

The family report process

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What is a family report?

A family report is a written report ordered by a court or agreed to by parties in a family law matter to help a judicial officer determine parenting arrangements for children.

Who can prepare a family report?

A family report writer is usually an accredited consultant social worker or consultant psychologist who has been appointed by the parties, the court or an independent children's lawyer. The report writer will have expertise in working with children and families, and is considered to be an independent person even though they may be appointed by the court.

Information collected in a family report

A family report writer will need to interview you, the children and any other significant people in the life of the children including your current partner, other members of your household and other relevant professionals such as teachers or contact centre staff (if necessary). They will also observe the children with each of the parents. The report writer's primary focus is to collect information about:

- the relationship of the children with both parents and any significant people in the children's lives
- the views or wishes of the children (if they are able to express a view)
- information about the children's personal history, parenting arrangements to date and emotional attachments to significant people in the children's lives; and
- information about the family dynamic during your relationship with your former partner and since separation, including:
 - family history;
 - significant issues which may have affected the children;
 - information about domestic or family violence;
 - time that the children have spent with you or your former partner;
 - current parenting arrangements for the children; and
 - your approach and attitude to responsibility as a parent, including whether you or your former partner are able to promote and foster a relationship between the children and both parents.

Depending on the age of the children, the report writer may also interview them to determine their wishes or views. While the children may express these wishes or views, it is a matter for the court to determine whether any views expressed are in the best interests of the children. The court may make parenting arrangements that are contrary to the wishes of the children.

The interviews will normally take place at the report writer's professional offices. There may be some very limited circumstances in which interviews take place by telephone or in the home of the parties. The report writer will provide you with details as to the interview process. A lawyer may also help you prepare for these interviews.

What to expect

In the interview, the report writer will observe the interaction between you and the children and your former partner and the children to understand the emotional attachments and family dynamic between yourself, your partner and the children.

You should be aware that any information, comments or discussions you have with the report writer may be recorded and included in the report. These interviews or any information provided are not considered to be confidential.

The report writer will include all sources of information used to compile the report and they will have access to:

- the affidavit material of any of the parties or other witnesses filed in the proceedings;
- copies of any subpoenaed documents held by the court in the proceedings;
- any information provided by both parties at the interviews; and
- any further information that may be obtained on authority from both parties or an independent children's lawyer.

Clarification of the family report

Depending on the circumstances, it may be necessary to seek clarification from the report writer about certain issues in accordance with the particular rules of the court. This may include where certain information has not been considered by the report writer or where circumstances have changed since the interview process took place.

The report will be admitted into evidence before the court to enable the court to consider the report.

Any information obtained by the report writer is reportable, and the report writer may be called to give evidence at a hearing to help the court understand the report and any recommendations the report writer makes.

The court will then consider the recommendations made by the report writer. The court is not bound to accept the recommendations made by the report writer, and a judicial officer has discretion to make arrangements for the children based on the best interests of the children.

It may be necessary at a hearing for the report writer to be cross examined as to the content of their report and any assessments they have made.

Cost of the family report

Depending on the circumstances, you may be required to contribute to the cost of the report.

Generally, the parties share the costs of the family report where the parties are legally represented or where an independent children's lawyer is appointed. If the report writer is appointed by both parties by consent, the parties generally share the costs of the family report. In our experience, a family report generally costs between \$3,000 to \$5,000 + GST depending on the experience and expertise of the writer. This cost covers both the interviews and the report.

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