

Family Court psychological report standards

Draft

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1. Introduction

Purpose

- 1.1 Family Court psychological report writing is a highly specialised field. These Family Court psychological report writing standards (the standards) are a best practice framework to ensure:
 - a) psychologists new to writing Family Court psychological reports (reports) have clear guidance
 - b) experienced report writers can feel confident in their work
 - c) the Family Court's (the Court's) requirements and needs are clearly documented
 - d) all those directly and indirectly involved with reports have a shared understanding of best practice
 - e) report writers will be empowered to write reports that contribute to best possible outcomes for children.

Scope

- 1.2 These standards apply to psychological reports directed under:
 - a) s133 of the Care of Children Act 2004 (CoCA) (excluding Hague reports) and
 - b) s178 of the Oranga Tamariki Act 1989 (OTA).
- 1.3 The standards do not apply to second opinion and critique reports.

Relationship between the standards and other guidance

- 1.4 Psychologists writing reports for the Court are governed and regulated by the New Zealand Psychologists Board (NZPB). Psychologists must meet the NZPB core competencies (NZPB competencies), Code of Ethics (NZPB code), the Health and Disability Code of Health and Disability Services Consumers' Rights (HDC code) and other best practice guidelines and legislation.
- 1.5 These standards do not replace or supersede a psychologist's professional and ethical obligations under the NZPB code and the HDC code. The NZPB code has precedence over the standards should there be differences.
- 1.6 The Family Court practice note - specialist report writers (the practice note) details the Court process relating to specialist reports. The standards sit alongside the practice note. If there are any differences between the standards and the practice note, the practice note has precedence.

Enforceability of the standards

- 1.7 Report writers are expected to comply with the standards when writing reports.
- 1.8 The standards are endorsed by the Court. The NZPB were consulted with as part of the development of these standards.
- 1.9 If report writers do not comply with the standards, the Court may not commission further reports from the report writer.
- 1.10 Where the Court becomes aware that the report writer is acting outside the standards in relation to any conduct, competence, or fitness matters, it will refer those matters to the NZPB.

Methodology used to write the standards (to date)

- 1.11 The standards were drafted by the Ministry of Justice (the Ministry) through an iterative process in consultation with the judiciary and stakeholder groups.
- 1.12 The Ministry engaged with report writers, lawyers for child, report writers, Family Court coordinators (FCC), kaiārahi, researched custody reports internationally, and conducted quantitative analyses of Family Court psychological report costs, timeframes and volumes.
- 1.13 We drafted a prototype of the standards, drawing heavily on standards and guidelines from other jurisdictions, including:
 - a) Guidelines for Parenting Plan Evaluations in Family Law
 - b) Australian Standards of Practice for Family Assessment and Reporting
 - c) APA Guidelines for Child Custody Evaluations
 - d) Psychologists as expert witnesses in the Family Courts in England and Wales: Standards, competencies and expectations
- 1.14 We workshopped key sections of the prototype with report writers from a range of backgrounds, areas and scopes of practice.
- 1.15 The Centre for Family Violence and Sexual Violence Prevention provided feedback on sections relating to safety and family violence.
- 1.16 We sought feedback from the Principal Family Court Judge and the NZPB Secretariat and the NZPB on the prototype standards.
- 1.17 We undertook targeted consultation with current report writers/ psychologists, Family Court lawyers and other legal professionals, government and non-government agencies.

2. Roles and responsibilities

What the judiciary is responsible for

- 2.1 Family Court judges and Family Court associates are responsible for:
- a) Directing the reports and setting the brief.
 - b) Confirming, where practicable, that they have informed parties of the cost contribution order (CCO) liability that may arise from a s133 report direction when addressing parties' wishes under s133 (7) of CoCA.
 - c) Deciding whether to release a report to the parties and how to manage any sensitive content.
 - d) Deciding whether to grant access to reports to people other than parties.
 - e) Directing lawyer to assist to help unrepresented parties understand reports.
 - f) Deciding whether the reports adequately address the brief.
 - g) Making decisions on:
 - i. applications from the report writer to amend or expand the brief
 - ii. how to proceed if report writers have a potential conflict of interest
 - iii. whether to redact information in reports
 - iv. making directions for parties or children to attend appointments with report writers.
 - h) Sitting on panels to assess prospective report writers or to review existing report writers.
 - i) Directing that decisions on applications involving reports get sent to the report writer.
 - j) After case resolution, and within their scope of expertise and jurisdiction, providing feedback to report writers. For example, feedback on report structure, style and clarity of the response to the brief.

What the Ministry is responsible for

- 2.2 The Ministry is responsible for:
- a) Maintaining a national list of appropriately qualified report writers.
 - b) Maintaining these standards.
 - c) Maintaining documents related to reports, like:
 - i. the letter templates used to commission report writers

- ii. the templates for letters sent to participants informing them that a report has been commissioned
 - iii. the information sheets sent to participants by the registry when reports are commissioned.
- d) Monitoring workforce sustainability.
- e) Managing relationships between the NZPB and the Ministry.
- f) Monitoring and managing funding and payment for reports.
- g) Developing and overseeing quality assurance activities.

What court staff are responsible for

- 2.3 Court staff, including FCCs, court registry officers and court managers, are responsible for:
- a) Managing recruitment and review of report writers for their region.
 - b) Commissioning report writers to write reports, including:
 - i. negotiating rates, hours and disbursements
 - ii. monitoring report costs
 - iii. assessing and approving/declining extension requests from report writers.
 - c) Supporting case parties to participate in the process and informing them in writing:
 - i. that reports have been directed and commissioned
 - ii. about report timeframes and any delays
 - iii. about the cost contribution liability attached to s133 reports.
 - d) Engaging a lawyer to assist, when directed, to help self-represented parties to read the report.
 - e) Liaising between report writers and the judiciary when report writers have questions, concerns, or make applications for amendments to the brief.
 - f) Supporting the presiding judicial officer by screening reports for sensitive or potentially harmful information and making redaction recommendations.
 - g) When directed, sending report writers decisions on applications they prepared reports for.
 - h) Informing report writers when decisions are made on applications they prepared reports for, so that the report writer can destroy any court information they received when the report was commissioned.
 - i) Providing the report writer with any updating documentation.

What the NZPB is responsible for

- 2.4 The NZPB is responsible for the regulation of psychologists in accordance with the Health Practitioners Competence Assurance Act 2003 (HPCA) and will therefore:
- a) Inform the judiciary of complaints against report writers.
 - b) Investigate complaints according to the requirements of the HPCA.
 - c) Register report writers as psychologists and issue annual practicing certificates.
 - d) Audit report writers' continuing competence as psychologists.

What legal professionals are responsible for

- 2.5 Legal professionals (lawyers for parties and lawyers for child) are responsible for:
- a) Informing the Court when they consider that a report may be necessary to provide information needed for "the proper disposition of the application"¹.
 - b) Advising the Court:
 - i. of the parties' views on the report
 - ii. which matters they believe should be included in the brief.
 - c) Within the scope of their role, informing their clients/the children of their legislative rights and obligations in relation to reports. This includes party's counsel informing their clients of the cost contribution liability resulting from directions for s133 reports, if relevant.
 - d) Within the scope of their role, explaining the legal processes relating to reports to their clients/the children. Confirming to the Court, in written or oral submissions for the direction of a s133 report, that party's counsel have informed their client of the CCO liability that would arise from that direction
 - e) If needed, supporting parties to engage with the report process by ensuring they are aware of appointment times etc.
 - f) Providing the Court with current and accurate contact information for parties.
 - g) Notifying the Court of any concerns about report writers or the report process.
 - h) Helping their clients/the children understand reports.
- 2.6 Report writers should also work with Lawyers for Child as outlined in the *Family Law Section Lawyer for Child Best Practice Guidelines* (section 14).

