

Understanding the role of Single Experts in family law parenting matters

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When parents separate, decisions about children's living arrangements, time spent with each parent, education and welfare can be difficult. Where the Court needs more information to decide what is in a child's best interests under the Family Law Act 1975 (Cth), it may order a Single Expert to assess the family and prepare a report.

This blog explains the role of Single Experts in family law parenting matters, the reports they may prepare by order of the Court or by agreement between the parties, and what to expect, including costs and confidentiality.

What is a Single Expert?

A Single Expert is an independent professional appointed by the Court, or jointly agreed upon by the parties, to provide expert evidence in parenting proceedings. They do not advocate for either parent but rather offer an impartial assessment that assists the Court in making informed decisions about the child's future.

Single Experts are commonly psychologists or psychiatrists with specialised experience in child development and family dynamics.

When the Court requires impartial evidence about the child's relationship with each parent, family violence, mental health issues or parenting capacity, a Single Expert is likely to be appointed.

What does a Single Expert assessment and report involve?

When a Single Expert is appointed by the Court (or by agreement between the parties on instruction from the Court), they are required to prepare a report.

Depending on the circumstances of the matter, there are a number of different reports that the Court might order:

- Short Form Family Report (also known as a Child Impact Report);
- Full Family Report;
- Risk Assessment;
- Psychological Assessment; or
- Psychosexual Assessment.

The assessment process varies, but may include:

- Interviews with each parent individually;
- Interviews with the child (where appropriate);
- Observation of the child interacting with each parent; and
- Review of Court documents, including intervention order (IVO) and family violence intervention order (FVIO) documents.

The Single Expert will then take several weeks to complete the report, which will then be submitted to the Court along with an Affidavit sworn by the Single Expert, confirming that they wrote the report themselves.

The report addresses matters such as the child's developmental and emotional needs, each parent's capacity to meet those needs, the quality of the child's relationship with the parents, and any concerns relating to family violence or substance misuse. The report then includes a number of recommendations for parenting arrangements that promote the child's best interests.

What if my former partner and I cannot agree on a Single Expert?

If the parties cannot agree on the appointment of a Single Expert, the Court typically appoints a Single Expert of its own choosing. In practice, one party will usually provide a list of three Single Experts to the other party, who then elects an expert from that list.

Who pays for the report?

There is no blanket rule as to who pays for the Single Expert report. When making orders, the Court will decide which party will pay for the report, or if the fees are to be shared equally. However, if the Court orders a risk assessment for one of the parties, as well as a full family report, the Court may order the costs of the family report to be shared equally, and the cost of the risk assessment to be met by the party being assessed.

Are Single Expert reports and communications confidential?

Since it is the role of the Single Expert to be impartial, any and all correspondence sent to the Single Expert has to include the other party. As a result, anything communicated to the Single Expert is not confidential and may be raised in the Family Report.

What if I disagree with the contents of the report?

If one party does not agree with the contents of a Single Expert report, they are able to write to the single expert with some further clarifying questions. However, the Single Expert is at liberty to charge for the additional work undertaken, and the costs are likely to be met by the party seeking clarification. If the matter proceeds to a Final Hearing, you may be able to cross-examine the Single Expert and challenge them on their views.

In some cases, a party can make an application to the Court to adduce another expert report.

Is the report binding on the Court?

Single Expert Reports are **not** binding on the Court. While they do carry significant weight, the Court will consider the report alongside other evidence presented.

Need help with a Single Expert report? Talk to a family lawyer

The appointment of a Single Expert in parenting matters can be stressful, particularly since the recommendations made in the report may impact the way the Court proceeds with your matter.

If a Single Expert has been appointed in your matter, we recommend getting in touch with one of our experienced family lawyers to discuss the best steps forward.

Smith Family Law's experienced family lawyers in Melbourne, Sunshine and Williamstown can explain what a Single Expert report means for your parenting matter and help you prepare. Contact us today to discuss your next steps.

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