



## Family Reports FAQs

This fact sheet provides information for parties who have had a Family Report ordered by the Court.

### What is a Family Report?

A Family Report is ordered by a registrar or a judge under Section 62G of the *Family Law Act 1975*. A Family Report is prepared by a family consultant. This could either be a Court Child Expert, practicing under their appointment as a family consultant, or a Regulation 7 Family Consultant. (See the fact sheet [Family Consultant FAQs](#) for more information about the types of family consultants).

All reports undertaken by family consultants are organised by the Court Children's Service.

A Family Report is an independent family assessment that assists you and the court in making decisions about the children. Family Reports are generally ordered when a case is progressing to a final hearing.

In preparing the report, the family consultant considers the children's experiences and development, the family circumstances and other issues relevant to the case. The family consultant makes recommendations for arrangements that will best meet the children's future care, welfare and developmental needs.

### What happens after a Family Report is ordered?

You, or your lawyer (if you have one), will receive a letter or email advising you of the appointment details (date/time/location) for you and the children to meet with the family consultant. Interviews may be conducted in the Court Children's Service area of the Court registry or, if the report has been assigned to a Regulation 7 Family Consultant, they may be conducted at another location.

### Do I have to see the family consultant?

If the Court has made an order for a Family Report then you must attend the appointments with the family consultant. 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. If you have difficulties with the appointment time/s, and where interviews are to be conducted in the Court registry, you should contact CCS using the details you were given in the appointment letter. Where interviews are to be conducted at other premises you should contact the Regulation 7 Family Consultant directly.

## **How much does a Family Report cost?**

There is no cost to either party for a Family Report undertaken by a family consultant.

## **What if I am concerned about my safety when attending for the Family Report interviews?**

If you have any concerns about your safety, please let the Court know before attending the interview with the family consultant. You can do this by calling the National Enquiry Centre on 1300 352 000. 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?\*](#)

## **Can I bring a support person to my meeting with the family consultant?**

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.

## **How should I prepare my child for their meeting with the family consultant?**

You should explain to your child that they are going to meet with someone who would like to talk to them about their experiences and views, but that they will not be made to talk about anything they do not wish to. You must not coach your child or tell them what to say.

## **What documents do I need to provide?**

The family consultant has access to documents filed by both parties and will read documents as directed by the Court. You do not need to bring any other documents to the meetings.

## **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. They may also interview other significant people, such as adult siblings, step or half siblings, partners or grandparents.

Your children will be seen separately from any adults (except in special circumstances). The children 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.

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

Generally, the family consultant will gather information about:

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

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

### **Is the information provided to the family consultant confidential?**

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?**

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.

### **What happens to the report when it is completed by the family consultant?**

After the Family Report is completed, the family consultant provides it to the ordering judge or registrar who will then formally release the report. Your lawyer (or you, if you don't have a lawyer) will receive a copy of the report when it is released. A copy will also be given to the Independent Children's Lawyer if one has been appointed. The family consultant cannot give a copy directly to you. Once a report is released it is considered to be part of the formal evidence in your case.

The Family Report will be released prior to the final 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.

### **Can I contact the family consultant after the report is released?**

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

### **Can I share the Family Report?**

You cannot show the report to other people, such as other family members or professionals, without the Court giving permission for this to happen. This is the case even for people who may have been interviewed for the report, 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 that identifies a party, a witness, or certain other persons.

### **What if I don't agree with what is written in 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.

If you wish to challenge the contents of the Family Report then the appropriate way to do this is through cross examination in Court. For this to occur the family consultant must be called as a witness and given at least 14 days' notice in writing. You (or your lawyer if you have one) should write to the family consultant at the address shown on your court correspondence.

In cross-examination you (or your lawyer), the other party (or their lawyer), the Independent Children's Lawyer (if one is appointed) and the judicial officer may ask the family consultant questions about the contents of the report and their assessment of your family.

### **Can I make a complaint about the conduct of the family consultant?**

If you wish to make a complaint about the conduct of the family consultant, 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.fcfoa.gov.au](http://www.fcfoa.gov.au). You should also discuss your concerns with your lawyer (if you have one).

### **How does a Family Report by a family consultant differ from a private report?**

A Family Report prepared by a family consultant is ordered under Section 62G of the *Family Law Act 1975* and is organised by the Court Children's Service. Family consultants have been identified by the Court as having the requisite qualifications, skills and knowledge to undertake the report. The Court funds these reports and hence there are no costs incurred by the parties for the report.

Parties may ask a private professional to undertake a family assessment and provide the Court with a report, which then may be admitted by the Court as evidence. These private reports are paid for by the parties. The Court Children's Service has no role in the organisation and provision of private reports.

### **How does a Family Report differ from an Expert Report?**

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