BC ASSOCIATION of CLINICAL COUNSELLORS

FAMILY LAW REPORTS

A Guideline for Registered Clinical Counsellors

February 2026

BC ASSOCIATION of CLINICAL COUNSELLORS

Contents

BC ASSOCIATION of CLINICAL COUNSELLORS

Introduction

Family law is the area of law that governs the formation and dissolution of domestic relationships. It includes matters such as marriage, separation and divorce, family violence and personal protection orders, adoption, assisted reproduction, and the determination of parentage and guardianship of children. For Registered Clinical Counsellors (RCC), the most common points of intersection with the law arise in disputes about parenting arrangements after separation. Your role is not to advocate for either parent but to help children, parents, lawyers, and decision-makers arrive at arrangements that serve the child's best interests.

In practice, this means you may be asked to prepare reports under s. 211 of the *Family Law Act*, offer assessments that inform court or arbitration processes, or contribute observations and recommendations that shape long-term parenting decisions. Because these tasks involve both professional judgment and legal responsibility, they must be approached with clarity, impartiality, and consistency.

This guideline is designed to be read alongside the BCACC Code of Ethics, the Standards of Clinical Practice, and stands alongside Standard 15: Preparing Family Law Reports. Together, these documents provide the ethical, professional, and procedural foundation for counsellors engaged in family law work. This guideline provides practical direction specifically on preparing family law reports, conducting assessments, and presenting evidence in legal contexts.

The content is organized into four major sections that reflect the life cycle of your work in this area: from your ethical orientation, to conducting assessments, to writing reports, and finally, to preparing for court.

Scope and Purpose

Standard 15: Preparation of Family Law Reports applies to all RCCs who undertake family law assessments and reports. It sets out expectations for:

- The **ethical and professional duties** governing impartiality, consent, confidentiality, and communication.
- The **conduct of family law assessments**, including observation, interviews, and collateral information gathering.
- The **preparation of family law reports**, including report types, mandatory content, and recommendations.
- The **role of RCC as expert witnesses**, including preparation for testimony and standards of accuracy, transparency, and professionalism.

Guiding Principles

This guideline and the Standard must be read considering:

- The **best interests of the child**, as the paramount consideration in all assessments and recommendations.
- The **scope of the appointment**, which defines the limits of the report and the authority of the RCC.
- The **counsellor's professional competence**, which includes specialized advanced training in relevant legislation, report writing, and demonstrated proficiency and clinical training

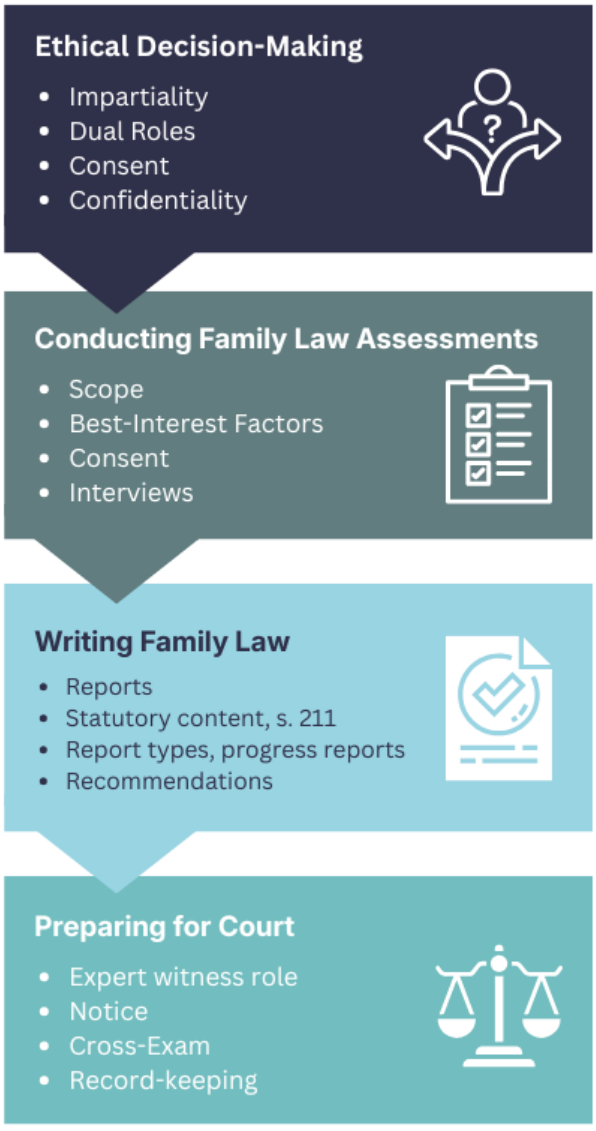
(knowledge and skills) in working with families and children involved in family law matters before accepting an appointment.

- The **role of the court or arbitrator**, which remains the final decision-maker. RCCs provide impartial analysis and recommendations, not determinations.

Determining Competency

Before embarking on this work of conducting the Family Law assessments, reports and potentially attending court, it is essential to determine your level of competency, training and experience. Best practice in this area requires RCCs to complete training that addresses working with collaborative family practice approaches, and 211 processes and reports in order to engage in this area of work.

Roadmap of the Guideline



How to Use this Roadmap

This roadmap reflects the progression you will follow in practice. You begin by grounding yourself in ethical standards. You then turn to the assessment stage, where you clarify the scope of your appointment, apply the statutory best-interests framework, and gather balanced, credible evidence. Next comes the report writing stage, where you transform assessment findings into clear, impartial reports, with particular attention to s. 211 reports, progress reports, and recommendations. Finally, you prepare for the possibility of giving evidence in court or arbitration, where your report may be scrutinized under cross-examination and treated as substantive evidence.

By following this sequence, RCCs can ensure their work meets both professional standards and the expectations of courts and arbitrators, while staying centered on the child's best interests.

BC ASSOCIATION of CLINICAL COUNSELLORS

Ethical Decision Making in Family Law

In the context of family law, ethical decision making refers to a structured approach used by clinical counsellors to navigate complex and often emotionally charged situations, while prioritizing the best interests of children and families. The ethical decision-making process encourages clinical counsellor to critically think, reflect and be accountable.

The ethical decision-making guidelines provide foundational principles that inform and shape the role of clinical counsellors and offer direction and consistency in the process to ensure that each case is considered within the ethical and legal framework.

Together these component support clinical counsellors to make sound judgements in complicated and sensitive matters related to family law.

The Framework of Family Law

Family law in British Columbia is governed by both statute law and common law. Statutes are the written laws enacted by the federal and provincial governments, while the common law consists of judges' decisions interpreting those statutes and developing principles where legislation is silent.

The two most important statutes for parenting disputes are:

- ***The Divorce Act*** (federal), which applies to people who are, or were, married; and
- ***The Family Law Act*** (provincial), which applies to everyone in a family relationship, including married, unmarried, and common-law parents.

Both statutes now use modernized, parallel language following amendments to the Divorce Act in March 2021. Instead of the older terms "custody" and "access," the law now speaks in terms of:

- **Parenting time** - the schedule of a child's time with parents or guardians. Those with parenting time may make day-to-day and urgent decisions while the child is in their care.
- **Parental responsibilities** - the authority to make major decisions about a child's health, education, culture, and other significant matters. These may be shared or divided between guardians.
- **Contact** - scheduled time children may spend with extended family members or other important non-guardians. Unlike parenting time, contact does not include decision-making rights or access to a child's personal information.

While the terms "custody" and "access" are no longer in use, they continue to appear in older agreements, court orders, and arbitral awards. Counsellors should therefore be fluent in both the older terminology and the modern statutory framework.

Understanding this legal framework is essential. It shapes the scope of your appointments, the content of your reports, and the way your work is used by judges, arbitrators, and lawyers in resolving parenting disputes.

Quick Reference: Legislation, Courts, and Rules

The table below summarizes the key legislation and court structures that shape family law practice in British Columbia. This reference should be read alongside the Code of Ethics, Standards of Practice, and Supplementary Standard 15: Preparing Family Law Reports, which this guideline corresponds with.

Category	Reference	Relevant Sections
Legislation	*Family Law Act*	ss. 37–42 (best interests, parental responsibilities, parenting time), s. 59 (contact), s. 211 (assessments)
	Divorce Act	ss. 16–16.5 (parenting time, decision-making responsibility, contact)
Courts of British Columbia	Provincial Court	Jurisdiction: *Family Law Act* matters
	Supreme Court	Jurisdiction: *Family Law Act* + *Divorce Act* matters
	Court of Appeal	Reviews decisions of the Provincial Court and Supreme Court
Rules of Court	Provincial Court (Family) Rules	Rule 11 (expert evidence/reports)
	Supreme Court Family Rules	Rules 13-1, 13-2, 13-6 (expert witnesses and reports)
	Court of Appeal Rules	Appeals process and procedure
Parenting Legislation	Parenting Time	FLA s. 42; DA s. 16.2
	Parental Responsibilities / Decision-Making Responsibility	FLA s. 41; DA s. 16.3
	Contact	FLA s. 59; DA s. 16.5

Ethical Decision-Making

Why this matters

Trust in family law reports depends on impartiality, fairness, and transparency. Even the perception of bias can damage credibility, undermine the usefulness of a report, and lead to complaints. Clear boundaries, consistent communication, informed consent, and careful management of confidentiality protect children and families, safeguard counsellors legally, and maintain the integrity of the profession.

Ethical Obligations

Act with fairness and impartiality - You should act in a balanced, fair, and impartial fashion, in keeping with RCCs ethical and legal duties, when preparing a family law report or any other expert report. When writing a section 211 report or evaluative views of the child report, use your best judgment, assessment skills, and reasoning. At times, this may require a creative but balanced approach.

For example, a child expresses anxiety about time with one parent. If you present the statement without context, the court may overestimate its significance; if you omit it, the concern may be minimized. A balanced approach would be to reframe the statement in developmentally appropriate language, showing the court the child's perspective without exaggerating or diminishing its importance.

Practice Pain Point – Framing a Child's Statement

Challenge: How to present a child's comment without overstating or minimizing.

Tip: Use developmentally appropriate paraphrasing and add context (what was asked, setting, affect). Pair the quote with a brief rationale for how it informs best-interests. Do not predict outcomes.

Withdraw if objectivity is compromised - If you recognize that your professional objectivity and impartiality has become compromised at any point in your retainer, you should withdraw from the assessment process and advise the parties, their lawyers or the appointing arbitrator or judge.

