



## **FAMILY COURT OF WESTERN AUSTRALIA**

### **INFORMATION NOTE TO PRACTITIONERS**

#### **TERMS OF REFERENCE FOR EXPERT REPORTS**

Terms of Reference are usually provided to an expert appointed to prepare a report concerning children in proceedings in the Family Court of Western Australia.

The attached Terms of Reference have been prepared after consultation between judicial officers, family consultants, the legal profession and experts. They should not be regarded as “standard”, as each family is different and the requirements in each case will therefore be different. They may, however, serve as a useful guide.

When proposing Terms of Reference, practitioners should consider whether the expert has the necessary expertise to address all terms. Consideration should also be given to other terms, for example, where an opinion is required concerning the impact of an order on the right of an Aboriginal or Torres Strait Islander child, or a child from another cultural background, to enjoy his or her culture.

**STEPHEN THACKRAY  
CHIEF JUDGE  
FAMILY COURT OF WESTERN AUSTRALIA  
23 DECEMBER 2014**

## Terms of Reference in Children's Cases

1. What is the stage of development and the maturity of the child?
2. How is the current dispute between the parents impacting on the child?
3. Is the child at risk of neglect and/or physical, psychological or other harm or abuse, including exposure to family violence? If so, what is the nature of the risk?
4. What is the relationship of the child with each party and other significant people?
5. What are the child's views about where they live and the time they spend with each parent? Are there any factors (including parental influence or influence from other people) which are considered relevant to the weight to be given to the child's views?
6. What is the capacity of each party to:
  - i. recognise and provide for the child's physical, social, psychological and emotional needs;
  - ii. encourage the child's relationship with the other party and any other significant people and to work with them for the benefit of the child (taking into consideration whether, in this case, it is appropriate that they do so); and
  - iii. act protectively in the interests of the child if the other party or any other significant person poses a risk to the child?
7. What is the likely impact on the child of a significant change in the child's care arrangements, including any separation from a parent or any other person with whom the child has been living?
8. If you have concerns about the child, the parents or any other significant people, could those concerns be addressed by therapy, counselling or other intervention? If so, are you aware of the cost and availability of appropriate services in the area?
9. Do you have any recommendations regarding with whom the child should live, spend time (including holidays) and communicate?
10. Are there any other matters you consider relevant to the child's best interests?