



# ASSESSMENTS AND REPORTS ON THE VIEWS AND NEEDS OF CHILDREN

Relevant Sections: [202](#) and [211](#)

## WHAT THE FAMILY LAW ACT SAYS:

The *Family Law Act* (FLA) requires the court and parties to consider the child's views when making decisions about guardianship, parenting arrangements, and contact with the child, unless the child cannot give their views or there is some reason why they should not be considered. To help understand a child's needs and views, as well as the parties' ability and willingness to meet those needs, the court can appoint a person to do an assessment and submit a report with the result of the assessments. These reports are often called "**Section 211 Reports**" because they are ordered under section 211 of the FLA. The report writer will usually interview the parents and the children, as well family members and other people who may have important information about the family law matter. Psychologists and social workers who write reports sometimes use psychometric tests as part of the report process.

Section 211 Reports can be done free of charge by government employees known as "family justice counsellors." Parties can also pay to have a private Section 211 Report prepared by a social worker, or any other person approved by the court, including for example, a psychologist.

The FLA is flexible and allows the court and parties to consider other types of reports that communicate a child's views in a family law dispute. For example, a "**Views of the Child Report**" summarizes the child's views but does not include the report writer's recommendations for a particular outcome in the dispute. "**Hear the Child Reports**" also share a child's views, by setting out almost word for word what the child said during interviews with the report writer, without any assessment or recommendations.

## INDIGENOUS PERSPECTIVES:

- Are there certain processes or types of reports that would best help an Indigenous (First Nations, Inuit, and Métis) child communicate their views and needs in a family law dispute? How can the ability and willingness of the parties to meet an Indigenous child's needs be best assessed and communicated?
- Should mandatory qualifications and practice standards for report writers include elements specific to Indigenous families and culture? For example, how can the FLA ensure that report writers consider Indigenous culture and family structures when gathering information and writing reports?
- Are there concerns about report writers including recommendations or how recommendations are used when the report is about an Indigenous family?
- Are there other unique issues for Indigenous Peoples related to assessments and reports?

## SOME ISSUES WE KNOW ABOUT:

The delay and costs of Section 211 Reports have become a problem for many families in BC. The court frequently orders a Section 211 Report in family law disputes, so there is now a significant delay to get one free of charge from a family justice counsellor (up to 18 months). If families do not want to wait that long, the cost of a private Section 211 Report prepared by a social worker or a psychologist can be more than \$10,000.

Even though Section 211 Reports are often requested and ordered, there is some confusion about what type of report is actually needed in each case. A Views of the Child Report or a Hear the Child Report may give the court and the parties the information they need to make a decision in the best interests of the child in some cases. The FLA could be amended to better explain the different types of reports and when each type might be the most useful.

The FLA also currently does not have qualification requirements or practice standards for report writers. As a result, report writers may have very different qualifications, collect information differently, and write reports using very different formats. Consistent practices may especially be important when a family law dispute involves family violence, Indigenous or 2SLGBTQ+ family members, mental health, disability, multicultural or ethnic considerations. Another question is the use of psychometric tests in reports and when these tests may or may not be appropriate.

A party who has concerns about a report or how it was prepared has limited options. Trying to challenge a report through existing court procedures like cross-examining the report writer at trial or hiring another report writer to critique the first report is very difficult. Also, professional governing bodies often cannot adequately respond to these types of complaints.