¹ CoCA s133 (6)

What report writers are responsible for

2.7 Report writers are responsible for:

- a) Ensuring their level of competence is commensurate with the brief.
- b) Keeping up to date with research and current ideas about best practice in the field.
- c) Maintaining an annual practicing certificate and competence as a psychologist.
- d) Organising adequate and appropriate supervision.
- e) Declaring when the brief requires skills outside their competence and either:
 - i. declining the report; or
 - ii. organising supervision from a specialist supervisor in the required area of competence, if supervision alone mitigates the competency deficit.
- f) Declaring known, potential or perceived conflicts of interest.
- g) Providing the Court with an estimate of the hours and delivery timeframe of the report within 10 working days of accepting the report.
- h) Making applications to the Court for extensions or amendments to the brief if they believe that these are necessary.
- i) Keeping the FCC informed of their availability and expected report timeframes.
- j) Requesting approval for report cost extensions before doing incurring the costs.
- k) Conducting full, informed consent with parties, including (but not limited to):
 - i. informing parties of their role as a neutral assessor
 - ii. explaining the engagement is voluntary and the potential consequences of not engaging
 - iii. setting clear boundaries with parties
 - iv. managing parties' expectations of the report process.
- l) Undertaking Family Violence (FV) training and/or continuing professional development relevant to the field of Family Court and the parties involved.
- m) Working with court staff and other professionals involved in the case.
- n) Conducting themselves according to the standards, NZPB codes and HDC code.

3. Professional conduct

- 3.1 The standards detailed in this section are intended to minimise the risk of harm from reports to all involved, including the report writer.

The child's welfare and best interests are paramount

- 3.2 The child's welfare and best interests must be at the centre of every aspect of cases under the CoCA and the OTA². A key feature of the legislation is the children's right to safety, particularly from family violence³.
- 3.3 The NZPB Code⁴ also prioritises the wellbeing and best interests of children.
- 3.4 Report writers must prioritise the interests and wellbeing of the children in the brief throughout the report information gathering process and in the final report. Reports should benefit all parties to the greatest extent possible without impacting the interests and wellbeing of the children.
- 3.5 This requirement is overarching; every other standard should be considered within the context of this one.

Te Tiriti o Waitangi

- 3.6 Report writers are accountable to the NZPB cultural competencies, which include knowledge of te Tiriti o Waitangi and its application to psychological practice. In addition to the requirements detailed in cultural and language diversity, this can look like:
- a) Engaging with Māori whānau in the assessment and report-writing process, recognising the importance of whanaungatanga and whakapapa. This includes offering opportunities for whānau participation, and culturally preferred settings and processes.
 - b) Showing respect for te ao Māori concepts, applying Māori models of care and mātauranga Māori within the assessment (eg Te Whare Tapa Whā, mana-enhancing practice) and integrating Māori wellbeing constructs (eg whānau-centred practice, manaakitanga, kaitiakitanga) into case formulation and report recommendations.

² CoCA (4) and OT(4A)

³ as defined in sections 9(2), 10, and 11 of the Family Violence Act 2018

⁴ s1.5 and 2.5

- c) Identifying, and, where appropriate, liaising with relevant iwi or Māori service providers (with informed consent), recognising mana whenua and whakapapa connections.
- d) Ideally having knowledge of and working relationship with local iwi and hapū, and Māori service providers. Report writers can work with the FCC and kaiārahi to acquire local knowledge and connections.

The psychologist as a report writer

- 3.7 Under the Health Practitioners Competence Assurance Act 2003 (HPCA), report writers are accountable to the NZPB codes and competencies and the HDC code. This means they are expected to apply professional ethics in all interactions with people involved in the report process.
- 3.8 Parties have the right to complain if they have concerns about the report writer's conduct, competency and/or fitness to practice, or if they believe that their rights under the HDC code have been breached.
- 3.9 This section provides guidance on how report writers can comply with the legislation and the Court's requirements while remaining anchored in their professional and regulatory obligations with respect to the NZPB code and NZPB competencies.

Report writers can serve the Court and treat parties ethically

- 3.10 As expert witnesses, report writers are subject to the High Court Rules 2016 Schedule 4 Code of conduct for expert witnesses (HCR code). This means they have an "overriding duty to assist the Court impartially on relevant matters within their area of expertise"⁵. Case law has established that the report writer's client is the Court, rather than the child/ren or the parties⁶.
- 3.11 This means report writers must impartially respond to the Court's brief and prioritise the needs and wellbeing of the child, even if doing so means providing information, conclusions or recommendations that one or more parties may find confronting.
- 3.12 This does not alter or override the report writer's ethical obligations to parties involved in the report process. Confronting information can be considered to "promote the wellbeing"⁷ of parties if it gives them insight into the source of their psychological difficulties that they can use to make improvements, personally or in the best interests of their children, in the longer term.

⁵ Practice note

⁶ *Haye v Psychologists Board* [1998] NZFLR 272

⁷ NZPB Code of Ethics

- 3.13 Report writers must still take reasonable measures to treat parties with dignity and respect and to mitigate and minimise the potential for the report to cause harm to any party in line with their professional and regulatory responsibilities. 'Reasonable measures' include (but are not limited to):
- a) applying psychological knowledge and expertise only within their scope of expertise
 - b) conducting a comprehensive informed consent process
 - c) maintaining open and honest communications with parties about the process
 - d) creating and following safety plans, as needed, for the report information-gathering process, see keeping the report process safe.
 - e) accommodating people's rights to:
 - i. have support persons or advocates present
 - ii. have interpreters, see language diversity
 - iii. receive practical, see accommodations to participate
 - f) actively managing their own biases to ensure they treat people fairly and without discrimination through the report process and in the report, see managing bias
 - g) focusing on people's parenting strengths as well as weaknesses in the report, see helping parties to feel fairly treated.
- 3.14 Paragraph 3.11 applies equally to CoCA s133 reports and OTA s178 reports, even if the brief for the latter requires the report writer to assess an adult.

The report writing process does not involve therapy

- 3.15 Reports are typically third-party, professional assessments to provide the Court with information to support case decision-making⁸, not therapeutic interventions. Although the report writing process can have therapeutic elements and benefits for families and children, this is not the primary purpose of the legislation.
- 3.16 Report writers should avoid therapeutic activities during report data-gathering. Undertaking therapeutic activities, even those directed by the Court, may place the report writer in a dual role and compromise their real or perceived objectivity. Examples of therapeutic activities include (but are not limited to):
- a) giving whānau advice about matters like parenting and mental health
 - b) recommending resources
 - c) using counselling or mediation techniques and interventions, like those based on interpretation, reframing or feedback.

