

Practice Directions - No. 06 of 1988

Release of welfare reports

The following direction concerns proceedings for the guardianship and custody of infants and in particular proceedings under Pt IX of the Children's Services Act 1965, and replaces the direction given in April 1986.

1. In an appropriate case, a Judge will call for the preparation of a welfare report from an officer of the Department of Family Services.
2. Section 145 of the Children's Services Act 1965 will govern the eventual reception into evidence of such a report.
3. *Proceedings at time of calling for welfare report*
 - (a) The calling by the Court or a Judge for a welfare report in the course of proceedings concerned with the custody of or access to a child shall, unless otherwise directed, be deemed to be a request for a report of investigation in relation to the fitness and suitability of the applicant and respondent respectively to have custody of and/or access to the said child.
 - (b) The Court or Judge may include in the request that the report deal with such other matters or persons as may be specified.
 - (c) If any party is unrepresented, he should be given the opportunity to request that the report be shown to him in due course, and such request should be noted in the endorsement of such order.
 - (d) The Registrar shall forthwith transmit the request to the appropriate officer of the Department of Family Services.

4. *Proceedings after preparation of report*

- (a) Upon receiving the welfare report, the Registrar will forthwith transmit it to the Judge or Master who called for it (or in his absence to the Chamber Judge). After considering whether there ought to be any restrictions upon the release of same, the Judge (or Master) will return the report to the custody of the Registrar. Unless otherwise directed by the Judge or Master, the return of the report to the Registrar shall be taken as a direction that a copy of the report be sent forthwith to the solicitors for each party represented and to each party unrepresented in the said proceedings who has requested that the report be shown to him.
- (b) If any party wishes to cross-examine the officer who prepared the report, such officer should be given at least seven days' notice of the hearing. Should that party later decide not to call such officer, he should be notified promptly by telephone and this should be confirmed in writing at the earliest opportunity.

5. *At resumption of proceedings*

The exercise of the above rights of inspection will not in any way affect the powers of the trial Judge who will decide whether such a report will be received into evidence.

D G ANDREWS
Chief Justice

29 August 1988