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|  | FAMILY LAW ACT 1975  **IN THE**  **AT**  **No.**  **BETWEEN** |
| **Applicant Address for Service:**  Tel:  Fax:  Lawyer's Code: | **(Applicant)** |
|  | **AND** |
| **Respondent Address for Service:**  Tel:  Fax:  Lawyer's Code: | **(Respondent)** |
|  | **AND** |
| **Address for Service:**  Tel:  Fax:  Lawyer's Code: | **INDEPENDENT CHILDREN'S LAWYER** |
|  | **ORDERS BY CONSENT**  \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ |
| **Prepared by** |

FAMILY LAW ACT 1975

**ORDERS BY CONSENT**

**Court name**

**AT File No.**

**BETWEEN**

(Applicant)

**AND**

(Respondent)

**MINUTES OF PROPOSED ORDERS BY CONSENT:**

1. Order pursuant to Division 15.5.2 of the Family Law Rules 2004 that (“the Single Expert’) Child and Family Psychiatrist/Psychologist, be appointed as a Single Expert Witness to enquire into and report upon matters relating to the welfare of the child/ren, , born on . **OR**
2. Order pursuant to Division 15.09 of the Federal Circuit Court Rules 2004 , (“the Single Expert’) be appointed as a Single Expert Witness to inquire into and report upon matters pertaining to the welfare of the child/ren, born on
3. That the parties shall:
   1. Attend all appointments made with the Single Expert.
   2. Ensure the attendance of the child/ren at such times and dates as directed.
   3. Comply with all reasonable directions and requests made by the Single Expert to assist him/her in the preparation of the Report.
   4. Do all things to ensure the attendance of their current partner (if any) and any other person/s who live in the same household as the parents, should the Single Expert request to interview said persons.
4. That in preparing the Report, the Single Expert be requested to consider the following matters:
   1. Whether the child/ren is/are at risk of being exposed to any physical or psychological harm from being subjected to or exposed to abuse, neglect or family violence.
   2. Any views expressed by the child/ren and any factors (such as maturity and level of understanding) that may affect the weight to be accorded to those views.
   3. The relationship between the child/ren and each other and with each of his/her/their parents and any other relevant person.
   4. The willingness and ability of each of the child/ren’s parents to facilitate and encourage a close and continuing relationship between the child/ren and the other parent.
   5. The likely effect of any changes in the child/ren’s circumstances, including the likely effect on the child/ren of any separation from either of the parents or any other person with whom the child/ren has/have been living.
   6. The capacity of each parent or any other person to provide for the needs of the child/ren, including emotional and intellectual needs.
   7. The attitude to the child/ren and to the responsibilities of parenthood, demonstrated by each of the child/ren’s parents (or any other relevant person).
   8. The effect on the child/ren of any family violence to which he/she/they may have been exposed.
   9. The effect on the child/ren if spending equal time, or substantial and significant time, with each parent having regard to the parent’s current and future capacity to:

* implement such an arrangement, and
* communicate with each other and resolve difficulties that might arise.
  1. The mental state of the both parents in so far as it relates to parenting issues.
  2. The mental health/special needs of the child/ren.
  3. Your opinion concerning the allegations of sexual abuse of the child/ren.
  4. Any other matter the Court Expert considers relevant.

**Payment Options**

**Equal payment into Legal Aid Trust Account OR Irrevocable Authority**

1. The parents shall be responsible for:
   1. Payment of the costs of preparation of the report; and
   2. The Single Expert’s additional costs including, but not limited to, subsequent attendance at Court (if required), noting that any subsequent attendance at Court may incur costs for attendance at Court, considering further material filed by or on behalf of the parties, any additional interviews required and considering further documents which may be produced pursuant to a subpoena.
2. To facilitate payment of the costs of preparing the report, the mother and the father shall each:
   1. By pay into the Trust Account of Legal Aid NSW the sum of $ ($# dollars) for the costs of preparing the report.

OR

* 1. By irrevocably authorise and direct in writing his/her solicitor to hold in trust the sum of $ ($# dollars) from their respective shares of the proceeds of any orders for property settlement between the parties for reimbursement to Legal Aid NSW in respect of fees paid to the Single Expert upon completion of the report.
  2. In the event that there is a shortfall the father and the mother are to pay such additional sum to meet the costs of the Single Expert within 21 days of a request by Legal Aid NSW.
  3. The Single Expert shall not be required to release his/her report to the Court until payment for that report has been made.

1. In the event that the Single Expert is required for cross examination by any party, including the Independent Children’s Lawyer, at any hearing in these proceedings:
   1. 42 days prior to any final hearing dates in the matter, the mother and the father shall do all acts and things to pay into their solicitor’s trust accounts, money to cover half of any payments required to cover the Single Expert’s additional costs.
   2. Any costs shall be paid within 7 days of receipt of a Tax Invoice from the Single Expert.
   3. In the event that there remain monies available subsequent to the receipt of the memorandum of fees from the Single Expert these monies are to be returned to the father and the mother in equal shares.

OR

**One party to pay at first instance**

1. The Mother/Father shall, at first instance be responsible for:
   1. Payment of the costs of preparation of the report.
   2. The Single Expert’s additional costs, including but not limited to, subsequent attendance at Court (if required by any of the parties, including the Independent Children’s Lawyer), noting that any subsequent attendance at Court may incur costs for attendance at Court, considering further material filed by or on behalf of the parties, any additional interviews required and considering further documents which may be produced pursuant to a subpoena.
   3. The issue of costs of the Single Expert is to be determined at the final hearing.
2. To facilitate payment of the of the costs of preparing the report, the mother/father shall:
   1. By pay into the Trust Account of Legal Aid NSW the sum of $ ($# dollars).
   2. In the event that there is a shortfall the mother/father is to pay such additional sum to meet the costs of the Single Expert within 21 days of a request by Legal Aid NSW.
   3. The Single Expert shall not be required to release the report to the Court until payment for that report has been made.
3. In the event that the Single Expert is required for cross examination by any party, including the Independent Children’s Lawyer, at any hearing in these proceedings:
   1. 42 days prior to any final hearing dates in the matter, the mother/father shall do all acts and things to pay into his/her solicitor’s trust accounts, money to cover any payments required to cover the Single Expert’s additional costs.
   2. Any costs shall be paid within 7 days of receipt of a Tax Invoice from the Single Expert.
   3. In the event that there remain monies available subsequent to the receipt of the memorandum of fees from these monies are to be returned to the mother/father.
4. That leave be granted to the Independent Children’s Lawyer to have photocopy access to material produced under subpoena for the purpose of providing same to the Court Expert and the fees in respect of that photocopying be waived.
5. Liberty is granted to the Independent Children’s Lawyer to apply to relist if any issues arise regarding interviews or payment.
6. The father and the mother shall do all acts and things to authorise any mental health practitioner attended by the parents and/or child/ren to speak with the Single Expert.
7. Leave be granted to the Independent Children’s Lawyer to have photocopy access to material produced under subpoena for the purpose of providing the same to and that the fees in respect of that photocopying be waived.

**NOTATION:**

1. The Independent Children’s Lawyer is under no obligation to brief the Single Expert in terms of Order 1 above until there has been compliance with the Order .