⁸ Australian standards of practice for family assessments and reporting, 2015

- 3.17 Referrals to other services, including family violence or mental health services, can be considered therapeutic activities. Report writers must still prioritise safety and follow the requirements detailed in referrals.
- 3.18 Refer to dealing with situations that threaten objectivity for information about responding to situations that affect a report writer's real or perceived ability to remain neutral and objective.
- 3.19 If it is appropriate to the brief, a report writer may include advice, referrals and/or recommendations for specific interventions or therapies in the final report.

Diagnoses should be approached with care

- 3.20 Undiagnosed conditions in children and adults, like neurological and learning differences, mood disorders and personality disorders, can be relevant to the report brief.
- 3.21 Reports directed under CoCA are child-focussed but implicitly require the assessment of adult parties. The standard brief's requirements for assessing parents or caregivers should be focussed on parenting ability, attachment and level of parenting cooperation as much as possible. A functional approach, focussing on behavioural descriptions, is preferred.
- 3.22 OTA reports can be focussed on adults and are more likely to explicitly include formal diagnostic assessments as part of the brief. A diagnostic assessment of an adult can only be directed under OTA with their consent.
- 3.23 On occasion, the report brief may explicitly require a report writer to conduct a diagnostic assessment or provide a second opinion on a diagnosis made by another practitioner.
- 3.24 The report writer can proceed with the diagnostic assessment if:
 - a) the assessment is within their scope of practice
 - b) there is a clear clinical rationale for the assessment
 - c) the report writer has obtained informed consent for the assessment from the adult being assessed, or the parents or guardians of the child being assessed.
- 3.25 If the report writer is unsure whether to proceed with a diagnostic assessments they can discuss with their supervisor or with the FCC as appropriate.

Managing conflicts of interest

- 3.26 A conflict of interest arises when a report writer's independence, objectivity or impartiality can be called into question. A conflict of interest may occur, or be perceived, if a report writer:
 - a) has any personal knowledge or involvement with the case

- b) has personal involvement with people involved with the case, like a party or a lawyer
- c) has previously had professional involvement with the parties in a different role, such as providing therapeutic intervention – this is a dual role
- d) appears to benefit from the case beyond payment for producing the report.

3.27 Examples include:

- a) a case where a relative of one of the parties is a relative or close friend of the report writer
- b) a report writer recommending an intervention or therapy that the report writer, or an associate, would benefit financially from delivering
- c) completing an addendum or updated report when there are outstanding complaints associated with the same matter.

Declaring conflicts of interest

3.28 Report writers should review the names of the case parties when the report is commissioned and decline the report if they have a clear conflict of interest.

3.29 If the report writer is uncertain about whether they have a conflict of interest, or there is risk of a perceived conflict of interest, they should inform the FCC so the Court can decide whether to proceed.

3.30 If the Court decides to proceed with the report, the report writer should briefly document in the report:

- a) the conflict or potential for perceived conflict of interest
- b) the Court's decision to proceed
- c) any actions taken to mitigate the conflict.

Refusing and declaring unauthorised payments or gifts

3.31 Gifts or payments from case parties to report writers create a conflict of interest because there may be a perception that gifts or payment may lead to a more favourable report. Any offers of gifts or payment should be reported to the Court through the FCC.

3.32 It is not appropriate for a report writer to accept a payment or gift from case parties, even after the report has been filed and the case has been disposed.

Managing bias and perceptions of bias

- 3.33 Bias is a recurring theme in complaints about reports in New Zealand and internationally⁹. In this document:
- a) *bias* refers to a cognitive or emotional tendency that skews judgment or decision-making away from objectivity
 - b) *discrimination* refers to the manifestation of bias through unequal treatment or behaviours towards specific individuals or groups based on protected characteristics like race, gender or religion.
- 3.34 Report writers must strive to be objective, neutral and treat all parties and children fairly, impartially and without discrimination¹⁰. To achieve this, report writers must work to manage their own biases. Approaches that report writers can take to mitigate bias include (but are not limited to):
- a) regularly undertaking formal and informal training about bias as part of their Continuing Competence Programme (CCP)
 - b) applying a multi-method, multi-source approach to report writing
 - c) using tools designed to help manage bias, like checklists and decision trees
 - d) avoiding drawing conclusions until after data collection
 - e) considering, and detailing where appropriate, multiple hypotheses
 - f) actively considering evidence that challenges preferred hypotheses
 - g) using peer review and supervision to check for blind spots
 - h) clearly distinguishing between evidence and opinion in the report
 - i) having reports reviewed by a senior colleague to ensure blind spots have not been missed.

Dealing with situations that threaten report writers' real or perceived objectivity

- 3.35 On occasion, report writers may face situations that threaten their ability, real or perceived, to remain neutral and objective. These include therapeutic assessment focused activities and referrals to other services.
- 3.36 Report writers should prioritise safety, their own and others', over preserving objectivity when facing a situation that may cause real or perceived bias.

⁹ This is raised in Family Court review documents, Backbone Collective reports, feedback from HDC, the Practice Note, news articles, journal articles and research papers.

¹⁰ New Zealand Bill of Rights Act 1990 s19, NZPB Code of Ethics Principle 1, HCR schedule 4 code of conduct

- 3.37 Report writers must, on a case-by-case basis, evaluate the level of risk attached to a situation and decide whether to:
- a) decline to continue with the report or
 - b) put mitigations in place and briefly note the situation and the risk to objectivity as a limitation in the final report.
- 3.38 Report writers can consult with their supervisor or FCC about the level of risk and appropriate mitigations, if needed.

Helping parties to feel fairly treated

- 3.39 Parties are more likely to believe a report is biased if they perceive parts of the report process to be unfair. For example, they might think the report is biased if they see the report writer spend more time with one party than another.
- 3.40 Strategies to help parties perceive the report process to be fair include:
- a) managing parties' expectations about the report, starting with informed consent and then throughout the report process
 - b) being transparent and giving parties context about any differences in the treatment of parties during information-collection and in the final report¹¹
 - c) giving parties the opportunity to respond to accusations or observed problem areas before filing the report (although it is not the report writers purview to determine fact)
 - d) ensuring that information about adults is described in terms of the impact on, or relevance to, the children
 - e) ensuring the report discusses parenting strengths as well as weaknesses.

Keeping information private and confidential

- 3.41 All information collected as part of the report writing process must be handled sensitively and protected.

Court information

- 3.42 When commissioning a report, the FCC sends the report writer documents that form part of the case file. This is court information and must be handled confidentially and stored securely.
- 3.43 Report writers should not ask the Lawyer for Child to share court information with them, but should contact the Court instead.

¹¹ HDC code r5 right to effective communication applies.

- 3.44 The report submitted to the Court becomes court information over which the Court has custody and control.
- 3.45 If a report writer receives a request from anyone to access court information, they should refer the requestor to the Court who will be best placed to decide whether and what information can be accessed.
- 3.46 Report writers should keep a record of what court information they received and what information they referenced in the report. After the judge issues a decision, unless otherwise instructed by the Court, report writers should securely dispose of or return any court information obtained from the Court once it is no longer required for the purposes of preparing their report.