Preventing Role Conflicts and Dual Relationships

Practice Pain Point – Dual Roles in Small Communities

Challenge: You are the only viable clinician and have a prior therapeutic role.

Tip: If proceeding under order/consent, separate roles in writing, describe limits in the report, and avoid importing therapy notes unless explicitly authorized and relevant.

Avoid dual relationships, unless specifically authorized - Because RCCs provide a wide range of counselling and therapeutic services to parents and their children, before, during and after the breakdown of a family relationship, it is important to keep the assessment role separate. This important

principle is discussed in more detail in section 4.4 of the Association's standards of practice for clinical counselling reports.

While acting as an assessor, RCCs should avoid multiple roles, such as simultaneously acting as a therapist, a consultant, a mediator, an arbitrator or an advisor to the members of the same family.

Exceptions are very limited - The only circumstances where roles may be permitted are when:

- the appointing arbitrator or judge makes an order allowing you to continue in both roles; or
- all parties give their informed consent.

Practice Pain Point – Pressure to Accept a Dual Role

Challenge: Court or counsel urges continuity ("you know the family best").

Tip: You are not obligated to accept. If you do, state safeguards: separate files, distinct appointment letters, disclosure of prior role to both parties, and how you'll avoid therapeutic drift.

Understand why some courts allow it - Orders permitting multiple roles are usually made for pragmatic reasons: for example, you may already have a longstanding relationship with the child, you may have unique knowledge of the family, or you may be working in a small community where no alternative assessor is available.

Remember your obligation remains - Even when a court authorizes a dual role, your ethical responsibility to avoid conflicts still applies. Prior therapy work can bias your assessment and reduce your credibility. Conversely, acting as an assessor while providing therapy can undermine the effectiveness of the therapeutic relationship.

For example, in a small town with no alternate assessors, a judge may order you to continue therapy with a child, while also preparing a family law report. This puts you in a dual role that risks bias. In this situation, you must be transparent about your prior relationship, carefully separate your roles, and explain these limits in your report so the court understands the context.

You are never obligated to accept - Even with a court order, you may decline the appointment if you are not willing or able to carry it out while maintaining professional obligations. Notify the referring party as soon as possible.

For example, if you are already counselling a child in a therapeutic role and are later asked to prepare a family law report about that same child, you should normally decline. Even if a court order allows it, you must assess whether you can remain impartial, and you are never required to accept if you cannot

Be clear about your role - Always explain to parents and children that you are acting as an assessor, not their RCC or mediator. This helps manage expectations and reduces confusion.

Disclose any past relationships promptly - If you have worked with a parent or child before, you must inform the parties as soon as you are contacted. Under Family Law Act, s. 211(2)(b), you cannot accept the appointment unless each party consents.

Decline if obligations cannot be met - Even with a court order, you are not required to accept an appointment if you cannot do so ethically or professionally. Let the referring party know as soon as possible. For example, if you are already counselling a child in a therapeutic role and are asked to

prepare an assessment report about that same child, you should normally decline unless the court has ordered otherwise and you are confident you can remain impartial.

Addressing Perceptions of Bias

Manage the assessment evenly - Give each parent equal opportunity to participate and provide information. This includes spending comparable amounts of time with each parent, interviewing roughly the same number of collateral references for each parent, and requesting information of the same type and level of detail from each side.

For example, one parent is very organized and provides a long list of collateral witnesses (teachers, coaches, neighbours), while the other offers only one contact. To avoid the perception of bias, you may need to seek out additional balanced sources for the second parent, rather than relying solely on the uneven lists provided.

Practice Pain Point – Asymmetric Parent Input

Challenge: One parent is organized with many collaterals; the other is not.

Tip: Aim for parity in time and sources. When parity is not possible, explain the variance and your mitigation (e.g., added neutral school/health references).

Document your process symmetrically - Record dates, times, and locations of each interview and the length of meetings. If you ask one parent about concerns raised by the other, include both the concern and the response in your report. Always provide the second parent an opportunity to raise their own concerns, and follow up with the first parent in the same way.

Write with neutrality - Be even-handed when describing parents and their parenting. Avoid irrelevant details about appearance, clothing, personality, or home conditions unless they directly affect the child's best interests. Exclude disparaging or inflammatory language.

For example, a parent becomes angry during an interview and raises their voice. Instead of writing, "The parent A was aggressive and unstable," you should record: "The parent A raised her voice during the interview when discussing scheduling issues. She later calmed and continued the discussion." This ensures behaviour is described factually without judgment.

Practice Pain Point – Describing Emotion Without Judgement

Challenge: Recording heated interactions without value-laden labels.

Tip: Stick to behavioural descriptors (what was said/done, duration, outcome). Avoid adjectives like "aggressive"; use factual sequence as you model in the example.

Balance your coverage - Give comparable attention to each parent's interviews, collateral references, and parenting strategies. This ensures one parent is not portrayed more fully than the other. When concerns are raised, present them proportionally to their relevance, without overstating or minimizing.

BC ASSOCIATION of CLINICAL COUNSELLORS

Informed Consent in Practice

Practice Pain Point – Order vs. Consent Confusion

Challenge: Do I still need consent if there is a court/arbitration order?

Tip: If ordered, you may proceed without consent, but still identify all guardians, verify the latest order, and notify both sides. Keep the same documentation discipline you use when consent is required.

Confirm whether consent is required - If your appointment comes from a court order or arbitrator's award, you do not need to obtain consent. In all other cases, you must obtain informed consent from adults, mature minors, and, where appropriate, parents or guardians on behalf of children who cannot consent. See section 5.2 of the Association's standard of practice for clinical counselling reports for more information.

Obtain consent from adults and mature minors - Every adult involved in the assessment must provide informed consent before you begin. It is best practice that these consents should be in writing and kept in your file. If consent is given orally or implied through a person's actions, you must document the date, method, and context in the file.

Complaint Hotspot – Parental Consent and Notification

Issue: Complaints have arisen where one parent was not contacted or informed that their child was being assessed or counselled.

Do This Every Time:

1) Identify all guardians and confirm who holds decision-making authority.
2) Request and log the most recent court or arbitration order from both parents.
3) Copy both parents (or their counsel) on all communications, unless confidentiality or safety limits apply.
4) Record how consent was obtained—written, oral, or implied—and explain why oral consent was used if applicable.

Legal Note: Family Law Act ss. 37, 211(2)(b); Infants Act s. 17 (capacity).

Mature minors, including youth under the age of majority (19 in B.C.) who have the capacity to understand, can provide their own consent. Section 17 of the Infants Act allows a young person to consent to health care without parental approval if you have:

- explained the risks and benefits of the assessment;
- determined that the young person understands those risks and benefits; and
- concluded that participation is in the young person's best interests.

The Infants Act does not use the term "mature minor," but courts apply the common law principle that children who demonstrate sufficient intelligence and understanding are capable of consenting on their own. See Ney v. Canada (1993, Supreme Court of Canada) for further discussion of this principle.

Even though parental consent is not legally required once you are satisfied the youth is capable, it is good practice to obtain it. Parental buy-in helps avoid later disputes and supports smoother participation. These consents, too, should be in writing.

For example, a 16-year-old demonstrates clear understanding of the process and consents to the assessment. One parent refuses to sign, claiming the child cannot decide. Under the Infants Act, the youth's consent is valid. You should document your capacity assessment carefully, note the parent's objection, and proceed, ensuring your file clearly shows why you determined the youth was capable.

Obtain consent for children who are not capable - If a child is too young or lacks capacity to consent, you must obtain consent from:

- both parents, where no order or agreement divides parental responsibilities; or
- all guardians who hold decision-making authority under an agreement or order.

Mature minor assessments should be regularly reassessed to ensure that the minor's capacity for consent remains appropriate to their evolving cognitive, emotional and psychological development. Ongoing assessment is essential as maturity and understanding of minors can fluctuate overtime or change due to evolving circumstances. Regular reassessment supports and safeguards the best interest of the minor.

Practice Pain Point – When Only Oral Consent Is Feasible

Challenge: Tight timelines or remote contexts lead to oral consent.

Tip: Time-stamp the discussion, record exact content (risks/benefits/limits), and set a deadline to obtain written consent. Note why written was not immediately possible.

Prioritize written consent and understand the risks of oral consent - Written consent is always best, because it creates a clear record of agreement. Oral or implied consent can be legally valid, but it is far harder to prove if later questioned.

Consent protects both the client and you as the counsellor. For clients, it ensures they are fully aware of the nature, risks, and potential impacts of the assessment, avoiding unexpected outcomes, discomfort, or costs. For counsellors, it provides a defense against allegations of negligence, incompetence, or harm.

If consent is only oral or implied, you may not be able to prove that the client was told about the risks and benefits, understood them, and agreed to proceed. If a disagreement arises about whether consent was given, or what specifically was consented to, you could lose the legal protection that consent provides.

For example, a parent agrees verbally at the start of an assessment interview but never signs the written consent form. Later, when the report includes findings that the parent disagrees with, they claim they never gave permission for the assessment to proceed. Without written documentation, you may have no proof that consent was obtained, leaving you vulnerable to a complaint or liability claim.

Practice Pain Point – Parent Non-Contact in High-Conflict Cases

Challenge: One guardian is unreachable or there are safety constraints.

Tip: Document all attempts (dates/modes), cite the legal basis (e.g., sole guardianship, safety order), and state how lack of contact limits your conclusions

Document reasons for non-contact – If you proceed without contacting one of the child's parents or guardians, clearly record in your file the reason and legal basis (e.g., sole guardianship order, safety concerns, explicit court direction). Simply noting "parent A not contacted" is not sufficient. A full rationale demonstrates transparency and protects you if your decision is later questioned in court.

Act immediately on withdrawal of consent – If a parent or guardian withdraws consent, stop services right away and document both the withdrawal and any immediate steps taken (such as notifying the other parent or the court, if appropriate). Do not continue sessions in the hope of resolving disputes privately; doing so risks allegations of bias or breach of authority.

Communications Considerations

Practice Pain Point – Unsolicited / One-Sided Messages

Challenge: Parents text or call outside scheduled channels.

Tip: Use a standard boundary script ("I need to include both parties"), log the contact, and issue a same-day neutral summary to both sides.

Communicate transparently and evenly with all parties - With the exception of scheduled interviews, you should not speak or correspond with one parent or their lawyer without including the other. This principle applies not only to substantive conversations about the assessment, but also to seemingly minor scheduling or process updates, which can later be framed as evidence of bias if not documented and shared.

