



FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA

Family Consultant FAQs

What does a family consultant do?

Family consultants conduct child and family assessments for the purpose of preparing a reports that have been ordered by the Court under specific sections of the *Family Law Act*. These reports are to assist the parties and the Court determine arrangements that will bring about the best outcomes for children. The two main types of reports prepared by family consultants are Child Impact Reports, which are generally ordered early in proceedings, and Family Reports, which are generally ordered for matters at the final hearing stage of proceedings. (See the fact sheets [Child Impact Reports FAQs](#) and [Family Reports FAQs](#) for more information about these types of reports).

Who are family consultants?

Family consultant is a role defined in the *Family Law Act*. Family consultants are required to have a statutory appointment issued by the Court's Chief Executive Officer. To be appointed as a family consultant a practitioner must be a psychologist or social worker who has specialist knowledge in child and family issues after separation and divorce, and has satisfied the Court that they have the necessary expertise to undertake the role as an expert witness in parenting matters before the Court.

What are the two types of family consultant?

Some family consultants are employees of the Court. They hold a position called Court Child Expert because, as well as having an appointment as a family consultant, they also carry out duties under other parts of the *Family Law Act*. When preparing a report for the Court, Court Child Experts are acting in their family consultant role.

Other family consultants are not employees of the Court but are private practitioners who have satisfied the Court that they have the requisite qualifications and expertise to undertake the duties of a family consultant. This type of family consultant is appointed to the role under the *Family Law Regulations*, and is often referred to as a Regulation 7 Family consultant.

What is the Court Children's Service?

The Court Children's Service, sometimes referred to as CCS, is the area of the Court that oversees the work of Court Child Experts and Regulation 7 Family Consultants.

Do I have to see the family consultant?

Yes, if the Court has issued an order for a family consultant to prepare a report in your case then you must comply with that order and attend the appointments with the family consultant.

If you fail to attend any appointment with a family consultant, or do not follow any instructions made by the family consultant, they must report this to the Court.

Do I have to pay to see a family consultant?

No, the Court covers the costs of reports done by both types of family consultant.

Can I speak 'off-the-record' with a family consultant?

No, any information you provide to the family consultant is **not** confidential. All information gathered by the family consultant is admissible in court and can become evidence in your case. The family consultant is required to include relevant information in the report, and may also provide this information in Court if they are called to appear for cross-examination.

Does the family consultant have to disclose information to anyone outside the Court?

Yes, a family consultant 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.

The family consultant may also need to contact police if they reasonably believe that a person is at imminent risk of being harmed or seriously injured.

Can I contact the family consultant after my report is completed?

Once the report is completed, the family consultant cannot discuss it with you or receive any other information from you, either by phone or in writing.

Can I complain about the conduct of a family consultant?

If you wish to make complaint about the conduct of the family consultant who prepared your report, you can submit this to the administrative section of the Court. For more information on how to do this please refer to the Federal Circuit and Family Court of Australia's Complaints Policy at www.fcfcoa.gov.au. You should also discuss your concerns with your lawyer (if you have one).

Can a family consultant help with parenting plans?

Family consultants can provide advice and information about parenting plans. They can explain what a parenting plan is and how it works. Family Consultants can also tell you where you can get more help to develop a parenting plan.

For more information about parenting plans, see the Family Relationships Online fact sheet Parenting Plans available at www.familyrelationships.gov.au

This fact sheet provides general information only and is not provided as legal advice. If you have a legal issue, you should contact a lawyer before making a decision about what to do or applying to the Court. The Court cannot provide legal advice.