Health information

- 3.47 Information collected as part of the report writing process is defined as health information under s22B of the Health Act 1956.
- 3.48 As part of the consent process all parties, children and other interviewees should be fully informed of the limitations on confidentiality, see informed consent.
- 3.49 Where a report writer is required to make their records available under the HPCA, the Court's permission to share information (including court information) is not required. All information shared under the HPCA must be handled confidentially and may be used or disclosed only in accordance with the HPCA.

Administrative information

- 3.50 Administrative information includes details like the report writer's terms of engagement, hours worked, fees charged, disbursements and travel times etc. This information should be managed according to the Ministry's Best Practice Guide for third party vendors.

Dealing with a privacy breach or online security breach

- 3.51 Good information management practices minimise the chances of a security or privacy breach, but even the best systems can fail. If a report writer experiences a breach or security incident of any kind, they should immediately notify the Court, then:
 - a) for privacy breaches follow the guidance at: Office of the Privacy Commissioner | Breach Management
 - b) for online security incidents follow this guidance: If you have had an online security incident - Own Your Online

Technology

- 3.52 Technology is rapidly evolving. Tools ranging from remote meeting applications to tablet applications for administering psychometric testing can potentially assist in the report writing process. This section covers technology use considerations.

Using remote conferencing tools for interviews

- 3.53 Phone and video conferencing tools can be used to interview adults provided the adults are digitally literate, have access to the technology and the report writer has no concerns about the adult's wellbeing, safety, hidden influences or privacy. The *NZPB Provisional Guidelines for psychologists in Aotearoa New Zealand undertaking telepsychology and remote psychometric testing via telehealth* apply.
- 3.54 Children must be interviewed or observed in person, see interviewing children.

Audio and video recording

- 3.55 Report writers should approach the use of video and audio recording technology in interviews and observations with caution. Video and audio recordings create additional risks for the privacy and security of participant information, particularly children, and can impact validity by causing changes to people's comfort level and behaviours. The risk is amplified in the age of artificial intelligence (AI) video and sound manipulation tools.
- 3.56 Report writers wishing to use audio or video recording technology must:
- a) have robust data storage protection systems in place, see information
 - b) gain full, informed consent for recording from all people affected, including informing them of how the recordings will be used, stored, and how long they will be retained
 - c) briefly discuss the justification for, and limitations from the use of recordings in the report methodology section.
- 3.57 Parties may want to record interviews or other interactions with the report writer and/or may attempt to make covert recordings. Report writers should set clear boundaries and expectations with parties around their use of recording technology as part of their consent procedures.
- 3.58 If report writers have concerns about recordings, either their own or a party's, they should ask the Court for advice or directions.

Using artificial intelligence tools

- 3.59 Potential applications of AI in report writing include:
- a) transcribing interview notes

- b) assistance in drafting the report
 - c) administering and scoring psychometrics
 - d) translation or communication support applications.
- 3.60 The NZPB AI guidelines provide balanced guidance on navigating the risks and benefits of using AI tools.
- 3.61 The following points are emphasised for report writing:
- a) court information security requirements apply to AI tools
 - b) the report writer must be transparent about their use of AI tools, and the precautions they are taking to protect data integrity, safety and validity, throughout the report process and in the final report, see consent
 - c) the report writer has final responsibility for the accuracy and integrity of the report and must validate the product of any AI tools they choose to use.

4. Report writing

Communicating with the Court

The FCC is the primary point of contact

- 4.1 The FCC is a report writer's primary point of contact with the Court. Any functions performed by 'the registrar' in the practice note are typically performed by the FCC.
- 4.2 Questions about the report, requests for more information, requests for extensions and questions for the judge should be sent to the FCC. The FCC will liaise with the judge on behalf of the report writer.

Requesting changes to the brief

- 4.3 If the report writer considers that changes to the brief are required to ensure the report will deliver essential information, they should follow the process detailed in clause 6.5 of the practice note.
- 4.4 The report writer can only proceed with collecting information in relation to the changes if the Court directs an updated brief.

Providing a cost and time estimate

- 4.5 Within 10 working days of accepting a referral and receiving the case file from the FCC, report writers should provide the FCC with an estimate of:
 - a) the report complexity
 - b) the hours required to complete the report (this can be a range)
 - c) the timeframe until the report will be filed (this can be a range).
- 4.6 Report writers should be aware that, when requesting reports under CoCA, the Court is required to:
 - a) have regard to the "quality, timeliness and cost"¹² of other sources of information, and
 - b) order parties to reimburse the Crown for a prescribed proportion of the report cost¹³.

¹² CoCA s133(3)(b)

¹³ CoCA s135A

Understanding and working with family violence

- 4.7 Family violence and/or sexual violence (FVSV) is a factor in many Family Court cases. People who use violence may misuse the courts to harass or exert control over victim-survivors¹⁴.
- 4.8 To be able to recognise and respond to family violence, report writers are required to complete the free FVSV Response Training offered by the Ministry to all people who work in the courts.
- 4.9 Report writers are encouraged to:
 - a) have the capabilities described in the Essential and Entry levels of the Workforce Capability Framework¹⁵ and ideally also the Enhanced level under *Principle 4: Kaitiakitanga – Protection and Accountability*
 - b) undertake continuing professional development in FVSV relevant to the field of Family Court and the parties involved.
- 4.10 Training that has been mapped to the Centre for Family Violence and Sexual Violence Prevention (the Centre's) Essential & Entry Level E2E Capabilities can be found here: Family Violence Training Directory | The Centre for Family Violence and Sexual Violence Prevention.
- 4.11 The Centre's Recognition of Prior Learning and Experience (RPLE) Tool can help report writers identify how prior learning aligns with the Workforce Capability Framework.

Screening for FVSV risk, responding to disclosures and making referrals

- 4.12 Adults and children may make disclosures or provide evidence of FVSV not already documented in the case file at any point during the report process.
- 4.13 Report writers should, within their capability level and as needed, follow the recognise, respond and refer model detailed in the Essential and Entry level skills and knowledge in the Centre's Family Violence Risk and Safety Framework (RSPF) to conduct and update screening and risk assessments. A report writer's assessment of risk does not constitute a finding of fact regarding the presence of FVSV in a case.
- 4.14 Comprehensive FVSV risk assessments require specialist knowledge, skills and networks. If a report writer who does not have the necessary training believes, after initial screening, that a comprehensive risk assessment is warranted, they

¹⁴ McCormack, M. (2025). Endless litigation in family court as a method of post-separation coercive control. *Journal of Social Welfare and Family Law*, 47(2–3), 183–212.
<https://doi.org/10.1080/09649069.2025.2530882>

¹⁵ Shift 3: Towards skilled, culturally competent and sustainable workforces

can request one from a specialist practitioner with the necessary training. The prior approval of the FCC is required.

- 4.15 Report writers must understand and fulfil their obligations under the Oranga Tamariki Act 1989 to report concerns about children at risk of harm, see the child's wellbeing is paramount.
- 4.16 Table 1 details the actions a report writer should take at different risk levels if they believe that an adult or child is at risk of harm, either from themselves or another person.

Table 1: Risk responses

Imminent	Risk level		Action
	Serious	Moderate/ elevated	
✓	✓		Call 111 and request appropriate service
	✓		Make a warm referral to an appropriate service during the report information gathering process.
		✓	Include referrals to appropriate services in the final report.

