



# Family Consultants

This fact sheet explains the role of family consultants in cases about children.

## Who are family consultants?

Family consultants are psychologists and/or social workers who specialise in child and family issues after separation and divorce.

## What is their role?

Family consultants can help you and the courts in many ways. They can:

- help you and the other party resolve your dispute
- assist and advise the courts and give evidence about your case
- write and provide a report to the courts about your family, and
- advise the courts about the services provided to families by government, community and other agencies.

## Do I have to see the family consultant?

Yes, if a family consultant has been assigned to your case.

You will usually attend an initial conference with the family consultant, and further conferences as appropriate to help you either resolve your dispute or assist in progressing your matter through the Court. The family consultant may also ask to speak with your child.

If you cannot resolve your dispute, the judicial officer may order a family report be prepared. If this happens, you will need to attend further conferences with the family consultant.

Sometimes the judicial officer may order that you see the family consultant after parenting orders have been made. This will assist you and your family adjust to and comply with parenting orders.

If you fail to attend any appointment with a family consultant or to follow instructions made by the family consultant, the family consultant must report this to the Court.

## Can I speak 'off-the-record' with the family consultant?

No, communication with family consultants is **not confidential**, and may be used in court.

At the beginning of a conference, the family consultant must tell you it is not confidential. If you are still unsure what this means, ask the family consultant to explain it again, so that you do understand.

This fact sheet provides general information only and is not provided as legal advice. If you have a legal issue, you should contact a lawyer before making a decision about what to do or applying to the Court. The court cannot provide legal advice.

## Can I ever speak confidentially with the family consultant?

No, but a judicial officer or registrar may order that you attend an appointment with a family counsellor or family dispute resolution practitioner. Communications with a family counsellor or family dispute resolution practitioner are **confidential** and are not admissible in court. In this situation, you may have both a family counsellor or family dispute resolution practitioner and a family consultant carrying out their role as outlined under 'What is their role' (on page one). This will not be the same person.

## Does the family consultant have to disclose anything?

Yes, family consultants must notify a child welfare authority if:

- they reasonably suspect that a child has been, or is at risk of being, abused, and/or
- they reasonably suspect that:
  - ~ a child is being ill-treated, or is at risk of being ill-treated, or
  - ~ a child has been exposed or subjected, or is at risk of being exposed or subjected, to psychological harm.

## Why does the family consultant prepare a report?

The judicial officer can direct family consultants to provide a report about the care, welfare and development of your child.

Most times, the family consultant will try to work out the views and experiences of your child and to include those views in the report.

Sometimes it is not appropriate to report on a child's views because of their age, maturity or some special circumstances.

## Can family consultants help with parenting plans?

Family consultants can provide advice and information about parenting plans. They can explain what a parenting plan is and how it works. Family consultants can also tell you where you can get more help to develop a parenting plan.

For more information about parenting plans, see the Family Relationships Online fact sheet *Parenting Plans* available at [www.familyrelationships.gov.au](http://www.familyrelationships.gov.au).