

Submission to the Family Law Reform Commission
Discussion Paper on Review of Family Law System.

12/11/2018

Person Making Submission: Adam Peaty Social Worker

I am a social worker in private practice who has been providing Single Expert Witness (SEW) reports to the Family Court of WA for the past 15 years. It is the main work I do. I have conducted assessments in all regions of WA. I am experienced at giving evidence at Trials in relation to SEW reports that I have written.

I wish to make comment on the two following proposals in the Discussion Paper. Those being:

Proposal 10–9 *The Australian Government should task the Family Law Commission (Proposal 12–1) with the development of a national accreditation system with minimum standards for private family report writers as part of the newly developed Accreditation Rules.*

Proposal 10–10 *The Family Law Commission (Proposal 12–1) should maintain a publicly available list of accredited private family report writers with information about their qualifications and experience as part of the Accreditation Register.*

I also wish to recommend that the fees for private reports paid for by one or other of the parties in a matter should be capped. I believe that some private practitioners are charging excessively high fees for reports. The overly high charges for some reports are contributing towards the excessive costs for some families of accessing the Family Law system. I would recommend a scales of fees based around quantifying the amount of work involved (i.e. number of individuals to be interviewed, amount of documents to be read, whether testing would be necessary). There could also be a scale of costs to differentiate if the report was an initial assessment report, an update report or a report about discreet issues, such as observations of child/parent contact or an assessment of a home environment etc.

For Proposal 10-9 my comments are:

1. That the Panel set up to develop accreditation of private report writers should have a balanced representation of social workers and psychologists (and psychiatrists in relation to psychiatric assessment reports) on it from each State in Australia. Each profession brings particular skills/perspectives that are relevant to report writing in the context of the Family Court. Some of the issues that we deal with in WA benefit from knowledge and experience related to the geographical issues unique to WA. There are also quite a high number of families of Aboriginal and Torres Strait Islander (ATSI) cultural background from regions across the State involved in Family Court proceedings. Working with these families can be enhanced with knowledge relevant to historical and geographical issues that impact on ATSI families in WA.

2. Accreditation of report writers should seek to ensure that report writers have demonstrable experience/skills (or have a defined learning and development plan to acquire the knowledge and skills) in the following areas:
 - a) Interviewing parents and children, with an understanding of the importance of interviewing children in a manner that would reduce the risk of re-traumatising them.
 - b) Understanding the impact of transitions of children between parents/carers and associated processes that reduce harm and stress to children.
 - c) Understanding the developmental needs of children in relation to spending time with non-resident parents.
 - d) Working in a trauma informed manner.
 - e) Working with family systems and considering a “*whole of family*” perspective.
 - f) Working with people of ATSI cultural background.
 - g) Working in a context of high conflict between different participants and the impact of court processes on family and interpersonal dynamics.
 - h) Working with family and domestic violence and an understanding of the dynamics of power, control and manipulation that can occur.
 - i) Assessing abuse, risk of abuse and a strong understanding of the factors that may contribute to abuse.
 - j) Assessing for parenting capacity with a strong understanding of contemporary parenting practices.
 - k) Assessing and working with families in which mental health and substance abuse problems may have prominence.
 - l) Risk management skills and an understanding of the principles around harm minimisation.

There is an element of forensic assessment in report writing for the Family Court. Having some skills in that area can be helpful. However, the above listed factors are as important and perhaps sometimes more important. Report writers need to be able to translate an assessment of an individual’s functioning into practical recommendations for the Family Court.

For Proposal 10-10 my comments are:

I support that the Family Law Commission maintain a publicly available list of accredited private family report writers. I believe it would be helpful if the list could indicate what areas the private family report writers have particular expertise in. It is not always possible to determine from looking at a practitioners Curriculum Vitae what their strength areas are.

Thank you for your attention.

Adam Peaty

