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## **CHILD REPRESENTATION IN THE FAMILY COURT**

When parents can't agree and the Family Court is concerned a child's interests are not being properly brought to its attention, it may order that a child be separately represented by a lawyer. This lawyer is called a 'Child Representative.' Representation by the Child Representative will help the Court take a decision in the best interest of your child.

### **What does the Child Representative do?**

The Child Representative will:

- Collect information about your child from people such as teachers, doctors, psychologists and counselors;
- Make sure the Court receives all necessary information about your child's welfare and wishes. Your child will not go into Court;
- Where necessary, apply to the Court for a single expert to make an assessment of the parties in the case and your child and prepare a report;
- Talk with the child if necessary, explaining the Child Representative's role and make sure the Court knows the child's wishes, if any;
- Tell the Court, based on all the information received, their own view of what is in the child's best interest. This may be different to what the child wants;
- Try to help all parties reach a final agreement that is in the child's best interests and;
- Do whatever is necessary to protect the child until a final agreement is reached.

## **In court**

In Court the Child Representative will:

- Question any witnesses;
- Organise professional people who know your child, to come to Court and give evidence;
- Make sure the Court knows what your child would like to happen and;
- Make their own suggestions about what would be best for the child.

## **Written Reports**

The Court may order a written report about a child and the child's family. A Family Court counselor, child psychologist, child psychiatrist or other expert, depending on the circumstances prepares this.

The Child Representative does not prepare it.

The Child Representative and all the parties in the case will agree on the "terms of reference" for any report. "Terms of Reference" means the topics or questions the expert report will cover.

The terms will allow the expert to talk to any person they think is relevant to the topics to be covered in the report.

The report will be given to you or your lawyer and to the Child Representative.

## **You can help**

As a parent you can help by:

- Making sure your child attends all appointments arranged by the Child Representative or other experts asked to provide information to the Court;
- Allowing your child to contact the Child Representative whenever they want and allowing them to talk in private and;
- Not asking your child questions about what was discussed at appointments with the Child Representative or other experts asked to provide reports to the Court.

## **Your relationship with the Child Representative**

When you have your own lawyer, you should not make direct contact with the Child Representative your lawyer should make all the necessary contact.

If you do not have a lawyer, you will need to communicate directly to the Child Representative. It is always best to put any concerns you have in writing. The Child Representative must tell the Court and other parties anything discussed with you about the welfare of the child.

## **When an agreement or decision is made**

After an agreement or decision has been made, the Child Representative will:

- If appropriate, explain the decision and the Court Orders to your child.
- Be there to help your child with any further problems or questions

Your co-operation in making the process of child representation work is in the best interests of all concerned.

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