Copy both sides on all correspondence – Any written communication (letters, emails, summaries of phone calls) should be shared simultaneously with both parents or both counsel. If you must respond to a direct message, reply in a way that includes the other side as well, or immediately forward the exchange with a note that it was received. Even inadvertent omissions can create perceptions of favouritism.

Be explicit about boundaries – If one parent seeks private discussion or pressures you for "off the record" comments, stop the conversation politely but firmly. Make clear that your role requires transparency and neutrality, and follow up in writing to both parents (or counsel) documenting that the attempt was made and how you responded. This protects you against later allegations of secrecy or bias.

For example, one parent calls late at night to "quickly check in" about how their child is presenting in interviews. Even if you do not share substantive information, the other parent could later allege you did. The correct response is to stop the call, remind the parent that all communications must be shared equally, and then send a brief written note to both sides confirming the call occurred and that you reinforced your communication boundaries.

Clarify your role in writing – Early in your retainer, explain in clear language that you are acting as an assessor, not a therapist, mediator, or advocate. Reinforce this message periodically in your correspondence. Parents under stress may blur roles over time, and reminding them helps avoid later claims that you misrepresented your position.

Document all significant interactions – Keep a running log of communications with each party, noting dates, times, and whether the other parent was copied or included. If you are drawn into an unplanned or one-sided communication (e.g., an unsolicited email, unscheduled call, or an attempt at informal lobbying), log the interaction and your response, then share a neutral summary with both parties.

By treating transparency as both a practice and a defensible record, you reduce complaints, protect your credibility, and model fairness for the families involved.

Complaint Hotspot – One-Sided Communication

Issue: Complaints often stem from private messages or calls that were not disclosed to the other parent, creating the appearance of bias.

Do This Every Time:

1) End any unplanned or one-sided call or message politely but immediately.
2) Record the interaction in your communications log (date, time, purpose, your response).
3) Send a short neutral summary to both parties to maintain transparency.

Practice Pain Point – Role Drift in Emails

Challenge: Parents start treating you like their therapist/advocate.

Tip: Re-state in writing: assessor role, not therapy or mediation; reference your scope and redirect therapeutic issues back to treating providers.

BC ASSOCIATION of CLINICAL COUNSELLORS

Managing Confidentiality and Legal Disclosure

Advise on privacy laws at the start of each interview - Explain that personal information will be collected, used, disclosed, and stored in accordance with the Personal Information Protection Act (PIPA), or, if you are a government employee or work for a government-funded agency, under the Freedom of Information and Protection of Privacy Act (FOIPPA).

Complaint Hotspot – Mature Minor Capacity & Confidentiality
Issue: Complaints have arisen when counsellors claimed a youth was a mature minor without showing how capacity was assessed or how limits on parental access were explained.
Do This Every Time:

1) Complete a capacity screen (understanding, appreciation, voluntariness – Infants Act s. 17).
2) Document the youth's explanation of the process and your judgment of capacity; set a review date or trigger (e.g., every 6–8 weeks or if circumstances change).
3) If treating as a mature minor, record what you told parents about access limits and how information will be shared.
4) If a disclosure could create risk, route that content to the decision-maker only and note your rationale.

Legal Note: Infants Act s. 17; Andrusiek v. Andrusiek.

Explain your duty to report - At the start of each interview, make sure participants understand that you are legally obligated to report concerns about child protection. Under the Child, Family and Community Service Act, s. 14, if the information you gather gives you reason to believe a child is in need of protection, you must report it to the Ministry of Children and Family Development.

This duty is not optional and cannot be waived by parents or children. It applies regardless of whether the disclosure comes from a child, a parent, or a third party, and even if the concern seems minor. Parents and informants must know that safety concerns will not stay confidential.

Practice Pain Point – Balancing Safety Reporting and Rapport
Challenge: Fear of harming rapport when reporting safety concerns.
Tip: Pre-warn at intake that duty to report is non-waivable. When it triggers, inform the party neutrally, document who/when you reported, and avoid investigative interviews outside your scope.

Clarify limits of confidentiality in legal disputes - If the assessment is being prepared for arbitration or litigation, advise participants that they may also be required to testify about their statements under oath

before an arbitrator or judge. Participation does not shield them from being called as a witness, and the information they provide may become part of the evidence and public record.

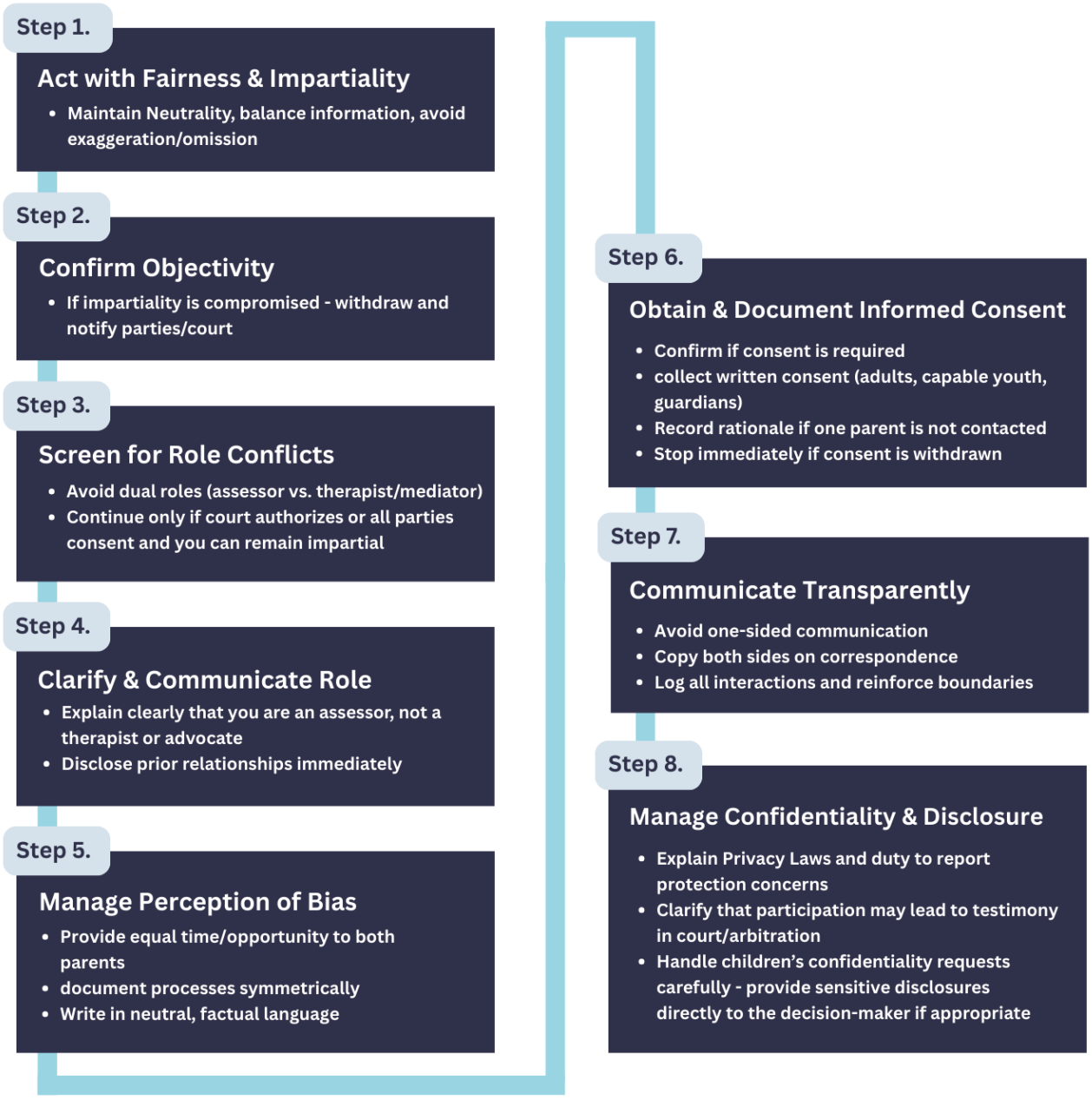
For example, during an interview, a teacher tells you that a child has mentioned being left alone overnight. Even if the teacher insists this information remain "off the record," you must report it to the Ministry immediately, and you should explain this duty clearly to all informants at the beginning of your interviews to avoid surprises.

Handle children's requests for confidentiality with care - If a child asks you to keep something secret, you must weigh whether including the information is in the child's best interests. If you decide to include it, you should provide your report directly to the mediator, arbitrator, or judge, without copying the parents or their lawyers. It is then up to the decision-maker to determine whether the information will be disclosed (Andrusiek v. Andrusiek, 1999 BCCA).

For example, a child discloses that they feel unsafe with one parent but begs you not to share it with either parent. You determine the information is critical to the child's best interests. In this case, you should include the disclosure in your report but send it only to the court or arbitrator. The decision-maker, and not you, will decide if and how it is shared with the parents.

BC ASSOCIATION of CLINICAL COUNSELLORS

Ethical Decision-Making Pathway for Preparing Family Law Reports



References

Statutes

- *Family Law Act, SBC 2011, c. 25, s. 211(2)(b).*
- *Infants Act, RSBC 1996, c. 223, s. 17.*
- *Child, Family and Community Service Act, RSBC 1996, c. 46, s. 14.*
- *Personal Information Protection Act, SBC 2003, c. 63.*

- *Freedom of Information and Protection of Privacy Act, RSBC 1996, c. 165.*

Case Law

- *Kwan v. Lai, 2016 BCSC.*
- *Ney v. Canada, [1993] 1 SCR 658 (Supreme Court of Canada).*
- *Andrusiek v. Andrusiek, 1999 BCCA.*

Professional Standards and Guidelines

- *BCACC Standards of Practice for Clinical Counselling Reports, s. 4.4 (dual roles), s. 5.2 (informed consent)*

Conducting Family Law Assessments

Why this matters

Section 211 reports are critical because they make RCCs the "eyes and ears of the court" (*T.E.A. v. R.L.H.C.*, 2018 BCSC). Judges and arbitrators rarely meet children or observe families outside the artificial setting of a courtroom, and they often lack psychological training. Your independent, evidence-informed perspective provides invaluable insight into the child's needs, views, and family dynamics. A fair, well-documented assessment strengthens confidence in the report, helps courts and arbitrators focus on the child's best interests, and can reduce unnecessary conflict between parents.

