and they select the family report writer, then you should direct your complaint to the appropriate professional body. Complaints about psychologists can be made to the appropriate State or Territory psychologists registration board and complaints about social workers, to the Australian Association of Social Workers.

## Do I have to pay for the Family Report?

If the Court orders a Report, it will assess whether you need to pay for, or contribute to the cost of, its preparation. In making this decision, the Court will consider the facts of your case and your financial circumstances.

## How does a Family Report differ from an expert report?

In some matters, the Court requires an expert report to provide the Court with assessments, diagnoses and information which cannot be provided by a Family Consultant. For example, the Court may require a psychiatrist to provide a psychiatric assessment report. You will be responsible for paying the costs if an expert report is ordered.