



Preparing for a Family Report

FAMILY COURT OF WESTERN AUSTRALIA

How do I get a family report

When you come before the Court regarding an issue relating to children, the Court must consider the best interests of the children as the paramount consideration. In determining those best interests the Court has the option of ordering a Family Report.

In so doing, the Court will define the ‘terms’ of the order in accordance with your particular situation. These ‘terms’ form a type of brief, or set of instructions, for the Family Consultant who is undertaking the report.

What happens once an order for a report has been made

Once the Judge or Magistrate (‘judicial officer’) has made the order, it will then be forwarded to the Family Court Counselling and Consultancy Service. A Family Consultant will be allocated to conduct the report. This will usually be the same Family Consultant who conducted your Case Assessment Conference.

At this point you will receive a letter from the Family Court Counselling and Consultancy Service, advising of the dates and times that you and the children will be required to be interviewed by the Family Consultant.

Generally, the Family Consultant will arrange to see all parties to the application and the children, unless the terms of the report provide otherwise. Children are seen initially together in order to explain the process and then separately and alone.

When I come in for my interview, what can I expect

You will be interviewed separately from the other party. The Family Consultant will be asking you questions pertaining to your family situation and the issues that are in dispute. You will get an opportunity to speak about issues that are important to you and to ask the Family Consultant any questions that you may have.

The interview with the Family Consultant is **NOT CONFIDENTIAL**. Any information discussed with or in the presence of the Family Consultant may be reported to the Court.

How can I prepare for the interview

There is no particular schedule of interview questions commonly asked by Family Consultants. What might be asked will be different in each case, depending on your family situation and the issues before the Court.

The interview is not designed to be prescriptive and often results in a dialogue between you and the Family Consultant, as you discuss your particular situation.

Generally, the Family Consultant will want to get a sense of your views about parenting and the relationship you have with both your children and your former partner.

These points might assist in preparing for your interview:

- try to get a good sleep the night before;
- it can be useful to try to put yourself in your children's shoes and think about how you think the children want the situation to be;
- try to keep in the back of your mind that your children have a right to know and be cared for by both parents and will usually want to maintain the best possible relationship with both.

How can I prepare the children for the process

Children will know that there is a dispute between their parents. Explain to the children that they are coming to see a Family Consultant because the Court is interested in their views and wants to learn more about them as individuals.

It is not helpful and incorrect to allow children to believe that they are going to be given 'a choice' regarding the amount of time they spend with each parent. This will be determined by the Court.

It is useful to give your children permission to speak freely, especially if such permission is able to come from both parents. Sometimes children need to be assured that no matter what they tell the Family Consultant, that you will consider their opinions and accept their input.

It is important that you do not unduly question children after their interview regardless of your level of curiosity. Giving children an invitation to talk about how the process felt for them is best.

What happens once the family consultant has written the report

The Family Consultant will discuss the outcome of the interviews with you before the report is finalised. Upon completion of the written report, it is forwarded to the judicial officer who ordered it, for publication. If you are legally represented, the judicial officer will arrange for a copy to be sent to your solicitor who will then contact you. In the event that you do not have a lawyer, a copy will be forwarded directly to you.

It is important that upon receiving the report, that you refrain from discussing the contents with the children. There is a reminder in this regard on every report that is released for distribution by the Court.

Further information

For more information, including access to the *Family Law Act 1975*, *Family Court Act 1997*, the Rules of the Courts and any of the forms or publications listed in this information sheet:

- ❑ go to www.familycourt.wa.gov.au
- ❑ call **08 9224 8222** or **1800 199 228**; or
- ❑ visit the Family Court of Western Australia registry.

To contact the Family Court Counselling and Consultancy Service

- ❑ call **08 9224 8248** or **1800 199 228**; or
- ❑ visit Level 3, 150 Terrace Road, Perth WA 6000.

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