Authority and Scope of Appointment

Understand the scope of your appointment - According to the *Family Law Act*, Section 211(1), a court may appoint you to assess and report on one or more of the following:

a) A child's needs in relation to a family law dispute (section 211(1)(a));
b) A child's views in relation to a family law dispute (section 211(1)(b)); and/or
c) A parent's ability and willingness to meet the child's needs (section 211(1)(c))

You may be asked to address only one area (for example, the child's views about where they attend school), or two or all three areas in a full parenting assessment. Lawyers, mediators, and arbitrators often refer directly to s. 211 when requesting reports, even outside formal court proceedings. For this reason, always clarify which parts of s. 211 your appointment covers before beginning the assessment.

Practice Pain Point – Ambiguous or Vague Referrals
Challenge: Referral letters often cite "s. 211 report" without specifying whether it covers needs, views, or parental capacity.
Tip: Always clarify scope in writing before accepting, quote the exact sections (211(1)(a–c)) and confirm with both sides how far your mandate extends.

Ensure you are eligible to accept appointments - Before accepting an appointment under s. 211, confirm that you meet the eligibility requirements in the *Family Law Act*, s. 211(2):

a) you are approved by the court; and
b) you have no prior connection with the parties, unless each party provides informed consent.

If you have a past professional or therapeutic relationship with the child or parents, disclose it immediately. You may only proceed if all parties involved consent in writing or if the court specifically authorizes the appointment. Even then, carefully assess whether you can remain impartial. If you cannot, decline the role and notify the referring party promptly.

In small communities, a judge may authorize you to continue despite a prior connection, for example if you have unique knowledge of the family or there is no other qualified assessor available. In these situations, explain the limits of your prior role and clearly separate it from your assessment role to preserve objectivity.

Verify and monitor court orders - Always request and review the most recent custody, guardianship, or parental responsibilities order before beginning an assessment. These documents define who can provide consent, what authority each parent holds, and the scope of your role. If an order is later varied, require updated confirmation before proceeding. Skipping this step is a common source of complaint: parents may later allege you acted without proper authority, placing both your report and your professional credibility at risk.

For example, parent A provides you with a court order from 2022 showing joint guardianship. Parent B later produces a more recent 2024 order granting him sole decision-making on medical matters. If you had relied only on the earlier order, any medical consent obtained from parent A could be challenged as invalid. By verifying and requesting the most up-to-date order from both parties at intake, you avoid acting outside your authority and protect the integrity of your report.

Complaint Hotspot – Acting Without Updated Authority

Issue: Complaints arise when counsellors rely on outdated custody or guardianship orders, leading one parent to allege the assessment exceeded their legal authority.

Do This Every Time:

1) Request and review the most recent court or arbitration orders from both parents before starting.
2) Check and record key elements: guardianship, decision-making authority, protection or contact limits.
3) Confirm in writing which documents you are relying on ("These are the current orders on file unless replaced").
4) Set a notification rule: parents must advise you within 48 hours of any new or varied order.

Legal Note: Family Law Act s. 211(5); Provincial and Supreme Court Family Rules on expert evidence.

Stay within the scope of your appointment - Always stay within the limits of your appointment. If you are asked to assess a child's views, do not expand your role to evaluate parental capacity or make recommendations about parenting arrangements unless the order or referral letter explicitly authorizes it.

For example, if you are appointed to prepare a non-evaluative views of the child report, you may summarize what the child says about wanting to attend a particular school, but you must not recommend which parent should oversee their education.

Practice Pain Point – Pressure to Opine Beyond Mandate

Challenge: Counsel or parents often ask for opinions outside your defined scope ("just tell us who should have primary residence").

Tip: Reference the appointment order verbatim and state politely: "My mandate does not include that determination." Document these requests and your response in your file.

Best Interests of the Child

Understand the statutory framework - The best interests of the child is the central principle guiding all family law assessments. Both the Family Law Act (FLA s. 37) and the Divorce Act (DA s. 16) make it clear that the child's needs and circumstances are the only consideration when parenting decisions are made.

- *The Divorce Act* requires that all factors be assessed in light of three overarching considerations: the child's physical, emotional, and psychological safety, security, and well-being (DA s. 16(2)).
- Both statutes add special provisions for family violence: FLA s. 38 and DA s. 16(4). These sections direct you to consider not only the presence of violence but its impact on the child and the child's relationships.

It is essential to read and understand these statutory factors in full. Courts expect you to show that you have considered all relevant needs and circumstances, and parties will challenge reports that appear selective or incomplete.

Assess all relevant needs and circumstances - When conducting an assessment, you are expected to go beyond listing factors — you must analyze how each applies in the child's specific context. Courts look for a clear link between the statutory factors and your observations, so your analysis should explain why each factor is relevant, and how different considerations interact.

Use the following domains as your framework. Each includes the statutory references so you know which law it comes from, and examples to illustrate application.

Domain	What to Look For	Statutory References	Example Application
Health and Well-Being	The child's physical, emotional, and psychological health, including medical needs, special needs, and mental health. Consider whether each parent can meet these needs.	FLA s. 37(2)(a); DA s. 16(3)(a); DA s. 16(2)	A child with ADHD needs structured routines. Assess whether each parent understands the diagnosis, follows treatment plans, and creates consistent structure.
Child's Views	The child's preferences, expressed in developmentally appropriate ways. Consider maturity and whether views are consistent over time or influenced by pressure.	FLA s. 37(2)(b); DA s. 16(3)(e)	A 14-year-old consistently says they prefer living primarily with one parent to stay in their school. Consider the maturity of this preference and whether it is free from parental influence.

Relationships	The quality of the child's attachments with parents, siblings, extended family, and other significant figures. Assess emotional bonds, caregiving history, and the impact of changes.	FLA s. 37(2)(c); DA s. 16(3)(b), (f)	A young child has always lived with one parent as the primary caregiver. Attachment security may weigh heavily, even if the other parent has strong extended family support.
History and Plans of Care	Past caregiving arrangements and each parent's plans for future care. Look for patterns of stability or disruption and whether proposed plans are realistic.	FLA s. 37(2)(d); DA s. 16(3)(c)	One parent proposes a new 50/50 schedule but has historically provided minimal day-to-day care. Consider whether this plan aligns with the child's needs or represents an abrupt change.
Stability	The importance of consistency in housing, schooling, peer relationships, and routines. Balance stability against other needs, such as maintaining important relationships.	FLA s. 37(2)(e); DA s. 16(3)(d)	An adolescent thriving in a particular school may need educational continuity, even if relocation would offer more time with the other parent.
Parental Ability	Each parent's ability to meet the child's developmental, emotional, and practical needs. Consider strengths, weaknesses, and the impact of mental health or addiction.	FLA s. 37(2)(f); DA s. 16(3)(f)	A parent with depression may still meet the child's needs if they are in treatment and supported by extended family. Lack of treatment or insight may be more concerning.
Support for Relationships	Each parent's willingness to encourage the child's relationship with the other parent. Look for cooperation, flexibility, and respect for boundaries.	FLA s. 37(2)(g); DA s. 16(3)(i)	A parent repeatedly undermines the child's bond with the other parent. Even if otherwise competent, this undermines the child's long-term best interests.
Family Violence	The presence and impact of family violence or coercive control. Assess safety, emotional security, and whether the child or parent can realistically thrive in such an environment.	FLA s. 37(2)(h), s. 38; DA s. 16(3)(j), s. 16(4)	A parent may provide care but also exerts controlling behaviour over the other parent. Document how this dynamic affects the child's sense of security and development.

Rarely will one factor determine the outcome. For example, stability of the child's school environment may suggest maintaining the current residence, but if the current caregiver is unwilling to support the child's relationship with the other parent, the court may give greater weight to relational support. Always explain how you balance competing factors.

Address family violence specifically - Both the *Family Law Act* (s. 38) and the *Divorce Act* (s. 16(4)) require special attention to family violence, including its impact on the child's safety, security, and long-term well-being. Screening for coercive control and documenting how violence affects parenting capacity and the child's relationships is essential.

For example, a parent may appear highly involved in day-to-day care but also engages in coercive or controlling behaviour toward the other parent. Your assessment must identify and explain how this conduct affects the child's safety and stability, even if the parent otherwise demonstrates caregiving skills.

Apply consistently in and out of court - Although mediators and arbitrators are not always legally bound by the same statutory requirements as judges, the Family Law Act (s. 19.10(6)) makes clear that arbitrators deciding on parenting issues must also apply the best interests of the child as defined in s. 37. This means your analysis should always be framed by the same principles, regardless of whether the process is litigation, mediation, or arbitration.

Competence

Confirm your qualifications before accepting an appointment - Before accepting any appointment, confirm that you have the required knowledge and skills. Competence is not only an ethical obligation, but also a statutory expectation that underpins every part of a family law assessment. Reports must be grounded in both legal and psychological expertise, and taking on an assessment without adequate preparation can compromise the process and outcomes. Where needed, seek additional training, supervision, or consultation to meet professional standards.

The table identifies the core competence areas required for RCCs conducting family law assessments. Each area is paired with the specific knowledge required and mapped to the best-interests factors in the *Family Law Act* (s. 37, 38) and *Divorce Act* (s. 16). This helps you see not only what professional skills you need, but also how they directly connect to the legal framework you must apply in your reports. Use this as a self-check before accepting an appointment and as a guide for ongoing professional development.

Competence Area	Knowledge Required	Linked Best-Interests Factors
Child and Family Development	Family systems theory; attachment (including resist–refuse dynamics); developmental psychology; effects of abuse, neglect, trauma, and separation; grief and loss; children with special needs	Child's health and emotional well-being (FLA s. 37(2)(a); DA s. 16(3)(a)); Child's need for stability (FLA s. 37(2)(e); DA s. 16(3)(d))
Family Dynamics and Risk	Coercive control and family violence (screening and impact); substance use and mental health; parental conflict and its effects	Family violence (FLA s. 37(2)(h), s. 38; DA s. 16(3)(j), s. 16(4)); Ability/willingness of each parent to meet needs (FLA s. 37(2)(f); DA s. 16(3)(f))
Law and Professional Standards	Family Law Act and Divorce Act provisions on best interests, parenting time, responsibilities, and contact; rules of court on expert evidence	Child's needs, views, parental capacity (FLA s. 211; DA s. 16); Duty of impartiality to the court
Assessment Practice Skills	Interviewing children, parents, and collateral references; screening for coercive control and family violence; using testing instruments appropriately	Child's views and preferences (FLA s. 37(2)(b); DA s. 16(3)(e)); Strength/nature of relationships (FLA s. 37(2)(c); DA s. 16(3)(b))

For example, if you are asked to assess a family with a history of coercive control but have not yet received training in identifying its effects, consult with a supervisor or decline the appointment until you are adequately prepared. This safeguards children and families, protects your professional credibility, and ensures your report withstands scrutiny.

