

WHO IS QUALIFIED TO DO A FAMILY REPORT?

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An independent report that captures the personal interactions of parents and the wishes of children is a valuable document in the Family Court. So it isn't surprising that there is sometimes an argument over who is suitable to prepare it. So who is?

In disputes about the care arrangements for children, parents can agree that they and the children attend upon a social worker or psychologist for the preparation of a family report.

In court proceedings, an order can be made that the parties and children attend upon a 'family consultant' to prepare a family report.

The family report writer will conduct interviews, make observations and set out recommendations regarding the arrangements that will best meet the needs of the family.

Whilst a judge determining a parenting matter is not bound by the findings and recommendations of the family report writer, the family report is often a very persuasive document. For this reason, it is important that the family report writer chosen by the parents to prepare the report has the appropriate skills and expertise to prepare the report.

Recent Case:

The issue of whether a family report writer was qualified to prepare a report and to offer an opinion in a matter was considered in a recent case.



- The father nominated “Ms E” from the panel of (private) report writers submitted by the mother.
- The parties equally paid Ms E’s costs for the preparation of her report.
- In her family report, Ms E recommended that the current arrangements remain in place. The family report writer gave reasons for her recommendation, including:-
 - That the child’s ‘best interests’ would be met by maintaining a relationship with both parents and therefore the child should remain living in Australia;
 - The quality of the child’s relationship with the father would suffer if he saw his father only during school holidays; and
 - That given the child’s age, if he moved to the USA, his relationship with his father and extended family would not be very strong in the future given the time that would pass between visits.
- Less than 1 month after the release of the family report, the mother’s solicitors wrote to the father’s solicitors stating that the mother objected to the report and intended to file an application that either:-
 - Ms E’s family report be struck out; or
 - That another person be engaged to prepare a further family report.
- The mother filed her application and complained, amongst other things, that Ms E was not a “family consultant” and had “expressed an opinion outside the realms of her expertise”.
- The father submitted that the mother was simply disgruntled as the recommendations in the family report were not favourable to her case.

satisfied with MS E's specialised knowledge and expertise) and a joint letter of instruction was sent to her.

Any issues in relation to the matters contained in the family report could appropriately be addressed by questioning at Trial.

The mother's application to strike out the family report was unsuccessful.

Each matter is unique and needs to be addressed according to your personal circumstances and needs. To speak with one of our experienced family lawyers, please [contact our Brisbane office](#) today.

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based upon your particular circumstances because the application of laws and regulations undergo frequent changes. For further information, please do not hesitate to contact Michael Lynch Family Lawyers on law@mlynch.com.au.
