



Hear the Child Reports

The *Family Law Act* states that when determining the best interest of a child the parties and the court must consider the child's views unless it would be inappropriate to consider them. 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 or youth 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 or evaluations, nor does it state the opinions or assessment of the interviewer.

The report can be done by 'Agreement' between the guardians 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 the 'Agreement for a Hear the Child Interview' and return it to me.

Prior to the interview, I like to speak with each parent's legal counsel (if involved) 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 documents before the court.

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

I have two interviews with the child; the first is about an hour; the second one may be shorter. Neither 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.

Transportation of the child to and from the interviews is to be shared between the parents, wherever possible. Legal counsel, if involved, or a mutually agreed to third party, may be asked to participate in making the transportation arrangements. Virtual interviews conducted via Zoom can also be arranged.

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 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
- I record the interview so that I will be able to include verbatim quotes, the recording is not stored, it is deleted after use
- The interview is not evaluative – I am not making any assessments or recommendations, simply reporting on what the child is saying
- There is to be no coaching of the child as to what they say to me; nor is there to be any questioning of the child once the interview is completed, or once the report is received
- The child is to be prepared for the interview by them 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 protections concerns, by law, I have to report them

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

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

As an interviewer, I will be paid in advance of release of the report for all work performed including meeting with your children, reporting on their views and distributing the Hear the Child Report. If incurred, travel expenses are extra and negotiated separately.

A Hear the Child report is \$800 + GST for one child, \$1300 + GST for two children and \$400 + GST for each additional child.

If a party requires me to attend court, the party will make separate, advance fee arrangements with me.



More information is available at the Hear the Child website: www.hearthechild.ca. Please do not hesitate to contact me with further questions.