Role of the Clinical Counsellor

Recognize the role you are assuming - When you agree to prepare a family law assessment, you are being appointed for your independence, expertise, and objectivity. Your task is not to advocate for a

parent, but to provide a measured, well-reasoned opinion that helps decision-makers understand the child's needs and best interests.

Courts have consistently emphasized this impartial role. In L.C.T. v. R.K. (2015 BCSC), the judge described mental health professionals preparing these reports as using "their education, experience and expertise to conduct the assessments with an eye to the objective of assisting the courts in determining what is in the children's best interests."

Understand and apply cost allocation considerations - Under the *Family Law Act* (s. 211(5)), the court decides how the costs of the assessment will be paid. This may involve sharing costs between the parties or requiring one parent to pay in full.

Be clear in your retainer letter about who is responsible for payment, and request written confirmation from counsel or the parties before beginning the assessment. This prevents disputes later and reinforces transparency.

Observations and Interviews

Plan to assess key areas with children - When interviewing a child, your assessment should cover key developmental, relational, and experiential domains. At a minimum, explore:

- the child's maturity, personality, and character;
- health and emotional well-being, including any special needs;
- education and extracurricular involvement;
- emotional bonds with parents, siblings, and extended family;
- experiences of parental separation and involvement in dispute resolution;
- awareness of their parents' positions and the dispute process;
- experiences of parental conflict, including exposure to family violence;
- satisfaction with current parenting arrangements; and
- wishes for the future regarding parenting arrangements, family relationships, schooling, and activities.

You should avoid bluntly asking children to choose the parent with whom they prefer to live. Instead, with older children, it may be appropriate to frame questions around potential changes ordered by a judge or arbitrator, such as:

- "How would you feel if you had to spend more time with one parent than the other?"
- "How would it feel if you had to move to another town or city with a parent?"
- "What would it be like if you were separated from a sibling?"

Arrange opportunities to observe family interactions - In conducting assessments for a section 211 report, observation helps you understand family dynamics beyond self-report. Whenever possible, observe:

- each parent with each child;
- parents with their new partners; and
- new partners with the children.

If you cannot observe a parent and the children in a home setting, due to safety concerns, refusal by one parent, or geographic barriers, your observations should occur in a neutral setting that encourages natural interactions, such as a park or a restaurant, or even your workplace, if no other acceptable alternative presents itself. Videoconferencing, through services, such as FaceTime and Zoom, is another acceptable option, if handled thoughtfully.

Complaint Hotspot – Asymmetry and Perceived Bias

Issue: Complaints have been filed when reports showed unequal observation time or unbalanced collateral input between parents, creating the appearance of bias.

Do This Every Time:

1) Aim for parity in contact time with each parent (within roughly 10%).
2) Balance collateral sources—if one parent provides more references, add neutral or independent sources for the other.
3) Document any variance (e.g., refusals, safety limits, or scheduling barriers) and explain how you mitigated it.

Legal Note: Aligns with BCACC Standards of Practice and Family Law Act ss. 37–38 (best-interests framework).

Collect additional sources of information - You may also wish to seek out other sources of information about the parents and their children. While you may always do this when preparing the other reports authorized by section 211 of the *Family Law Act*, the assessment you conduct when preparing general reports on children's parenting arrangements may be much improved by additional information.

The other information you obtain will either come from documents or from conducting interviews with individuals with personal knowledge of the parties and their children. Additional informants may include teachers, coaches, doctors, counsellors, extended family, neighbours, or community leaders. Consider the following additional sources of documentary information for section 211 reports:

- Previous agreements, awards and orders addressing family violence and the children's parenting arrangements;
- Affidavits and other forms of statement provided by the parents and other individuals;
- Previous reports on the children's parenting arrangements, previous views of the child reports;
- Report cards and other school records, including educational assessments;
- Medical and psychiatric records, including medico-legal reports such as employment assessments; and,
- Criminal and child protection record checks.

Be careful about documents sent by parents or lawyers. You may be overwhelmed with partisan materials, some of which conflict. Establish clear boundaries early about what you will review, and note in your report how you determined relevance.

Collateral Information

Interview collateral references identified by the parents - Parents will usually provide you with a list of other people they would like you to interview as collateral references. However, the informants identified by a parent are inevitably those persons the parent believes to be most likely to provide positive comments about themselves and their excellent parenting skills. While partisan, their input can still provide useful insight into:

- family dynamics;
- strengths and weaknesses of each parent; and
- the needs of the child.

Do not automatically discount partisan informants, but avoid relying on them exclusively.

Seek additional independent references - To balance perspectives, you should also reach out to informants not identified by the parents. Useful sources often include:

- the child's teachers, coaches, doctors, therapists, social workers, or dentists,
- the parent's therapists or counsellors,
- neighbours and extended family members,
- community leaders and elders,
- the parent's coworkers or colleagues, and
- the parent's current or former partners.

Obtain proper authorization - Before interviewing any collateral informants, ensure that you have obtained a release and authorization from each parent, including collateral references provided by the parents. A general release is sufficient and does not need to identify each individual by name.

Avoid relying only on the long list of informants one parent provides while the other offers very few. To prevent the appearance of bias, seek additional neutral sources for the second parent rather than leaving the record unbalanced.

Practice Pain Point – Asymmetric Parent Input

Challenge: One parent is organized with many collaterals; the other is not.

Tip: Aim for parity in time and sources. When parity is not possible, explain the variance and your mitigation (e.g., added neutral school/health references).

References

Statutes

- Family Law Act, SBC 2011, c. 25, ss. 37–38, 211.

- Divorce Act, RSC 1985, c. 3 (2nd Supp.), ss. 16(1)–(4).

Case Law

- T.E.A. v. R.L.H.C., 2018 BCSC.
- L.C.T. v. R.K., 2015 BCSC.

Court Rules

- Supreme Court Family Rules, Rules 13-1, 13-2, 13-6 (expert reports and witnesses).
- Provincial Court (Family) Rules, Rule 11 (expert reports and witnesses).

BC ASSOCIATION of CLINICAL COUNSELLORS

Writing Family Law Reports

Why this matters

Family law reports carry significant influence. A well-prepared section 211 report or evaluative views of the child report can break negotiation impasses, provide missing clarity, and help a judge or arbitrator decide when other evidence is contradictory or incomplete. Courts, parents, and lawyers rely on your expertise to provide an objective, child-centred perspective.

As forensic psychologists Philip Stahl and Robert Simon note:

"When [mental health professionals] are called upon to advise the court with regard to the best interests of children, these professionals carry a great deal of responsibility, influence, and, yes, power. It is not a trivial thing to weigh in on the lives of someone else's children."

Views of the child reports also give children a meaningful voice. Article 12 of the United Nations Convention on the Rights of the Child requires that children be heard in all matters affecting them. Research by Birnbaum and Saini shows that children want and benefit from participating in decisions after separation, especially when their views are heard through a neutral professional rather than by testifying in court.

In short: Your reports affect real lives. They shape parenting arrangements, impact long-term child well-being, and directly influence legal outcomes. For this reason, accuracy, impartiality, and clarity in your writing are essential.

General Principles for Report Writing

Write with the child's best interests at the centre - Your primary obligation when preparing a section 211 report or an evaluative views of the child report is to focus on the best interests of the child, as defined in the *Family Law Act* (ss. 37–38) and the *Divorce Act* (s. 16). These statutes shift the emphasis away from parents' rights and toward the child's right to parenting time and to benefit from the exercise of parental responsibilities. Courts will expect your analysis to reflect this shift. Anchor your conclusions in the child's health, stability, and relationships, and explain clearly how your recommendations support these interests.

For example, a parent frames their argument in terms of their "right" to equal parenting time. Instead of echoing that framing, describe how different time-sharing arrangements affect the child's developmental needs, stability at school, and relationships with both parents.

Balance strengths and concerns respectfully - Reports inevitably involve documenting concerns, but how you present them affects both the credibility and impact of your recommendations. Use a strengths-based approach: identify risks without inflammatory language and highlight positive parenting behaviours alongside challenges.

For example, a parent misses several appointments but demonstrates warmth in interactions with the child. Instead of writing, *"Parent B is unreliable,"* you might write, *"Parent B has missed some scheduled appointments, but during observations he showed warmth and responsiveness to the child."* This conveys the concern factually while preserving dignity.

Preserve privacy and dignity - Family law reports often require disclosure of highly sensitive information that could harm relationships if presented carelessly. Include only the details necessary to explain your conclusions, and present them respectfully. Avoid irrelevant history or speculation about future behaviour. Courts and arbitrators expect you to provide a grounded opinion, not to predict outcomes with certainty.

For example, a parent discloses past substance misuse in recovery. Instead of *"Parent A is a recovering addict,"* write, *"Parent A reported previous difficulties with substance use, is currently engaged in treatment, and has maintained sobriety for the past 18 months."* This protects dignity while providing relevant information.

Communicate clearly and professionally - Your report should be clear, concise, and structured so that both professionals and parents can follow your reasoning. Use plain language wherever possible, define technical terms when you must include them, and organize content with headings, subheadings, and lists to guide the reader. Write in active voice, use gender-neutral language, and describe behaviours factually rather than interpretively.

Ground your work in current knowledge - Draw on a broad theoretical and practical base, including child development, attachment, family systems, and trauma-informed practice, but avoid rigid adherence to any single theory. Science and practice evolve, and your role is to apply professional knowledge flexibly to the facts of the case. Avoid making predictions about long-term outcomes, which go beyond the limits of current knowledge. Stick to what your observations, data, and professional reasoning support.

For example, instead of predicting, *"This child will likely become alienated from parent B in two years,"* frame it as, *"The current dynamic shows signs of alignment with one parent and withdrawal from the other. If this continues, it may affect the child's relationship with parent B. Early intervention could support the preservation of both relationships."*

Focus only on what is relevant - Report only the information that directly relates to the issues you were asked to assess. Adding irrelevant or extraneous facts risks undermining the clarity and weight of your opinion.

