

THE “FAMILY REPORT”

At Oner Family Law, we have an “even spread” of children’s and property matters which need to be resolved.

With regards to children’s matters, if those matters end up in the Family Court system, nine times out of ten, the Judge will order the preparation of a Family Report at some stage of the process.

A Family Report can make or break your case.

A Family Report is prepared by a social worker/psychologist. That social worker/psychologist is appointed as an expert of the Court, so as to assist the Judge in making a decision.

The Family Report process involves the parents, children and any other people who live with the parents being interviewed and observed by the Family Report writer (that is the social worker/psychologist). The interview process usually takes a full day. The interviews normally take place at the Family Report writer’s office. Very rarely does a Family Report writer attend at the parties’ respective homes to undertake the interviews/observations.

After the interview process is finished, the Family Report writer will prepare a report which makes recommendations as to what should happen with the children based on the Family Report writer’s observations and interviews of all parties/children involved. Those recommendations hold significant weight with the Judge. Although the Judge is not bound to follow the recommendations, they most often do so, unless the Family Report writer’s thought process and therefore recommendations can be proven to be flawed. The only opportunity to challenge the Family Report writer is at a final hearing of a matter, where the Family Report writer will be cross-examined in the witness box. If a matter does not proceed to a final hearing (and only about 4% of cases do), the recommendations of a Family Report are usually always followed by a Judge at an interim hearing stage where temporary Orders are being sought early on in the Court process.

Parents need to remember that the Family Report writers are experts in their field and have the ability to identify where children have been “coached”, “manipulated” or “pressured” by their parents to make certain statements. If it becomes apparent to the Family Report writer that such pressures have been placed on the children in question, those findings will make their way into the Family Report and will be a problem for that parent during the Court process.

Clients should be well prepared by their family law solicitor prior to Family Report interviews as to what they can expect during the interview process.

Oner Family Law can assist with all your family law needs. Contact us for more information.