

Single Expert Witness Consent Form

Assessments for Family Reports and Reportable Counselling

1. Practitioners Role

You are seeing Lisa Bottomley in the role of a Single Expert Witness (SEW) either as an assessor or as a treating SEW. SEW's are constrained by rules set out in Part 7 of the Federal Circuit and Family Court of Australia (Family Law) rules 2021.

For further information, please refer to:

https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_reg/fcafcoalr2021543/

The SEW's first responsibility is to the Court, and then to your child or children and then you as the child or children's parent, caregiver, relative or other adult in the child's life.

The assessment is not private or confidential. There is no confidentiality between the parties or the Court and I cannot keep secrets or ***not*** disclose information that is provided to me.

Please be aware in conducting assessments or providing reportable counselling, and in writing a report for the Court, you might have difficulties with what the SEW writes, and possibly not agree with what is said, or hear information or opinions that you will not like.

In family law proceedings, this is to be expected.

Being involved in an assessment for a family report or reportable counselling can also be stressful to you or other members of your family. Participating will likely involve discussions of personal and sensitive matters that may raise emotional or distressing thoughts for you.

This should also be expected.

2. Release of Reports

After the assessment has taken place, the report will be released to the lawyers involved in your family law matter in between four to six weeks.

You will have the opportunity to challenge a report during Court proceedings, if you choose to do so.

The Family Law rules have provisions for providing written questions to me to clarify my report, with all correspondence needing to come from the lawyers.

The rules include the provision that the SEW is to remain independent and impartial from all the parties in your family, and therefore it is not permissible for family members to contact the report writer following the family assessment.

See Division 7.1.6--Clarification Of Single Expert Witness Reports for further information.
https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_reg/fcafcoalr2021543/

3. Email Correspondence

I will not read or respond to issues you raise in emails. Should you require email communication to be read and considered, this will be at an additional fee.

Emails sent from our Office Manager are generally to advise of upcoming appointments or in relation to the payment of accounts etc. You will be required to respond via email to confirm appointments and provide proof of payment.

Emails will be sent to both parties to confirm arrangements and/or agreements between parties that are reached through counselling sessions with this email being sent to both parties for their consideration.

The other party is to be copied into all emails, unless there are extraordinary circumstances.

I do not consent for my communication with you to be shared with others.

You should not copy me into any email communication with your solicitor if you have one and I do not consent for you to share my communication with you or your solicitor. All communication is, however, reportable and may be included in any report that I write subsequently.

The information transmitted in any message to you and its attachments (if any) is intended only for the person or entity to which it is addressed. You should not retransmit, disseminate to entities other than the intended recipient.

The intended recipient of any email may only use, reproduce, disclose or distribute the information contained in this email and any attached files, only with my express permission.

Additionally, my communication with you is likely to be covered by Section 121 of the Family Law Act 1975 which restricts dissemination of material relating to Family Law proceedings.

See http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/fla1975114/s121.html

4. Recording of Interviews

The Family Law Rules 2021 Rule 15.23 relates to Prohibition on recording indicates that (1) a person must not photograph or record by electronic or mechanical means (e) on attendance with a single expert under these Rules.

This does not apply to a photograph or recording made at the request of: 2 (a) a court or (c) in relation to an attendance with an expert witness with their consent and (3) a person commits an offence if the person contravenes subrule 1.

See https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_reg/fcafcoalr2021543/s15.23.html

Please note: Mobile phones must be switched off during assessments.

5. Providing Court Documents

If I am seeing you for an assessment, my role is covered by very strict rules that include transparency between the parties. If you would like to provide documentary information to me, please ensure that this is copied to all other parties. This is your responsibility.

We generally ask for a copy of the documents that may have been filed on your behalf at court, however there are some instances when documents and other reports by professionals may not be filed but they may be important to the family report preparation, so if you have any such document or report, contact our office to ask whether we need a copy of this (eg. paediatric report).

Not all reports prepared by other professionals are relevant, so it is always best to check with our office if you are unsure.

6. Authority to Speak

During the assessment, I may request consent to speak to others. I will explain my reasons for wanting to contact them and ask you to sign another specific consent form that will be sent to them.

7. Information Collected

Participating in an assessment for a Family Report or reportable counselling for your family law proceedings means that I will be collecting data in all my contacts with you that may be used in future Court events. Standard of Error is a term that you might be familiar with and means that in all human endeavours' mistakes will be made. This means that there will likely be errors in the data collected from you. The important thing for you to remember is whether those errors should or could affect my opinion, conclusions, or recommendations. I am always happy to correct factual errors, but this may not change my opinion, conclusions, or recommendations.

8. Consent

Please read and sign this document to confirm that you understand its contents and that you agree to adhere by this document. If you require a copy for your reference (signed or unsigned), please ask the administration staff. If you have any questions or need any clarification with regard to the information contained within this document, please raise this with us prior to your first session beginning.

Name

Signed Dated /2023.



Learning from the past to build a strong future