

INFORMATION SHEET ON THE CHILD REPRESENTATIVE

WHAT IS A CHILD REPRESENTATIVE?

A Child Representative is a trained professional appointed by the Family Justice Courts (“the Court”) to understand and present your child’s best interests to the Court, so as to assist the Court in coming to a decision on child arrangements post-separation.

The Child Representative represents the voice of the child by:-

- providing an independent view of the child issues; and
- presenting an objective assessment of the arrangements which are in the best interests of your child

The Child Representative therefore does not represent your interests and will not be in the position to give you legal advice.

WHY IS A CHILD REPRESENTATIVE REQUIRED?

Family cases involving children are complex and emotional. When parents disagree on issues relating to the children, the children’s interests can be overlooked.

The Child Representative will assist both of you to refocus on what is objectively best for your child and provide as much available information as is required by the Court to make a decision on arrangements for your child.

The Child Representative will also explain to your child:

- the choices the Court may have to make about the child’s future; and
- the final court orders made by the Court.

HOW IS A CHILD REPRESENTATIVE APPOINTED?

The Court may appoint a Child Representative on its own initiative in cases where the court considers it necessary for your child’s welfare and wellbeing.

You may also request for the appointment of a Child Representative. You will need to let the Court know why a Child Representative is important in your case, and both parents will have to contribute towards the costs of the Child Representative.

HOW WILL THE CHILD REPRESENTATIVE ASCERTAIN MY CHILD’S BEST INTERESTS?

The Child Representative will spend time with your child and understand your child’s perspectives on the discussed arrangements relating to the child.

The Child Representative may also:

- ask for reports from teachers, counsellors or other professionals who have contact with your child.
- arrange a conference with you, the other parent of the child or your lawyers to talk about issues affecting your child. In some cases, this conference can resolve the matter and the lawyers or the Child Representative may inform the court to record a Consent Order.

CAN I CONTACT THE CHILD REPRESENTATIVE APPOINTED FOR MY CHILD?

Please do not initiate contact with the Child Representative. The Child Representative will contact you in one of two ways:

- If you have your own lawyer, the Child Representative will discuss your child’s case with your lawyer or with you together with your lawyer.

- If you do not have your own lawyer, the Child Representative will contact you directly in person, by phone or in writing when he/she is ready.

WHAT IS THE ROLE OF THE CHILD REPRESENTATIVE IN COURT PROCEEDINGS?

The Child Representative

- ensures that the court has the relevant information and/or documents necessary for the court to make a decision; and
- makes recommendations to the court on the arrangements he/she thinks is objectively in the best interests of the child.

WHAT IS THE ROLE OF THE CHILD REPRESENTATIVE AFTER A FINAL COURT ORDER IS MADE?

The Child Representative will:

- prepare your child in advance of final court orders being made; and
- inform your child of the final court orders in relation to your child and its implications.

The Child Representative's role is discharged shortly after the final order on your child is made. You may not contact the Child Representative after his/her appointment is discharged.

CAN A CHILD REPRESENTATIVE BE REMOVED?

The removal of a Child Representative is at the discretion of the court in exceptional cases where the circumstances warrant it. These may include situations where there is evidence that the Child Representative

- Is acting against the child's best interests
- Is not doing the job professionally
- Has a conflict of interest

The Child Representative may be removed:

- by the court on its own initiative; or
- upon successful application by either parent to the court to remove the appointment of the Child Representative.

If you wish to ask the court to remove the Child Representative, you should get legal advice. Costs can be ordered against you if you are unsuccessful in your application.

REMUNERATION OF A CHILD REPRESENTATIVE

The costs of the appointment of the Child Representative will be borne by the parties.

There are 2 tiers of costs of the Child Representative:

- First tier of costs is fixed at **\$1,000**.
- Second tier of costs

The Child Representative may apply to court for more costs to be paid in the second tier depending on the complexity of the case and amount of work required to be done.

The court has full discretion to determine

- the apportionment of the payment between the parties, of any costs of the Child Representative; and
- the amount for the second tier costs applied for by the Child Representative.