- 4.17 Report writers should immediately inform the FCC of any referrals made before the final report is filed.
- 4.18 Making a referral before the final report is filed can affect a report writer's real or perceived ability to remain neutral and objective. Refer to managing situations that can cause bias for information on how to proceed.
- 4.19 When discussing FVSV in the report, report writers should:
- use neutral, non-victim-blaming language
 - keep the focus on the impact on the children in the brief.

Keeping the report process safe

- 4.20 Report writers must prioritise safety (their own and others') above all else when planning information-collection activities like interviews and observations. Standard practice should include:
- robust information security measures and processes, see Keeping information private and confidential
 - conducting risk assessments of interview and observation locations and applying risk-mitigation strategies
 - working with at-risk people to develop safety plans for their participation in the report process that address both physical and psychological safety, like:
 - choosing locations for appointments that feel safe for the at-risk person

- ii. timing interviews so that the person can schedule appointments with counsellors or other support people afterwards
 - iii. allowing more time for appointments, or having multiple short appointments
 - iv. having a support person or advocate present at report appointments, see support people to participate in the process
- d) ensuring that report data gathering activities adhere to any active protection order conditions and safety plans relating to case parties or children.
- 4.21 Report writers can engage with existing safety networks (for example, Oranga Tamariki, Police Family Harm teams, family violence services) for advice and support as needed. Appropriate consent and information sharing protocols must be in place.
- 4.22 Refer to Making redaction recommendations for guidance on handling information that may cause harm to an adult or child if shared with parties.

Supporting people to participate in the process

- 4.23 People may need additional support to be able to participate in the report process for a range of reasons including, but not limited to:
 - a) cultural and language diversity
 - b) gender diversity
 - c) neurodiversity
 - d) physical or mental impairments or disabilities
 - e) low socioeconomic status
 - f) low literacy.
- 4.24 Report writers should take reasonable measures to establish parties' support needs. Information sources include the FCC, lawyer for child and parties themselves.
- 4.25 Some barriers to participation may become apparent later in the report writing process. Report writers should be prepared to be flexible in their approach.
- 4.26 Report writers are expected to provide accommodations only to the extent that is practical. If a report writer is unsure about whether an accommodation is required, or reasonable, they should contact the FCC for advice.
- 4.27 The report writer should briefly note any accommodations or supports provided under this section in the report, including the justification for the accommodation and any risks/benefits to report validity.

Supporting cultural and language diversity

- 4.28 The NZPB code and competencies include extensive requirements relating to culturally appropriate practice. Report writers must consider whether they have the required cultural competency before accepting a report referral.
- 4.29 The cultural background of the parties will not always be clear when the report is first commissioned. Report writers should work with parties to understand their cultural contexts and needs as early in the report process as possible.
- 4.30 If a report writer does not have the required cultural competency, but no other writer with that competency is available, the report writer may seek support from a cultural supervisor¹⁶. The cultural supervisor's qualifications and fee must be approved by the Court in advance.
- 4.31 Report writers must consider the impacts of structural and historical drivers, like colonisation, racism, disproportionality in care systems, as part of the report. If information about parties' culture is particularly important to the brief, the report writer should advise the Court that a cultural report may be warranted.
- 4.32 Parties are entitled to interpreters if this is what they need to be able to participate in the report process¹⁷. The interpreter's qualifications and fee must be approved by the Court in advance.

Providing practical support

- 4.33 Some people have practical barriers to participating in the report process, for example communication difficulties, physical disabilities, limited resources or access to travel, or executive function difficulties. Report writers should make reasonable accommodations to help people participate. Examples include:
 - a) ensuring meeting locations are accessible based on individual circumstances
 - b) using appropriate communication assistance tools or applications if needed
 - c) recognising additional risks and barriers that takatāpui/LGBTQ+ people can face when interacting with the justice system¹⁸
 - d) supporting participants to remember appointments through:
 - i. clear communication
 - ii. reminders

¹⁶ NZPB code 1.4.1

¹⁷ HDC Code Right 5(1)

¹⁸ Sewell, R., Lamusse, T., & Hutton, F. (2025). Cisheteronormativity and the Court: A Queer Criminological Approach. *New Zealand Sociology*, 40(1), 100–115.

- iii. working with the FCC, lawyer for child and kaiārahi to encourage attendance
- iv. scheduling appointment times to accommodate work or childcare schedules
- v. enabling remote attendance where possible, safe and appropriate.

Accommodating support people

- 4.34 People are entitled to have a support person or advocate present for report data collection activities, like interviews, “except where safety may be compromised or another consumer’s rights may be unreasonably infringed.”¹⁹
- 4.35 Report writers must apply their professional judgement on a case-by-case basis to decide whether the presence of a support person compromises safety or infringes another person’s rights. Report writers should be confident that the support person does not have influence or control over the person being supported.
- 4.36 Where possible, the support person should not be a person who will also be interviewed for the report, or who has filed evidence by way of affidavit in the Family Court, as this may result in the support, or supported, person’s evidence being contaminated.
- 4.37 The presence of a support person or advocate at a report-related appointment should briefly be noted in the report with any implications for report validity.
- 4.38 The NZPB Guidelines on Using Psychometric Tests apply in relation to having support people or advocates present during the administration of psychometric tests.

Planning report data collection activities

- 4.39 Report writers should ensure they have obtained pre-approval for travel costs from the FCC if they need to travel outside their home region to conduct interviews or observations in person.

Making contact and communicating with parties

- 4.40 The FCC will provide contact methods for case parties when the report is commissioned.
- 4.41 It may be helpful for the report writer to have a brief conversation with the lawyer for child before contacting parties to establish:
 - a) whether the contact details provided by the Court are correct

¹⁹ HDC Code Right 8, OTA s179(4)

- b) whether there are any safety concerns for parties, see keeping the report process safe
 - c) any supports or accommodations parties might need to be able to participate in the report process
 - d) the best ways and times to contact parties.
- 4.42 Report writers should consider the most appropriate method to make initial contact with parties, with consideration that voice messages, postal and courier services, email, and electronic messaging tools like text may not be secure or private. In the initial contact, the report writer should try to establish:
- a) the safest and most reliable ways to communicate with that party
 - b) any supports or accommodations that party, or children in their care, might need to be able to participate in the report process, for example interpreters
 - c) whether that party has any concerns, including safety concerns.
- 4.43 Report writers should maintain a record of all communications and contact with parties, including text messages. The record should include:
- a) the name of the party
 - b) the date and time of the contact
 - c) the contact method
 - d) a brief description of the contact (for example what was discussed)
 - e) If contact with parties is unsuccessful, report writers should advise the court.

What to do if people don't attend appointments

- 4.44 The report writer should inform the Court, through the FCC, if a person misses an appointment without communicating with the report writer in advance²⁰. The report writer and FCC can work together to decide how to proceed.

What to do if people provide new case information

- 4.45 On occasion, people may give a report writer information that:
- a) appears to have significance to the case beyond its relevance to the report, and
 - b) is not included in the court information provided to the report writer when the report was commissioned.
- 4.46 If a report writer has concerns about information provided by parties, they can:

²⁰ CoCA s133(9)

- a) alert the lawyer for child, who can determine the most appropriate way forward, including whether, and how, to bring the attention to the notice of the Court
 - b) advise parties to consult their lawyer, if they have one, or a legal advisor.
- 4.47 Report writers may use the information in the report if it is required to respond to the brief.