For example, a parent's dating history may be irrelevant unless it affects caregiving capacity or exposes the child to safety risks. Mentioning it unnecessarily can create the appearance of bias.

Practice Pain Point – Filtering Irrelevant Material

Challenge: Parents flood you with documents or personal anecdotes unrelated to the assessment focus.

Tip: Acknowledge receipt, screen for relevance to scope, and note your filtering method in the report.

General Requirements for All Reports

Follow statutory and procedural requirements first - Section 211(4) of the Family Law Act requires you to:

a) prepare a written report respecting the results of your assessment;
b) provide a copy to each party unless the court directs otherwise; and
c) file a copy with the court.

In addition, the *Supreme Court Family Rules* (Rules 13-1, 13-2, and 13-6) set out specific requirements for expert reports. These rules apply when your report is filed in court, but they also provide a best-practice framework even for reports used in arbitration or mediation. Following them consistently strengthens credibility and helps ensure your report withstands scrutiny.

Practice Pain Point – Choosing the Right Format for Forum

Challenge: Mediations and arbitrations vary; some want a memo, others a full court-standard report.

Tip: Unless explicitly told otherwise, default to Supreme Court Family Rules. Record any direction for a shortened format in writing.

Be clear on the purpose of your report - Family law experts may be asked to write reports on a range of issues, including parenting arrangements, child support, or even property-related matters. Reports prepared under s. 211 are usually focused on children's best interests. If it is not clear what type of report is sought, confirm the instructions with the appointing party before you begin. Getting scope wrong at the outset can lead to disputes, missed issues, or recommendations outside your mandate.

Know the governing rules - Under the *Supreme Court Family Rules* (Rule 13-6), expert reports must include:

a) your name, address, and areas of expertise;
b) your qualifications, employment, and educational experience;
c) the instructions you received;
d) the issues you were asked to address and the opinion sought;
e) your opinion; and
f) the reasons for your opinion, including the facts, research, and documents you relied on.

You must also provide an address for service (Rule 13-1 / Provincial Court Rule 11). This is simply an address where parents or lawyers can contact you — typically your workplace address.

Finally, you must certify under Rule 13-2(2) that:

a) you are aware of your duty "to assist the court and not be an advocate for any party";
b) your report is prepared in conformity with this duty; and
c) if called, you will give oral evidence consistent with this duty.

A simple certification statement is sufficient, for example:

"I certify that I am aware of my duty under Rule 13-2(1) of the Supreme Court Family Rules. I have prepared my report in conformity with this duty. If I am asked to give evidence about my report, I will give my evidence in conformity with this duty."

Apply the rules in practice -

- Attach your CV or résumé to demonstrate qualifications.
- Quote the instructions directly from the order or appointment letter, and note any clarifications you received.
- Make sure your conclusions and recommendations flow logically from the evidence and your analysis.
- Include a full list of documents reviewed (e.g., affidavits, school records, medical reports), as well as a list of interviews conducted, with names, dates, and duration.
- If you disclosed a prior connection with a party under FLA s. 211(2)(b), include the disclosure in your report, noting when it was made, the nature of the relationship, and how consent was confirmed.

Complaint Hotspot – Scope Creep and Overstepping Mandate

Issue: Complaints arise when reports include opinions or recommendations outside the appointed scope. For example, offering custody or relocation opinions when only a child's views were requested.

Do This Every Time:

1) Begin your report with a Scope Box clearly outlining:
   a. **Appointment**: cite exact section(s) – s. 211(1)(a), (b), (c).
   b. **Exclusions**: topics not covered (e.g., "No opinion on relocation or parenting time schedule").
   c. **Limits**: note missing documents, participants, or other constraints and how you addressed them.

2) When drafting conclusions, ensure each opinion directly relates to the defined scope and evidence presented.

Legal Note: Family Law Act s. 211; Supreme Court Family Rule 13-2(1) (duty of impartial assistance to the court).

Apply these standards across all contexts - Provincial Court rules have fewer formal requirements, and arbitrations or mediations often have none. In arbitration, the process is largely set by the parties and the arbitrator, which means the expectations around expert reports can vary widely. Some arbitrators

may want a brief, informal summary, while others may expect a report that mirrors the Supreme Court Family Rules.

Unless you are specifically instructed otherwise, it is best practice to default to the Supreme Court Family Rules for all reports. This ensures consistency, transparency, and professional credibility across forums. It also protects you if the matter escalates to court: a report drafted to court standards will carry much greater weight than an informal document.

For example, in an arbitration, you may be told that a two-page summary is sufficient. If the arbitration later fails and the dispute proceeds to litigation, a summary will not meet court requirements, and you may be asked to redo the report. By defaulting to Rule 13-compliance, you save time, avoid duplication, and maintain credibility.

The table below summarizes the governing rules, requirements, and best practices across settings.

Forum	Governing Rules	Formal Requirements	Best Practice for Counsellors
Supreme Court	Supreme Court Family Rules (13-1, 13-2, 13-6)	Mandatory: qualifications, instructions, opinion, reasons, list of documents/interviews, certification of impartiality	Always comply fully
Provincial Court	Provincial Court Family Rules (Rule 11)	Minimal: must include address for service; no detailed content requirements	Default to Supreme Court standards for consistency and credibility
Arbitration	No formal governing rules; process set by parties and arbitrator	Varies; arbitrator may request brief summary or detailed report	Unless explicitly told otherwise, follow Supreme Court standards to ensure reliability and to safeguard if matter moves to court

S.211 Reports

Identify and frame the statutory basis of your report. When appointed under s. 211 of the Family Law Act, you may be asked to prepare a report on one or more of the following subjects:

a) the child's needs (s. 211(1)(a));
b) the child's views (s. 211(1)(b));
c) the ability and willingness of a parent to meet the child's needs (s. 211(1)(c)).

Most s. 211 reports cover all three areas, but narrower reports are sometimes requested—for example, a focused views of the child report or a capacity-to-parent report. These are still governed by the same statutory framework but must be clearly framed as limited in scope.

Your report should state explicitly which of the statutory subjects it covers and, if scope is restricted, describe the boundaries at the outset. This ensures decision-makers and parents understand what your report does—and does not—address.

Note - This section builds on the appointment rules in 15.2 (Authority and Scope of Appointment). Use 15.2 to guide whether you can accept the appointment; use this section to frame the content of your written report once appointed.

Views of the Child Reports

State clearly whether the report is evaluative or non-evaluative - A views of the child report is limited to addressing the child's preferences and perspectives, but it can take two distinct forms. At the outset of your report, specify which type you are preparing.

For example, a referral letter asks for a "voice of the child" report. The RCC clarifies whether the referring party is seeking an evaluative or non-evaluative report, ensuring the scope, expectations and content requirements are understood.

Non-evaluative reports (authorized by FLA s. 37(2)(b) and DA s. 16(3)(e)) summarize what the child has said, without assessment or interpretation. You may note the child's affect or observed circumstances that could have influenced their statements, but do not analyze or provide opinions. Limit the content to an accurate account of the child's views and preferences. These reports may be prepared by anyone trained in interviewing children, including lawyers.

For example, instead of writing *"The child seems aligned with parent B"* a non-evaluative report would record: *"The child stated, 'I like being at parent B's house more because I have my own room.' The child smiled while describing their bedroom."*

Evaluative reports (authorized by FLA s. 211(1)(a) and (b)) combine the child's statements with your professional assessment. You may comment on the consistency and strength of the child's views, whether the expressed preferences reflect the child's actual views, and whether they align with the child's best interests. You may also note indicators of coaching, estrangement, alienation, or enmeshment in parental conflict.

These reports require your own professional opinion, supported by direct interviews with the child. Conduct interviews alone with the child, outside the presence of parents, siblings, or extended family, and consider multiple interviews (e.g., once in each parent's home) to strengthen reliability.

For example, an evaluative entry might read: *"The child stated, 'I never want to see parent A again.' However, when asked about daily routines at parent A's house, the child described positive interactions. The inconsistency suggests the stated preference may be influenced by current conflict rather than the child's genuine views."*

Practice Pain Point – Asymmetric Parent Input

Challenge: One parent is organized with many collaterals; the other is not.

Tip: Aim for parity in time and sources. When parity is not possible, explain the variance and your mitigation (e.g., added neutral school/health references).

Use consistent terminology - Reports that address only the child's views are variously called "views of the child," "hear the child," or "voice of the child" reports. Because terminology differs across Canada, use the clear and consistent distinction of evaluative or non-evaluative views of the child reports.

Include essential descriptive information - Whether evaluative or non-evaluative, it is usually helpful to describe contextual details such as:

a) the child's age, school, and grade level;
b) your impressions of the child's maturity, personality, and character;
c) the child's health and emotional well-being, including special needs
d) extracurricular involvement;
e) current parenting arrangements and the child's contact with siblings, extended family, and significant others; and
f) the child's understanding of the dispute resolution process and their parents' positions.

Quote children accurately without offering parenting opinions - Use the child's own words and expressions wherever possible, capturing their idiosyncrasies and phrasing so parents "hear" their child's voice in the report. Avoid substituting your own language or making recommendations about custody or parenting arrangements. Your role is to convey the child's perspective faithfully, not to decide which parenting schedule is best.

Needs of the Child Reports (s. 211(1)(a))

Clarify the scope at the outset - Reports limited to a child's needs under s. 211(1)(a) of the Family Law Act are rare on their own, but the statute allows them. More often, they form part of a full s. 211 report. If you are asked for a "needs-only" report, confirm the scope early and explain in your report that your focus is on developmental, emotional, educational, and social needs, not on parental capacity or broader family dynamics. Clearly identify this limitation in your introduction so decision-makers understand what is, and is not, being addressed.

Report on each child independently - Even when siblings are part of the same dispute, your report should present each child's profile separately. Describe maturity, health, interests, aptitudes, routines, and any special needs. This prevents generalizations, acknowledges individual differences, and avoids assumptions that one sibling's needs mirror another's.

For example, if one child has special learning needs and another is excelling academically, address these separately so recommendations are tailored and not diluted by treating the siblings as a single "unit."

