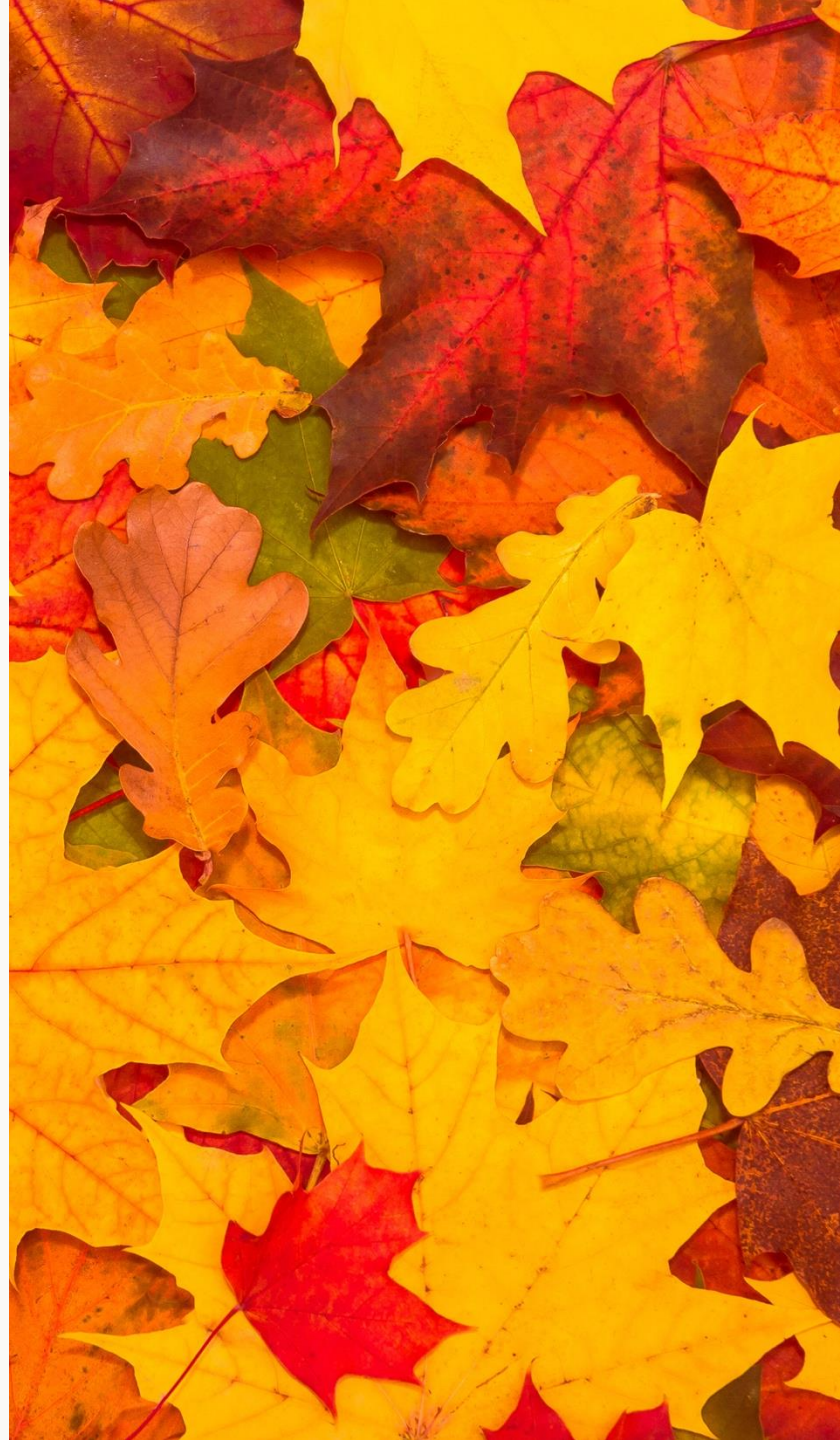
When You Get the Call

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- Urgent timelines and complex family circumstances
- Domestic violence, trauma or psychological harm
- Attachment, separation and children's expressed wishes
- Understand what the court is asking you to assess
- Determine whether you have the appropriate expertise

Am I the right professional to answer this clinical question?



Know Your Role: Independence & Impartiality

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- Provide independent, objective professional evidence
- Do not advocate for the retaining parent or lawyer
- Remain within your expertise and instructions
- Consider evidence that supports and challenges conclusions
- Distinguish clinical opinions from legal determinations

Our role is to assist the court, not either party.



Assessing Serious or Grave Risk of Harm

- Physical harm: domestic violence, threats, unsafe environments
- Psychological harm: trauma, anxiety, fear and distress

- Attachment: disruption to important caregiving relationships
- Child's agency: impact of overriding strongly held views

- Return: potential effects on this child's functioning

The court determines whether the legal threshold is met.



What Evidence Do I Need?

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- Interviews with relevant parents and caregivers
- Developmentally appropriate child assessment
- Parent–child observations when clinically relevant
- Relevant medical, psychological and developmental records
- Collateral information and available court materials
- Alternative explanations and conflicting evidence

The methodology must fit the referral question.