Obtaining informed consent

- 4.48 As psychologists, report writers must follow the NZPB code consent requirements and Updated Informed Consent Guidelines for both adults and children. General consent to the report, or the Court's direction for the report, is not enough: report writers must obtain informed consent for each person's participation in individual report data collection activities.
- 4.49 A report writer must obtain a party's consent, or a court direction, to seek information about that party from collateral sources, including documents like assessment reports from other medical practitioners. The party should be informed unless doing so places another person at risk, or legislative provisions make this unnecessary.
- 4.50 Report writers do not need consent to use information from documents provided to the report writer by the Court, see court information.

Consent information

- 4.51 A comprehensive informed consent process supports people to have realistic expectations for the report process, and parties to have a sense of agency in their case. Information that is particularly important in the context of reports includes:
- a) the brief and purpose of the report (report writers cannot assume that parties have received this information before the report was commissioned)
 - b) the limitations on confidentiality of any information people share with the report writer, including a list of the types of people who may see that information and the final report
 - c) people's rights to have a support person or advocate present
 - d) their rights to refuse or withdraw consent, including what information they can refuse or withdraw consent for.
- 4.52 Consent information requirements apply to all parties, children and collaterals the report writer engages with as part of the report process, even when their participation is at the direction of the Court.

Children, consent and participation

- 4.53 Global consent is required from all parents/guardians to assess children for the report and for children's participation in report-related activities. Refer to consent refusals and withdrawals for information on how to proceed if a parent or guardian refuses their consent.
- 4.54 The interactions between factors like children's developmental levels make it complex to provide specific consent and participation standards for children. Instead, report writers are expected to exercise clinical discretion when assessing whether a child has the cognitive and developmental maturity to:
- a) participate meaningfully in the report process
 - b) be considered competent to consent to participation.
- 4.55 Children should be informed about their rights and participation in a way that is appropriate to their developmental level. It is important that children understand that:
- a) their views will be represented in the report, but the case is not dependent on what they say
 - b) they can choose what to share – they don't have to talk about anything that makes them uncomfortable
 - c) anything they share could be seen by the parties and the Court.
- 4.56 Report writers should be conscious and actively manage the risk of a child being over exposed to multiple interviews.
- 4.57 In the final report, report writers should briefly document their methodology and approach to assessing children's ability to consent and participate.

Responding to consent refusals and withdrawals

- 4.58 Consent requirements should not give one party undue influence over the case, for example by refusing consent for their child's participation in the report process. To safeguard against undue influence, the Court can make directions for a child and/or party to meet with a report writer without a parent's or guardian's consent.
- 4.59 People can exercise their right to refuse or withdraw consent to participation in part, or all, of the report process. Examples of consent withdrawals or refusals include:
- a) a person refusing consent to their own, or their child's participation in one, or more, report data gathering activities (eg interviews and observations)
 - b) a report writer suspecting, after having followed NZPB consent guidelines in good faith, that a party is giving consent grudgingly
 - c) a person refusing to respond to calls or to engage with the report writer

- d) a person withdrawing consent for participation part way through data gathering
 - e) a person withdrawing consent for the report writer to use information from external sources, like reports from other providers.
 - f) a child refusing to engage with the report writer, or to participate in an observation with one party.
- 4.60 People cannot withdraw participation consent retrospectively. Report writers can use data gathered while the person's consent was active. People may be able to withdraw consent for the report writer to use information documents (other than those provided by the Court) if the report has not yet been filed.
- 4.61 Report writers cannot force adults or children to participate in the report process. When people refuse or withdraw consent, the report writer must apply their clinical judgement to decide whether to:
- a) ask the Court (through the FCC) for advice or directions on how to proceed
 - b) complete the report without using the data for which consent was refused/withdrawn.
- 4.62 Report writers must document all consent refusals, withdrawals or concerns as limitations in the report.

Methodology

Assessment methods

- 4.63 Report writers should apply methodology that has been accepted by the broader professional community as suitable for the collection of data in psychological assessments related to Court care and custody matters.
- 4.64 Report writers should only use assessment methods and give opinions within their areas of competence²¹. If needed, and with pre-approval from the Court, report writers may consult with professionals in other areas of competence, including people with FVSV expertise.
- 4.65 Report writers should use multiple data sources and methods to increase the accuracy and objectivity of the report. The time and activities needed to gather enough data for a valid and thorough report must be balanced against the principle of minimising intrusion²².
- 4.66 Any research relied on should be accurately and adequately referenced, and in case of academic literature, needs to be peer-reviewed.

²¹ NZPB Ethics 2.2

²² Adapted from Aus standards s11

Interviewing adults

- 4.67 In most cases, report writers should interview all adults who perform a parental, caregiving role of the children listed in the brief, even if those adults are not case parties. This includes adults who live with, or will live with the children, who regularly look after the children.
- 4.68 Report writers should use trauma-informed interview techniques and conduct interviews in a neutral space that is safe and accessible for both the party and the report writer, see keeping the report process safe. The report writer's own home is not a neutral space and should be avoided as an interview location.
- 4.69 Report writers should ensure that parties have an opportunity to respond to any allegations made about them.
- 4.70 Conducting two interviews with case parties is encouraged because:
 - a) parties may be more at ease with the report writer at a second interview
 - b) the second interview gives report writers an opportunity to follow up on information obtained from other sources.
- 4.71 Report writers should briefly explain large time discrepancies in time spent with different parties in the report, see helping participants feel fairly treated.

Interviewing collaterals

- 4.72 Collaterals are people who may be able to provide valuable information relevant to the brief, but who are not directly involved with the case. They include people like paid caregivers, nannies, teachers and daycare providers, friends and medical practitioners.
- 4.73 Report writers should decide which collaterals to interview based on the brief, the case information from the Court and the views of the case parties.
- 4.74 Report writers should be careful to consider the relationships between parties and collaterals when collecting information. Collaterals who have a close relationship with one case party may try to paint that party in a favourable light.
- 4.75 Report writers should use multiple data sources to validate information wherever possible.

Observing parties and caregivers with children

- 4.76 Report writers should conduct separate observations of each case party with the children in the brief at least once unless:
 - a) conducting an observation creates a significant risk to the child's physical or emotional safety
 - b) observations are impossible, for example if a party is incarcerated.

- 4.77 Report writers should clearly note in the report that the observation was not undertaken, the reason it was not undertaken and any resulting limitations.
- 4.78 Observations should be planned and conducted with consent. A report writer should never deliberately conduct covert observations of parties with children without the parties' consent. If appropriate, report writers may observe children covertly, for example in class at school, with the consent of their parent or guardian.
- 4.79 Report writers can use information from chance encounters, like interactions in waiting rooms, in the report provided:
- a) they make their presence known to the people being observed as soon as practicably possible
 - b) they give the people being observed an opportunity to speak to any observed interactions the report writer is considering using in the report.
- 4.80 Report writers should prioritise their own safety over ecological validity concerns when choosing an observation venue. A report writer can terminate an observation at any point if they feel unsafe. Validity concerns about an observation location should be noted in the report as a limitation.
- 4.81 Report writers should be mindful that their presence and the presence of others in the same physical environment as those being observed may influence the behaviours and interactions that they are observing and briefly note the potential impacts on validity in the report.
- 4.82 Report writers should explain in the report any large discrepancies in time spent on observations with different parties.
- 4.83 Report writers must be careful to differentiate between descriptions of directly observed interactions and behaviours between adults and children, and impressions and opinions of those interactions.
- 4.84 Formal assessments of the safety, hygiene or suitability of the home environment should not be part of home-based observations unless the report writer has appropriate training, and the assessment is explicitly required by the brief. Report writers may note observed safety risks and hazards in the report provided they caveat the observation with the limitations of their expertise.