Cover the core domains - Organize your report so that information about the child's needs aligns with statutory best-interest factors. Typical domains include:

a) Health and emotional well-being – medical conditions, special needs, counselling supports, and whether those needs are consistently met.
b) Education and activities – school performance, extracurricular involvement, peer relationships, and learning supports.
c) Relationships – bonds with parents, siblings, extended family, and other significant figures.
d) Parental roles – who historically provides daily care, discipline, and nurturance, and how consistently.
e) Culture and identity – the child's cultural, religious, or community ties, including Indigenous or minority identity considerations.

f) Stability of environment – the child's continuity in housing, school, and community, and any disruptions.
g) Exposure to conflict or violence – the child's experience of parental conflict, coercive control, or family violence.

Apply statutory best-interest factors - When drafting your analysis, explicitly link observations to the factors in the *Family Law Act* (s. 37(2)) and *Divorce Act* (s. 16(3)). Refer back to the best-interests table in 15.2 as a guide to ensure you have not overlooked a statutory factor. Doing so also strengthens the credibility of your report by showing you have applied the complete legal framework.

For example, if a child has lived in one stable home for many years but that parent undermines the child's relationship with the other parent, your analysis should show how you weighed stability (FLA s. 37(2)(e)) against relational support (FLA s. 37(2)(g)).

Frame children's voices carefully - Avoid presenting a child's preference as a "choice" between parents. Instead, frame their views in terms of potential scenarios and how those scenarios might affect them. This honours the child's perspective without placing them in the middle of the dispute.

For example, instead of *"Sophie said she wants to live with parent B", write "Sophie described feeling settled at her current school and worried about moving away from her friends. When asked how she would feel if the court required her to move with a parent to another town, she expressed sadness and anxiety about leaving her peer group."*

Reports on a Party's Ability to Meet the Child's Needs (s. 211(1)(c))

Confirm the scope of your report - Reports limited to a parent's ability and willingness to meet a child's needs under s. 211(1)(c) are uncommon on their own but may be ordered or requested. If asked to prepare one, clarify whether the focus is narrow (e.g., a single parent's current caregiving capacity) or part of a broader parenting assessment. Make sure your report introduction clearly states the scope so readers understand its boundaries.

Present information about each parent separately - In your report, provide distinct sections for each parent (and, where relevant, their new partners). Describe your sources of information (interviews, observations, collateral references) and any limitations (e.g., a parent declined to participate or a partner could not be interviewed). If you were unable to observe interactions directly, note this in your report and describe what steps you took to supplement the gap.

Address core domains of parenting capacity - Organize your findings under headings that align with statutory best-interest factors and common capacity considerations. At minimum, cover:

a) Relationships with each child – describe the quality of attachment and consistency of involvement.
b) Personal and family history – summarize relevant history that shapes current parenting (e.g., stability, remarriage, extended family support).
c) Risk factors – document history of coercive control, family violence, criminal involvement, child protection concerns, or substance use/mental health issues.
d) Current and proposed parenting arrangements – outline the parent's present caregiving role and their plans for the future.

e) Cooperation and support for relationships – describe willingness and ability to facilitate the child's relationship with the other parent.
f) Knowledge, skills, and attitudes toward parenting – highlight observed strengths and weaknesses.
g) Support systems and resources – note extended family, community, or professional supports available.
h) Home environment and safety – describe relevant observations.
i) Level of conflict and its expression – note how conflict is managed and whether it impacts the child.

Balance perspectives and avoid advocacy - Reports should reflect not only what each parent said about themselves, but also their perspective on the other parent's parenting, while keeping the tone neutral. Acknowledge disputes without siding with one parent's narrative. If a parent made allegations, state them factually, indicate whether they were corroborated, and explain their relevance to the child's needs.

Practice Pain Point – Handling Allegations Neutrally

Challenge: Allegations may be unverified or exaggerated but still relevant.

Tip: Record them factually, note whether corroborated, and explain their impact on the child, not your belief in truth.

Apply statutory best-interest and family violence factors - Explicitly link your analysis to the *Family Law Act* (s. 37(2), s. 38) and *Divorce Act* (s. 16(3), s. 16(4)) considerations. Reference the best-interests table in 15.2 to guide your analysis. Where family violence is present, highlight not just incidents but how patterns of behaviour (e.g., coercive control) affect the child's well-being and the parent's capacity to provide safe care.

For example, if one parent has historically been the primary caregiver but demonstrates hostility toward the other parent, your report should explain both the caregiving strengths and the risks posed by undermining the child's other relationship. Rather than recommending "sole custody," frame the issue as: *"While Parent A has consistently provided day-to-day care, their unwillingness to support Parent B's role raises concerns under FLA s. 37(2)(g). This factor must be weighed alongside the child's need for stability and continuity in Parent A's home."*

Progress Reports

Clarify the request and purpose - Progress reports are not standard s. 211 reports. They are usually requested by mediators, arbitrators, or judges to provide updates on children or parents involved in ongoing therapeutic or reunification work. Confirm at the outset who is requesting the report, the scope of the request, and the intended use (e.g., to monitor compliance, to inform next steps in dispute resolution, or to provide context for ongoing therapy).

Recognize common contexts - Progress reports most often arise where a child is resisting or refusing contact with a parent after separation, and therapeutic services are in place to repair the parent–child

relationship. They may also be sought in cases where safety, stability, or compliance with treatment is at issue.

Follow the requestor's instructions - Because neither the Family Law Act nor the Divorce Act sets requirements for progress reports, they should be prepared according to the instructions provided by the requesting party. That said, maintain the same standards of neutrality and clarity as you would in a s. 211 report.

Report cautiously and neutrally - Limit your comments to observable progress and factual updates (e.g., attendance, participation, engagement, observable changes). Avoid evaluative conclusions about future outcomes unless explicitly asked, and do not stray into making recommendations about parenting time or custody unless you are specifically authorized.

For example, instead of writing *"The child is now comfortable living primarily with Parent A,"* frame neutrally: *"Over the past six sessions, the child has attended regularly, engaged in discussions about contact with Parent A, and expressed reduced distress when the topic of extended time with Parent A was raised."* This provides useful information without pre-empting the court or arbitrator's decision.

Clinical Counsellors' Recommendations

Frame recommendations constructively - Your recommendations should do more than document concerns; they should help resolve disputes by pointing toward solutions that support the child's best interests. Focus on practical, child-centred options, such as parenting strategies or contact arrangements, that are concrete and feasible. Where possible, highlight positive behaviours that promote the child's well-being, rather than only identifying deficits.

Practice Pain Point – Linking Recommendations to Evidence

Challenge: Recommendations sometimes read as personal impressions rather than evidence-based conclusions.

Tip: Tie each recommendation to a specific observation, document, or best-interest factor cited earlier.

Be clear but stay within your role - Recommendations must be specific enough to be useful, yet not so detailed that they substitute for the court's decision-making. For example, you may recommend that the child benefit from increased time with a parent during school holidays, but you should not draft a minute-by-minute holiday schedule unless explicitly directed. Your task is to provide an informed opinion, not to decide the case.

Draw on case law to define boundaries - Courts have emphasized that assessors may offer professional opinions but should not usurp the judge's role:

In *K.M.W. v. L.J.W.* (2010 BCCA), the court confirmed that assessors may make recommendations "based on the results of their investigation," but these must remain advisory.

In *Fawcett v. Fawcett* (1999 BCSC), the judge criticized a report that went too far by proposing a detailed nine-point parenting plan, noting that "[t]hat is what the court must decide albeit based in large part on the report."

For example, instead of recommending *"The child should live primarily with Parent A and have alternate weekends with Parent B, with Wednesday overnight access and extended summer visits,"* frame neutrally: *"The child would likely benefit from maintaining stability in their current residence while having regular and predictable contact with the other parent, particularly over weekends and extended school breaks."*

References

Statutes:

- *Family Law Act*, SBC 2011, c. 25, ss. 37, 38, 211.
- *Divorce Act*, RSC 1985, c. 3 (2nd Supp.), ss. 16, 16.1–16.4.
- *Supreme Court Family Rules*, Rules 13-1, 13-2, 13-6.
- *Provincial Court Family Rules*, Rule 11.

Case Law:

- *T.E.A. v. R.L.H.C.*, 2018 BCSC.
- *L.C.T. v. R.K.*, 2015 BCSC.
- *K.M.W. v. L.J.W.*, 2010 BCCA.
- *Fawcett v. Fawcett*, 1999 BCSC.

International Instruments:

- *United Nations Convention on the Rights of the Child*, Article 12.

Scholarly Sources:

- *Stahl, P., & Simon, R.* (Forensic Psychology Consultation in Child Custody Litigation).
- *Birnbaum, R., & Saini, M*. (research on children's participation in custody disputes).

BC ASSOCIATION of CLINICAL COUNSELLORS

Preparing for Court

Why this matters

When your report is filed, it becomes part of the evidence that can directly shape parenting arrangements, contact, and parental responsibilities. Judges, arbitrators, and lawyers rely on your expertise not only to clarify children's needs but also to resolve disputes where other evidence is incomplete or contradictory.

Because your report carries this weight, you may be called to court or arbitration to explain, defend, and expand on your findings. In these moments, your professional credibility is on display. A clear, well-documented report supported by organized notes can withstand cross-examination and reinforce your impartiality.

Courts treat your report as substantive evidence. In *P.A.B. v. T.K.B*. (2004 BCSC), the court confirmed that factual aspects of an assessor's report are considered prima facie evidence of their truth unless challenged and tested in cross-examination. This underscores why accuracy, clarity, and transparency are essential; your words may be taken as fact unless proven otherwise.

The stakes are high: children's safety, stability, and long-term well-being may turn on how your evidence is received. Careful preparation ensures your contribution remains reliable, respected, and effective in guiding decisions that profoundly affect families.

Clinical Counsellor as an Expert Witness

Recognize your role as an expert witness - Your report will often speak for itself. However, Rule 13-1 of the Supreme Court Family Rules and Rule 11 of the Provincial Court Family Rules allow lawyers and the parties to demand that you attend court to give oral evidence at trial. A party to an arbitration can likewise ask the arbitrator for an order that you be required to attend the hearing.

As an expert witness, you provide specialized knowledge and experience about a particular subject beyond the knowledge and experience the average person is expected to have. As such, you are exempt from the usual rule that prevents witnesses from giving evidence about their opinions. In fact, your expertise in matters concerning parenting after separation is the reason you were hired to prepare your report. The arbitrator or judge is asking for your opinion!

