

# Cultural Reports in the Family Court



Information about reports prepared  
for the Family Court on a child's  
cultural background

Each child has their own cultural identity, and the Family Court needs to take account of this when making decisions about a child under the Care of Children Act 2004 and the Children, Young Persons, and Their Families Act 1989.

If the Judge thinks he or she needs a better understanding of the child's culture, the Judge will ask for a report from an expert. This will help the Judge decide what is in the child's best interests – for example, when deciding who should provide day-to-day care for the child.

The Ministry of Justice makes sure that all cultural report writers have the appropriate skills and training for the job.

## WHAT KINDS OF ISSUES CAN A CULTURAL REPORT DEAL WITH?

The Family Court recognises that “culture” can cover a wide range of issues, including ethnicity, language and religion.

The report can help by, for example, explaining any cultural differences between the parents or other parties to the case.

## WHO DECIDES WHAT THE REPORT WILL COVER?

The Judge decides this, and will give written instructions for the report writer to follow.

However, in deciding this the Judge may consult with the lawyers for the parents and with the lawyer for the child (this is an independent lawyer appointed by the Court to represent the child).

## HOW DOES THE FAMILY COURT SELECT THE REPORT WRITER?

When the Judge asks for a cultural report, the Family Court Coordinator matches up the needs of the particular case with the particular skills of an individual report writer.

The parents or other parties to the case are told that a cultural report writer has been appointed and who the report writer is. The report writer will contact them.

## HOW THE REPORT IS PREPARED

The cultural report writer decides how they go about preparing the report. They also decide who they will need to talk to, to help them write the report.

## DO PARENTS HAVE INPUT INTO THE REPORT?

Usually they will. Most report writers will want to meet with each of the parents or other parties to the case to find out how they understand the issues. The report writer may also want to talk to new partners and others who may have a significant role in the child's life.

The report writer may also read the affidavits (sworn statements) that the parents and others have filed with the Court, if the Judge thinks this will be helpful.

## HOW LONG WILL IT TAKE FOR THE REPORT TO BE PREPARED?

This will depend on the particular case. The Court will give the report writer a date for completing the report and will monitor the report writer's progress.

## WILL THE ADULTS INVOLVED IN THE CASE SEE THE REPORT?

Yes, the lawyer for each parent or other party will get a copy of the report. If there is no lawyer, the Court may give the report directly to the parent or other party. The Judge can order that someone should not see the report.

## WILL THE CHILD SEE THE REPORT?

The Judge will decide whether the child sees the report or any part of it.

## DOES THE REPORT WRITER DECIDE THE CASE?

No, that's the Judge's job. The report writer's job is to provide the cultural information the Judge needs to be able to decide what is in the child's best interests.

## WHAT IF A PARENT ISN'T HAPPY ABOUT THE REPORT?

If a parent is unhappy with what's in the report or how it was prepared, they can raise their concerns with their lawyer. If they don't have a lawyer, they can raise their concerns directly with the Court.

If a parent thinks the report writer has behaved unprofessionally, the parent can talk to a Family Court Coordinator about this.



MINISTRY OF  
**JUSTICE**  
*Tāhū o te Ture*

[www.justice.govt.nz/family](http://www.justice.govt.nz/family)