Interviewing children

- 4.85 Where developmentally appropriate, report writers should make efforts to interview all the children listed in the brief. Depending on the brief, the report writer may also need to interview other children like step-siblings, half-siblings, or foster siblings (with the appropriate guardian consent).
- 4.86 Scheduling interviews with children after observations can help children feel more at ease with the report writer because they have already had interactions with the writer in the company of known adults.

The child's voice

- 4.87 Children have the right to have their views heard and considered in all matters that affect their lives, including court proceedings²³ to the extent possible, given their developmental level. Although s133(6)(e) of CoCA prevents the Court directing reports exclusively to ascertain the child's views, the child's views must be considered as part of the report, even if not explicitly included in the brief.
- 4.88 Encouraging and supporting children to express their views does not mean asking children to choose between their parents and/or other potential caregivers.

Child interview protocols

- 4.89 Report writers should use evidence-based, developmental and trauma-informed methodology when interviewing children.
- 4.90 Report writers must interview children²⁴ in person. Remote interactions:
- a) remove the report writer's ability to control the interview context and ensure the child's safety
 - b) do not provide the full range of information about children's reactions and behaviours
 - c) do not allow the report writer to fully engage with children.
- 4.91 Report writers should interview children in a private space that is as safe and welcoming to the child as possible. Spaces that have a strong association with case parties, like homes, should be avoided. If a neutral space is not available, the report writer should try to conduct multiple interviews: one for each party in a space associated with that party, so they can observe situational influences.
- 4.92 Schools can be appropriate places for interviews with children, particularly younger children, provided:
- a) the interview is planned ahead with the school, the parties and the child
 - b) the report writer has taken reasonable measures to check that the child is comfortable being interviewed at school
 - c) the report writer has written consent from the child's parent's/guardians.

²³ Article 12 of the United Nations Convention on the Rights of the Child (UNCRC), CoCA s6 and OTA s5(1)(a)

²⁴ There may be exemptions such as very remote location or where older children are mature enough for remote interaction. This could be discussed with the Lawyer for Child.

- 4.93 Children are entitled to have support people present during interviews²⁵. The report writer should instruct the support person to remain silent and avoid assisting the child in responding. It is preferable for the support person to sit behind the child, if the child is comfortable with this. The presence of the support person should briefly be noted in the report as a limitation.
- 4.94 Parties should not be present in interviews with children, if possible. If a child refuses to separate from a party, the report writer should instruct the party to remain silent and avoid assisting the child in responding. If a child is interviewed with a party present, the report writer should try to conduct a second interview with the other party present for balance. The presence of the party should be briefly noted in the report as a limitation.

Using psychometric tests

- 4.95 There may be times when psychometric tests can provide information that is relevant to the brief. The NZPB [Guidelines on using psychometrics](#) provide a thorough discussion of the issues to be aware of when using psychometric tests. These apply in report writing.
- 4.96 The following points are emphasised:
- a) Any psychometric test used must be fit for purpose. Report writers must be familiar with the ways that culture, experience of FV, and gender differences affect test scores.
 - b) Report writers should be mindful of the natural bias people have toward placing weight on numbers and test scores and describe the relative weight and limitations of the test data clearly in the report.
 - c) Psychometric test results cannot be the only data used to answer any part of the brief.
 - d) In the final report, report writers must document:
 - i. which psychometric tests were used during report information-gathering and any limitations
 - ii. the clinical justification for using those tests.

Accurately reflecting people's experiences

- 4.97 Ensuring that each person's voice and narrative has been accurately represented in the report is an important part of treating them with dignity and integrity. Report writers also have ethical and legal obligations to ensure that report source information is correct²⁶.

²⁵ OTA s178(1), HDC Code Right 8

²⁶ Health information Privacy Code rule 8, HCR code, NZPB code 3.1.6

- 4.98 Although report writers cannot provide parties with a draft copy of the report to review, they can implement strategies to check whether they have accurately captured information. Example strategies include:
- a) checking the accuracy of basic information, like people's names, at the first interview
 - b) at the end of an interview, briefly summarising their understanding of the information a person has shared to check that it is correct
 - c) sending parties a summary statement after an interview so that parties can highlight errors or misunderstandings²⁷
 - d) conducting more than one interview with each party so they can clarify any misunderstandings, errors or omissions in previous evidence.

Working on reports with other professionals

- 4.99 Report writers are expected to use professional support from others as needed to deliver high-quality, unbiased reports. The following principles apply:

Transparency: Report writers must inform the Court and people providing information for the report that other professionals may see that information.

Security: Any information sharing mechanism with other professionals must have safety and security measures in place, see keeping information private and confidential.

Privacy: Professionals providing support to the report writer must understand the sensitive nature of the information they see and be committed to maintaining the privacy and security of that information. The report writer has final responsibility for ensuring the security and privacy of any information they share with other professionals.

Financial integrity: Any disbursements relating to professional fees must be approved by the Court in advance²⁸.

Supervisors

- 4.100 Report writers may need more frequent supervision than other areas of practice due to the nature and complexity of report writing work, or they may require specialist supervision. The NZPB supervision guidelines apply to report writing.
- 4.101 Report writers should ensure that their supervisors are experienced in Family Court psychological report work.

²⁷ Note: the party should not be allowed to change the substance of the interview

²⁸ In the spirit of practice note s6.5

- 4.102 Where possible, report writers should select supervisors with FVSV capabilities, see Understanding and working with Family Violence.

Peer reviewers

- 4.103 Report writers should have their draft reports peer-reviewed before filing. Report writers should select peer reviewers with experience in Family Court psychological reports.
- 4.104 Where possible, report writers should select peer reviewers with FVSV capabilities, see Understanding and working with Family Violence.

Mentoring/team approaches

- 4.105 This section applies exclusively to registered psychologists.
- 4.106 There may be times when more than one psychologist may collaborate on a report. Examples include:
- a) training or supervision models where a senior report writer provides supervision, support, or mentoring to another report writer
 - b) use of a remote or adjunct report writer to conduct a specific part of the report process, like a home visit in a remote area, or a specialty assessment, like neuropsychological testing or assessment of a participant with additional needs
 - c) full team-written reports with two or more report writers working together, for example in a large practice²⁹.
- 4.107 If more than one psychologist is working on a report, one psychologist must be the designated lead report writer and carry ultimate responsibility for the report content and quality.

Administrative assistants

- 4.108 Report writers may use assistants to complete administrative tasks associated with report writing, like typing, transcription and invoicing.

²⁹ Adapted from AFCC guidelines s12.