Understand the notice process - If you are required to attend court or arbitration, you will be formally notified at the address for service you provided. This notice is your official summons: it tells you where to go, when to be there, and what you must bring. Typically, it will specify the courthouse or hearing room, the date and time, and whether you need to bring supporting materials such as your report, notes, or full file.

Take the notice seriously. It is a legal requirement that ensures you are properly prepared to give evidence. Failing to appear, or arriving without the requested documents, can damage both your credibility and the weight given to your report.

For example, if your notice requires "all underlying notes," be prepared to produce raw observation notes, interview logs, and collateral documents. If you cannot bring something listed (e.g., medical files still with a provider), notify the parties in advance to avoid surprise in court.

Practice Pain Point – Short-Notice Summons

Challenge: You are served late and can't assemble the full file.

Tip: Reply immediately (in writing) with what you can bring, what is offsite/with third parties, and a date you can complete production. Ask counsel to narrow scope (e.g., dates/issues).

Recognize the court structure in British Columbia - Family law disputes are heard in two trial courts. The Provincial Court deals with matters under the *Family Law Act*, while the Supreme Court can make orders under both the *Family Law Act* and the federal *Divorce Act*. Knowing which court you are reporting to matters: the governing rules, the scope of the court's jurisdiction, and the expectations for expert evidence vary. Always confirm at the outset which court is involved so you can tailor your report and testimony to the correct framework.

Follow the rules in court proceedings - Each court has its own procedural rules that govern the role of expert witnesses and the requirements of expert reports. These rules establish the boundaries of your role, define how your opinion may be used, and reinforce your duty to remain impartial. Courts expect strict compliance, and lapses can weaken the impact of your report.

Adapt in arbitration - Unlike court, arbitration does not have a single governing set of rules. The arbitrator decides how evidence will be presented and whether you will be called to testify. This means you may encounter a less formal process, but do not assume "informal" means "casual." Unless instructed otherwise, prepare your report and your testimony to the same standard expected in court. Doing so protects your credibility and ensures your work holds up if the matter later proceeds to litigation.

Prepare for cross-examination - If you are required to attend a hearing or trial, you will be sworn or affirmed to tell the truth and then questioned by each party (or their lawyers). Cross-examination can cover every aspect of your work: your instructions, the steps you took to gather information, the facts and documents you relied on, and the theories or frameworks that informed your analysis.

Expect that the party least satisfied with your conclusions will press hardest. They may challenge your qualifications, your methodology, or your reasoning. While this can feel adversarial, remember that it is part of the process. Judges and arbitrators will usually intervene if questioning becomes excessive, but they will also expect you to defend your work with confidence and professionalism.

The best preparation is careful preparation: review your notes, organize your file, and reread your report before attending court. Doing so ensures that your testimony is consistent, accurate, and measured, which is your strongest defense against a difficult cross-examination.

For example, imagine a lawyer asks why you interviewed only one collateral reference for Parent A but three for Parent B. Instead of becoming defensive, explain neutrally: *"Parent A provided only one collateral contact despite my request for more. To balance perspectives, I supplemented with documentary sources and noted this limitation in my report."* Framing your answer this way shows you acted professionally, transparently, and within the limits of the information available.

BC ASSOCIATION of CLINICAL COUNSELLORS

Record Keeping and Professional Due Diligence

Keep your record-keeping thorough and transparent - The credibility of your report depends on the way you document and present the sources of your information, in addition to the strength of your conclusions. Courts and arbitrators rely heavily on your notes, your file, and your clarity in distinguishing fact, observation, and opinion.

Complaint Hotspot – Missing Notes or Unclear Attribution

Issue: Complaints and challenges arise when reports do not distinguish what you observed, what others reported, and your opinion, or when source details are missing.

Do This Every Time:

1) Tag content in your notes (and reflect in the report) as Observed / Reported / Opinion.
2) Add source tags for reported information (e.g., "Teacher – M. Smith – 2025-03-10").
3) Run a factual-error sweep pre-filing; if a material error is found later, issue a transparent errata.

Legal Note: *P.A.B. v. T.K.B.* (2004 BCSC) – factual content may stand unless tested; precision and attribution are critical.

Identify sources clearly - When you quote from or refer to documents or informants, identify them explicitly. For example, state: *"Teacher Ms. Smith reported that…"* or "*Report card from May 2023 indicated…".* Clear attribution allows parents and their lawyers to test the accuracy of the information and reinforces your credibility with the court or arbitrator.

Use caution when stating observations as facts – As an assessor preparing reports under court order, you take on an investigative role. Courts often treat the factual content of your report as prima facie evidence—that is, presumed to be true unless proven otherwise through challenge or cross-examination. In *P.A.B. v. T.K.B.* (2004 BCSC), the Supreme Court explained that when a report is filed and the assessor is not called to testify, the factual elements stand as evidence for the court to rely on. Only if challenged are those facts tested.

Because of this, be precise in how you write:

- Distinguish between direct observations (what you saw or heard), reported information (what others told you), and your professional interpretations.
- Avoid presenting disputed or second-hand accounts as if they were established fact.
- Note the source of each piece of information so the court can weigh reliability.

Recognize the consequences of inaccuracy – Any factual error in your report can have serious implications. An incorrect statement may result in you being compelled to attend court for cross-examination, and it can diminish the weight the judge or arbitrator gives your overall report. Even small

inaccuracies can be used to undermine your credibility. Careful record keeping, note review, and clear differentiation between fact, report, and opinion are your strongest protections.

Follow filing best practices – When filing or sharing your report:

- Ensure it is complete, signed, and dated before copies are distributed.
- Provide copies to the court and both parties as required by FLA s. 211(4), unless the court orders otherwise.
- Keep a secure, identical copy for your records in case questions arise later.
- File an errata or addendum promptly if you discover a material error after submission, never attempt to quietly "fix" errors without transparency.

References

Statutes & Rules

- *Family Law* Act, SBC 2011, c. 25, s. 211(4).
- *Divorce Act*, RSC 1985, c. 3 (2nd Supp.), ss. 16–16.4.
- *Supreme Court Family Rules*, Rules 13-1, 13-2, 13-6.
- P*rovincial Court Family Rules*, Rule 11.

Case Law

- *P.A.B. v. T.K.B., 2004 BCSC* — established that the factual aspects of an assessor's report are considered prima facie evidence unless challenged in cross-examination.
- *T.E.A. v. R.L.H.C.*, 2018 BCSC — emphasized the role of assessors as the "eyes and ears of the court."
- *L.C.T. v. R.K.*, 2015 BCSC — highlighted impartiality and independence of professional assessors.
- *K.M.W. v. L.J.W.*, 2010 BCCA — confirmed that assessors may make recommendations, but these must remain advisory.
- *Fawcett v. Fawcett*, 1999 BCSC — warned against overly detailed recommendations that predetermine the court's decision.

Professional & Practice Guidance

- BC Association of Clinical Counsellors (BCACC), *Code of Ethics and Standards of Clinical Practice* (esp. Standard 15).
- *United Nations Convention on the Rights of the Child*, Article 12 (for context on children's participation).

Glossary of Terms

Access

A term used under previous legislation. A guardian who had access but not custody of a child now has *parenting time* with the child but does not have the right to make decisions on the child's behalf. A non-guardian with access now has *contact* with the child.

Agreements

Contracts that record the settlement of a family law dispute or a legal issue that could become a dispute. Agreements made after a relationship ends are usually called *separation agreements*, or *parenting agreements* when limited to parenting issues.

Awards

Written decisions of a family law arbitrator. *Consent awards* are made with the agreement of all parties involved in the arbitration.

Best Interests of the Child

The legal principle requiring that all decisions about parenting time, parental responsibilities, and related matters prioritize the child's overall well-being, safety, and developmental needs. Factors are set out in *Family Law Act, s. 37(2)* and *Divorce Act, s. 16(3)*.

Collateral Information

Information gathered from third parties who have direct knowledge of the child or parents, such as teachers, doctors, or extended family. Collateral sources provide context and verification beyond the parents' accounts.

Contact

The time that someone who is not a guardian has with a child. People who have contact with a child are usually relatives of the child, including parents who are not the child's guardians.

Custody

A term from previous legislation. A person with custody of a child now has *parenting time* and *parental responsibilities*.

Expert Witness

A person who has special knowledge or experience on a subject beyond what an average person is expected to know. As an expert witness, a RCC clinical counsellor provides professional opinions on parenting after separation. Unlike lay witnesses, experts are permitted to give opinion evidence.

Evaluative Views of the Child Report

A report prepared under *Family Law Act, s. 211(1)(b)* that includes interpretation and professional opinion about the child's views, considering their context, consistency, and relation to best-interest factors.

Family Violence (Legal Definition)

Any conduct (physical, emotional, psychological, sexual, or financial) that may harm the safety, security, or well-being of a family member, including children. Defined in *Family Law Act, s. 38* and *Divorce Act, s. 16(4)*.

Guardian

A person legally responsible for exercising *parental responsibilities* on behalf of a child. Guardians are usually parents, but a child may have more than two legal parents or guardians.

Guardianship

Status under the *Family Law Act* given to a person with legal responsibility for a child. Guardianship from older agreements, arbitrators' awards, or court orders continues under the current Act.

Implied Consent

Consent that is not expressly stated but is inferred from a person's actions or the surrounding circumstances. For example, when a parent signs a general authorization form allowing contact with collateral sources.

Informed Consent

Consent that is given voluntarily by a person who understands the nature, purpose, risks, and potential consequences of what they are agreeing to. In family law assessments, informed consent means explaining the scope, risks, and limits of confidentiality before proceeding.

Non-Evaluative Views of the Child Report

A report prepared under *Family Law Act, s. 37(2)(b)* or *Divorce Act, s. 16(3)(e)* that summarizes the child's statements without analysis or professional opinion. Sometimes informally referred to as "voice of the child" reports, though this term should be avoided for clarity.

Order

Decisions of a judge, which may be oral or written. *Interim orders* are temporary and issued before a lawsuit is resolved. *Final orders* conclusively resolve the issues after trial. *Consent orders* are interim or final orders made with the agreement of all parties.

Parental arrangements

Provisions in an agreement, award, or court order that specify how *parental responsibilities* and *parenting time* are divided between guardians.

Parental responsibilities

The authority of a guardian to make important decisions and give or withhold consent on behalf of a child. In rare cases, non-guardians may be given responsibilities.

Parenting Time

The schedule dividing a child's time between guardians. In limited cases, non-guardians may also be granted parenting time.