

Hear the Child Report Information Sheet



The *Family Law Act* states that when determining the best interests of a child the parties and the court must consider the child's views unless it would be inappropriate to do so. One way to obtain a child or youth's views is to obtain a Hear the Child Report ('HTC Report').

An HTC Report is a non-evaluative, verbatim report on the views of the child on issues related to family transition or family breakdown for the purpose of having the views of the child considered when decisions are made about their best interest. The child has control over what is included in the report and nothing is put in the report without the child's permission. An HTC Report does not contain any recommendations nor does it state the opinions of the interviewer.

The report can be done by 'Agreement' between the parents and the interviewer, by a consent order or by a judicial court order. When the HTC Report is by 'Agreement' I require all guardians to sign a retainer Agreement confirming consent to the interview and preparation of the report and to return it to me before I meet with the child.

Prior to the interview, I like to speak with each parent's legal counsel (if involved), mediator or parenting coordinator, as the case may be, to get the background on why a report is being requested and to get some very basic background on the issues in dispute. I may ask for copies of any relevant court orders or third-party reports currently before the court.

I typically have a brief phone call with each parent prior to the interview. The telephone interview with each parent is to identify the issues or questions each wishes canvassed with the child. While I may ask the parents to provide me with some general background information I do not go into any great detail with either parent on the issues before the court or issues being addressed in settlement discussions.

I have two interviews with the child; the first is usually in person and lasts about an hour; the second one is often by telephone and may be shorter. No parent will be in the room with the child during the interview. I work with parents and/or legal counsel to determine the dates and times for the interviews and to establish a date by which the report is due.

Wherever possible, transportation of the child to and from the interview is shared between the parents. Legal counsel, if involved, may be asked to assist or participate in making the transportation arrangements.

Here are some key points about the interview:

- Most importantly, I work through the lens of the child and their view on parenting arrangements, not through the lens of the parents' dispute

- Children are not decision-makers; the report is being prepared to help their parents, guardians, legal counsel, mediators, parenting coordinators and judges make decisions about their parenting arrangements
- Your child is in charge of whether and how they respond to my questions
- All responses will be reviewed with them; it is their decision on what gets included in my report
- The information is to help parents make the decisions about their child(ren)'s living arrangements or other issues
- I make detailed notes of what the child is saying
- The interview is not evaluative—I am not making any recommendations, simply reporting on what the child is saying.
- There is to be no coaching of the child as to what they are to say to me; nor is there to be any questioning of the child once the interview is completed, or once the report is finalized
- The child is to be prepared for the interview by telling them it is their opportunity to share their views on their living arrangements or other issues; as parents you should voice your support for speaking with me.
- If there are child protection concerns, by law I have to report them.

While each interview is tailored specifically to the needs of each child, the questions typically fall into three basic categories:

- Some general questions on how things are going for them now that their parents live in separate houses
- Specific questions about time spent with each parent
- Questions about future parenting arrangements

The interviewer will be paid a retainer in advance of preparation and release of the report the estimated sum of \$1,250 (for one child) or \$1,500 (for two children) (plus applicable taxes) for all work performed including meeting with child(ren), reporting on their views and distributing the *Hear the Child Report*. If incurred, travel expenses are extra.

If a party or the parties require the Interviewer to attend court, the party(ies) shall make separate, advance fee arrangements with the Interviewer.

More information is available at the BC Hear the Child Society website: <http://hearthechild.ca/>. Please do not hesitate to contact the Interviewer with further questions ahhlaw@telus.net.

Kids talk;
we listen