5. Writing the report

- 5.1 This section provides guidance on how information in the report should be presented.

Keeping the report focussed

- 5.2 Reports should be resolution-focussed and structured to make the response to the brief clear, concise and accessible for a non-academic audience.
- 5.3 Reports should be written in plain language. Any complex clinical language used should be explained in a footnote. Refer to the Ministry of Social Development guidelines: *Checklist for plain language - a quick reference guide*.
- 5.4 Report writers should clearly distinguish between opinion, information collected, observation and theory³⁰.
- 5.5 To help keep the report concise, report writers should limit the use of direct quotes in supporting or explaining opinions or findings.
- 5.6 When recording insights relating to court information, report writers should reference court documents instead of summarising them in the report.
- 5.7 Detailed background sections that include an overview of the case file or timelines are not required. Any background section included should be shorter than two pages. Judicial officers, lawyers and the parties do not need this information duplicated in the report.
- 5.8 Report writers should interpret information in case file documents, like affidavits, cautiously. Information provided by parties may be contested between parties and must not be represented in the report as fact. If needed, the Court can direct the lawyers in the case to produce a summary of agreed facts³¹.

Report structure and format recommendations and requirements

- 5.9 This section details report elements that help make the reports easy for judges, lawyers and parties to navigate and understand.

Formatting the report for the Court

- 5.10 Reports should have a cover page listing:

³⁰ NZPB ethics 3.1.1

³¹ Practice note s11.4

- a) the psychologist's name, qualifications, contact details and a statement of impartiality and duty to the Court
 - b) the type of report and legislation the report was directed under
 - c) The case details including:
 - i. The case number (FAM-xxxx-xxx-xxxxxx)
 - ii. Case title
 - iii. Names and dates of birth of the children in the brief.
 - d) a paragraph stating the report writer's opinion on whether the report should be shown to the child by the lawyer for child³².
- 5.11 The report structure should include:
- a) a contents page and an executive summary
 - b) logical sections with clear section headers
 - c) clearly set out findings in relation to the brief
 - d) recommendations in an easy for find section that are written clearly and specifically so that parties can absorb the information that is most likely to benefit them.
- 5.12 Report paragraphs should be numbered consecutively with each paragraph confined to a single topic so far as practicable³³.
- 5.13 Each page should be consecutively numbered³⁴.
- 5.14 Numbers in the report should be expressed in figures, not in words³⁵.
- 5.15 Reports should be written in a standard font size, with a font size no smaller than 11 point and line spacing of at least 1.5.
- 5.16 Hard-copy reports should be printed on single-sided international size A4 paper³⁶. Electronic report files should be formatted for A4 printing and filed in a non-editable format, such as PDF.
- 5.17 An appendix can be used to:
- a) list of data sources, like interviews, observations, case file documents and psychometric test data

³² Practice note s8.7

³³ FCR r68

³⁴ FCR r69

³⁵ FCR r67

³⁶ FCR r64, r65

- b) list of the consents acquired from all people in the report process
- c) provide technical or dense information like assessment data and report methodology.

Report sections to help parties benefit from the report

- 5.18 Reports may contain information that is very helpful for other professionals supporting a whānau, like social workers, teachers, counsellors or medical practitioners. Parties can apply to the Court for permission to share part, or all, of the report with these professionals.
- 5.19 Report writers can facilitate safe information sharing by summarising this information in an appendix to the report. The summary should:
 - a) include recommendations and information that may help other professionals support the whānau
 - b) be under three pages
 - c) exclude sensitive information.

Making redaction recommendations

- 5.1 If report writers believe that any information in the report, if shared, may create a risk of harm to any person, adult or child, they must document their concerns in a cover letter filed with the report. The Court will make decisions about what information can be shared with lawyers and parties³⁷.

³⁷ CoCA s134, OTA s192

6. After filing the report

Settlement conferences and similar events

- 6.1 There may be times when report writers are asked to attend court events. Report writers require the written approval of a Judge to attend a Settlement conference or a family group conference³⁸.

Appearing in court

- 6.2 Report writers must understand court processes and etiquette and be prepared to defend their methodology and conclusions. The FCC and lawyer for child can both provide a report writer with guidance on what to expect and how to prepare for a court appearance.
- 6.3 The following training modules were developed for court service providers:
- a) *The Aotearoa New Zealand Justice System*
 - b) *Who's who within the Aotearoa New Zealand Justice System and what their roles are at each stage of the process*
 - c) *Professional conduct: being neutral and independent in the justice system*
- 6.4 Chapter 4, *Expert Evidence: The Conduct of Expert Witnesses*, in *Psychology and the Law in Aotearoa New Zealand* provides guidance on appearing in court as an expert witness³⁹ (Seymour, Blackwell, & Tamatea, 2022).

Feedback from the Court

- 6.5 The Court is required to provide the report writer with a copy of the decision at the end of the case⁴⁰. The decision can help the report writer understand the impact their report had in the case and is important for the report writer's professional development. If the report writer does not receive a copy of the decision they can request a copy from the FCC.
- 6.6 Once a case is resolved, a judge (at their discretion) may give a report writer constructive feedback to enhance the quality of future reports.

³⁸ Practice note s7.5

³⁹ Tamatea, A. (2022). Expert evidence: The conduct of expert witnesses. In F. Seymour, S. Blackwell, & A. Tamatea (Eds.), *Psychology and the law in Aotearoa New Zealand* (4th ed., pp. 57-75). New Zealand Psychological Society.

⁴⁰ Practice note s11.10

- 6.7 In addition, court registry staff may provide report writers with feedback on the report writer's communication with the Court, report timeliness, administrative processes, invoicing or how the report writer works with the Court, legal professionals and court staff.

Updated reports

- 6.8 Report writers are not expected to repeat the original report when writing an updated report. Unless stated otherwise in the brief, updated reports should be treated as an extension of the original report and focus on changes and events since the completion of the original report.
- 6.9 Within the narrower focus of updated reports, report writers are expected to apply the same level of methodological and ethical rigor as for original reports.

7. Appendix 1 - Glossary

Term	Meaning
Case file	Documents held by the Court that relate to the case. Includes applications, affidavits, submissions, directions and orders.
Child	For CoCA s133 reports: A person under 18 years of age (CoCA s8) For OTA s178 reports: A person under the age of 14 years (OTA s2)
CoCA	Care of Children Act 2004
Collaterals	Individuals or institutions who provide information to the report writer as part of the report process who are not parties, lawyers, consulting experts in the case, or court staff.
Family Court Associate	Family Court Associates are a type of judicial officer in the Family Court. They have the power to make decisions about Family Court applications.
FV	Family Violence
HCR code	High Court Rules 2016 Code of conduct for expert witnesses
HDC code	Code of Health and Disability Services Consumers' Rights
HPCA	Health Practitioners Competence Assurance Act 2003
NZPB	New Zealand Psychologists Board
NZPB code	NZPB Code of Ethics
NZPB competencies	NZPB Core Competencies
OTA	Oranga Tamariki Act 1989
Participants	Any person involved in the case, directly or indirectly.
Parties	The adults directly involved in the case – the person, persons or agency who made the application the case is about, and the person, persons, or agency who are responding to the application.
SV	Sexual Violence
The Ministry	The Ministry of Justice

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