

3.8 Assessments and Reports in Court Proceedings

The role of the psychologist in court related matters is as a professional expert giving advice to the court. This advice should be balanced, impartial, based on sound psychological practice and encompass relevant psychological factors. The psychologist should be impartial regardless whether s/he is retained by the court or by a party to proceedings.

3.8.1 Family Assessment Reports in Court Proceedings

Proceedings in the Family Court or Federal Magistrates Court often involve children and are a complex and emotive area of intervention for psychologists.

The conduct of the psychologist, and subsequent writing of an assessment report, should adhere to certain standards.

The registrant shall:

- (a) Take steps to ensure that both parties (or their legal representatives) give their consent to receive psychological services prior to Family Court or Federal Magistrate Court proceedings.
- (b) When appointed by an Independent Children's Lawyer to the Family Court or Federal Magistrates Court to act as an expert:
 - (i) read thoroughly all documents (including Court orders and documents) provided by the Independent Children's Lawyer;
- (c) If there is no Independent Children's Lawyer appointed:
 - (i) ask solicitors for relevant subpoenaed documents
 - (ii) only accept materials from a party that have been approved for release to you by the other party
- (d) In all assessments:
 - (i) interview all parties to proceedings for an equal amount of time (an explanation should be given if this is not the case);
 - (ii) interview other persons deemed relevant (i.e. family members, educational institutions etc.);
 - (iii) interview all children with adequate expressive and receptive language skills and observe their interaction with both parties (reasons should be given if this is not possible);
 - (iv) make comprehensive case notes;
 - (v) not, in any report, make comment or pass judgement about a party/parties who are not interviewed or involved in the assessment, unless directed to do so by the Court;

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- (v) provide the following in an assessment report:
- ❖ information about the date, duration, time and order of interviews;
 - ❖ information about documents sighted in the preparation of the report;
 - ❖ a section summarising all interviews and observations, including psychological tests used;
 - ❖ a section on the opinions formed;
 - ❖ a section on the conclusions reached;
 - ❖ a preparedness to make recommendations directed to the best interest of the child/children where appropriate.

3.8.2 Assessment Reports in Child Protection Matters

In considering psychological factors affecting the best interests of the child, the psychologist focuses on the parenting capacity of the prospective custodians in combination with the psychological and developmental needs of each child and takes account of the Child Protection Legislation.

The conduct of the psychologist and subsequent writing of an assessment report, should adhere to certain standards.

The registrant shall:

- i) Read thoroughly all relevant documents (i.e. court application, current case plan, child protection history, previous professional reports)
- ii) Interview all parties to proceedings. An explanation should be given if this is not the case
- iii) Clarify with parties the purpose of the assessment, their role within it and the possible outcomes of the assessment process
- iv) Interview other persons deemed relevant (i.e. relevant family members, educational staff, health professionals, current carers)
- v) Interview all children with adequate expressive and receptive language skills
- vi) Use appropriate assessment tools to answer referral questions
- vii) Observe interactions between all children and relevant parties (reasons should be given if this is not possible).
- viii) Not in any report, make comment or pass judgement about a party/parties who are not interviewed or relevant to the assessment, unless directed to do so by the court

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ix) Provide the following in an assessment report:

- ❖ Information about the date, location and who was present at the interviews
- ❖ Information about documents sighted in the preparation of the report
- ❖ Summaries of all interviews and observations, including psychological tests used
- ❖ A section on the opinions formed and conclusions reached
- ❖ Recommendations that are directed to the best interests of the child/children