



Family Reports in parenting proceedings

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When you have [parenting proceedings](#) before the Court, the Court may decide (or the parties may agree) that the matter would benefit from the assistance of a social worker/psychologist or psychiatrist to undertake a forensic assessment of the family.

The person who is appointed is referred to as the Single Expert Witness (“the Expert”) or the Family Report Writer.

The role of the Expert in family law proceedings is to forensically assess and evaluate the family, including observing interactions between each child and their parent (or significant persons) and providing a Family Report to the Court.

You can read more detail about the role of the Expert in our earlier blog, [“Single Expert Witnesses in parenting matters”](#).

The Report will generally assess terms of reference agreed upon by the parties or ordered by the Court prior to the assessment taking place.

What is considered when preparing a Family Report?

In most circumstances, when preparing the Family Report, the Expert will look at the following:

A child's attachment to each party;

The [child's wishes](#) (if the child is old enough to express a wish);

The parental capacity of each party to protect the child from harm, including emotional harm;

Any developmental needs of the child; and

Providing recommendations as to where the child should live and how much time they should spend with and communicate with the other parent.

The Family Report will also review how each party speaks of and is likely to communicate with the children regarding the other party.

Are communications with the Expert confidential?

In short, no.

The Expert is appointed by the Court to prepare a Family Report. Any conversation had with the Expert may be included in the Report.

At the same time, this does not mean everything said will be published. Rather, this is at the discretion of the Expert.

What do I need to prepare prior to meeting with the Single Expert Witness?

Prior to meeting with the Expert, it is important you read carefully any documents which have been filed with the Court, and any other information which was provided to the Expert when the Expert was appointed. This can include transcripts, orders or other social science research.

On the day you meet the Expert, be prepared for the meeting to be long. Make sure you have had plenty to eat, sleep the night before and prepare like it is a long exam or significant work meeting.

Who pays for the Family Report?

Family Reports and Single Expert Witness reports are expensive. They can range between \$5,000 to \$25,000, depending on the experience of the Expert.

Reports are funded with the assistance of Legal Aid, by the Court (if your matter is in the eastern states) or privately.

The standard provision, according to the rules, is that each party is to equally share in the costs of the report.

What if I do not like what the Expert recommends?

Within 21 days of a Family Report being published to the parties or their solicitors, parties have the opportunity to ask clarifying questions of the Expert.

This cannot be new material. Rather, it is to clarify an aspect of the Family Report and question recommendations based on the clarifying questions.

These can be technical to draft, and it is important that you meet the confines of clarifying questions only.

How can a family lawyer help?

Meeting with a family lawyer prior to a Single Expert Witness being appointed can assist in drafting the terms of reference and providing insight into the suitability of a particular Expert.

Further, when your Report is published, engaging a family lawyer promptly can assist you in analysing it.

With the provisions of only 21 days to ask questions of an Expert, you should engage a lawyer quickly in the event questions need to be asked.

Our team at Meillon & Bright is experienced in all facets of Expert and Family Reports. If you need any assistance, please get in touch.

The information contained in this article is of general nature and should not be construed as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.