

What you need to know when the judge has ordered a specialist report about your child or children

To better understand your case, the judge has asked an expert to write a specialist report. The judge can ask for four different types of report:

- a cultural report looks at issues such as ethnicity, language and religion
- a medical report might be asked for if the parents of a child with a serious medical condition disagree about medical treatment
- a psychiatric report may be needed if a child has or may have a mental illness
- a psychological report could look into what may have influenced a child to say something.

Preparing the report

The judge will ask an expert to write the report (for example, a doctor or a psychiatrist).

THE ROLE OF THE REPORT WRITER

The report writer's role is to give the judge information so the judge can decide what will be best for your child.

DOES THE REPORT WRITER GET TO DECIDE THE CASE?

No, that's the judge's job. It's not the report writer's job to make recommendations about what is best for your child or how the case should be decided.

IS IT THE REPORT WRITER'S JOB TO FIND OUT WHAT YOUR CHILD WANTS?

No, that's the job of the lawyer for the child or the judge. But reports, such as a psychologist's report, might give information about what may have influenced your child's views.

WHO DECIDES HOW THE REPORT WILL BE PREPARED?

The report writer will decide how they will investigate the issues and prepare their report.

DO YOU HAVE INPUT INTO THE REPORT IN DISPUTES ABOUT CARE ARRANGEMENTS?

Usually you will. Most report writers will want to meet with each parent or caregiver to find out how you see the issues. The report writer may also want to talk to new partners and other people who may have a significant role in your child's life.

HOW LONG WILL IT TAKE FOR THE REPORT TO BE PREPARED?

It usually takes about eight weeks. The court will tell the report writer when they need to finish the report and may also ask them to give updates while they're preparing it.

Who pays for the report?

For cases about the care of children, child support or divorce (dissolution of a marriage or civil union) you will probably have to pay some of the costs of preparing the report.

The government will pay one-third of the costs. The court can order you and the other people involved to share the remaining costs.

Costs are decided at the end of your case. At that time you can tell the court if you think you should not have to pay these costs.

The court can excuse you from paying these costs if it thinks it would cause you or your child serious hardship.

How the report is used

WILL THE ADULTS INVOLVED IN THE CASE SEE THE REPORT?

In disputes about the care of children and cases about care and protection, the lawyers for each parent or other party will get a copy of the report. If you or the other parent or caregiver does not have a lawyer, the court will generally advise you about how and where you can read the report. For example, you may need to go to the court to read it.

Sometimes, the court will order the lawyer not to show their client the report or give them a copy. An example is if doing so could put someone at risk. In these cases, the court may appoint a lawyer to explain the report to you.

WILL YOUR CHILD SEE THE REPORT?

In disputes about the care of children, the lawyer for your child will get a copy of the report. They can let your child see it only if the court specifically orders that they should. Whether or not your child sees the report, the lawyer for your child must explain to them why it was prepared and what it says, unless the lawyer thinks doing that is not in your child's best interests.

In care and protection cases involving Child, Youth and Family Services, the lawyer will get a copy of the report. However, the Judge can order that your child not be shown some or all of the report.

WHAT IF YOU ARE NOT HAPPY ABOUT WHAT'S IN THE REPORT?

Tell your lawyer if you or the other parent or party disagrees with something that's in the report or thinks it leaves out something important. Your lawyer will raise this with the judge.

The Judge can deal with this either before, or as part of the hearing. If it's dealt with at the hearing, the party who is unhappy with the report can make a written submission (argument) to the judge, call witnesses or bring other evidence to support their view. Their lawyer can cross-examine (ask questions of) the report writer at the hearing.

WHAT IF YOU ARE NOT HAPPY ABOUT HOW THE REPORT WAS PREPARED?

If you or the other parent or party thinks there was something wrong with how the report was prepared, you should talk to your lawyer about it. The lawyer can raise it with the judge. If you don't have a lawyer, raise it directly with the judge.

If you think the report writer has behaved unprofessionally, tell the court about it. You may also be able to complain to the report writer's professional body:

- If it's a medical or psychiatric report, you can complain to the Medical Council of New Zealand.
- If it's a psychological report, you can complain to the New Zealand Psychologists Board or the Health and Disability Commissioner.

Need more information?

- contact your nearest Family Court
- visit the Family Justice website justice.govt.nz/family-justice
- contact a family lawyer familylaw.org.nz
- contact a Community Law Centre communitylaw.org.nz
- call us on 0800 2 AGREE (0800 224 733)