When the Child Cannot Tell You

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- Case example: international return matter involving an infant
- Focus on attachment and potential caregiver separation
- Observation rather than verbal child interviewing
- Mother–child interaction observed
- Father’s participation requested but declined
- Both parents considered using available information

Missing participation does not justify assumptions.



The Missing Pieces: Recognizing Limitations

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- Identify missing or inaccessible information
- Disclose interviews or observations not completed
- Explain non-participation without assuming motives
- Acknowledge time, access and observation limits
- Explain how limitations affect your conclusions

If you have 75 of 100 puzzle pieces, do not invent the rest.



This Child. These Circumstances.

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- Chronological age does not equal developmental maturity
- Assess cognition, emotional insight and functioning

- Consider capacity to understand return and its consequences
- Explore the context and consistency of expressed wishes
- Account for individual attachment, trauma and resilience

This particular child, not assumptions based on age.

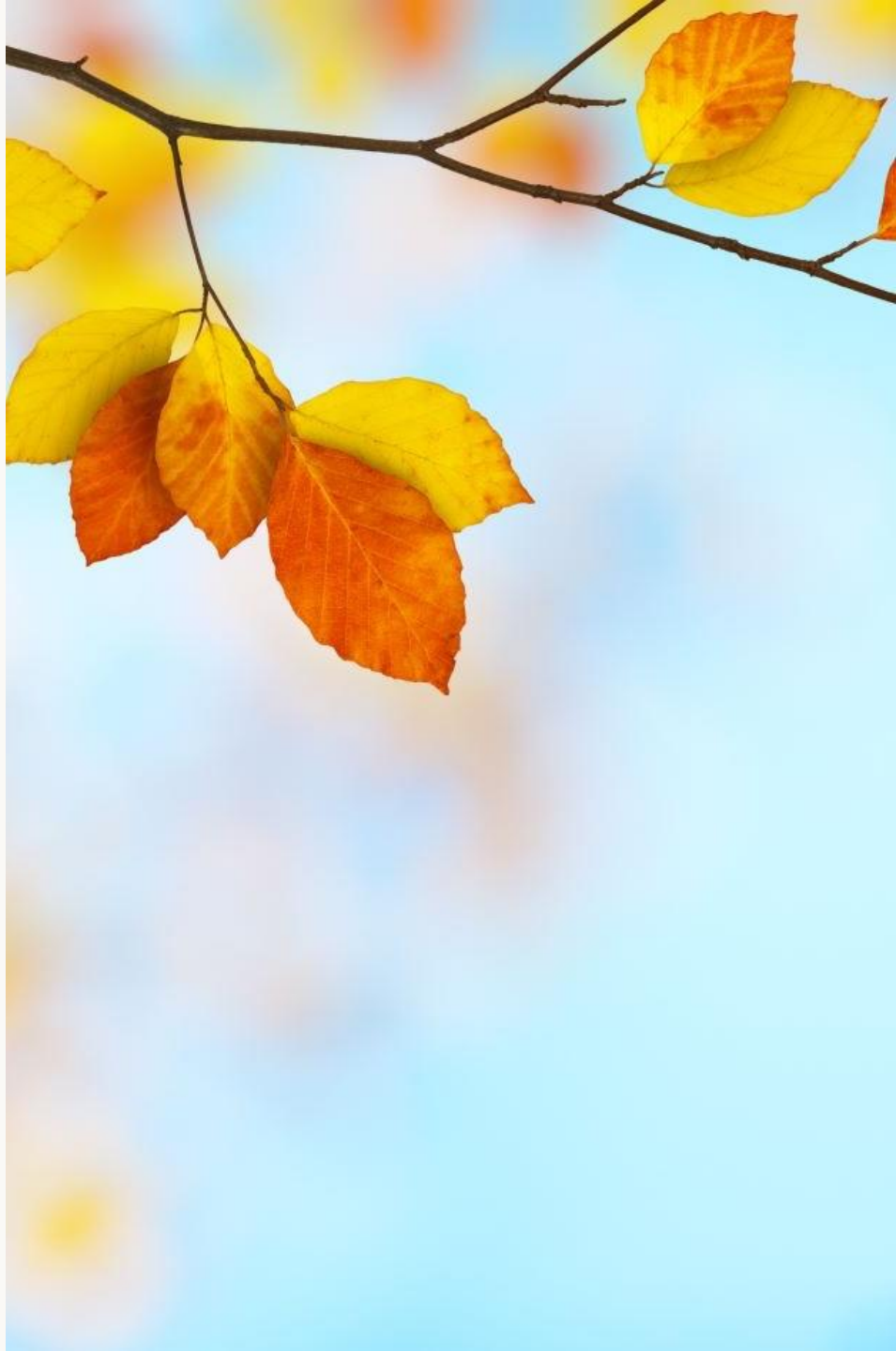


Writing a Report That Can Withstand Scrutiny

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- Maintain a comprehensive, current CV
- Consider an affidavit expanding on relevant qualifications
- Answer each question in the letter of instruction
- Separate reported information, observations and opinions
- Explain evidence, reasoning and limitations
- Prepare to explain your methods under cross-examination

Explain not just what you concluded, but how.



What Makes Expert Evidence Useful?

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- Begin with the right clinical questions
- Know the boundaries of your expertise
- Remain independent and impartial
- Individualize the assessment to the child
- Acknowledge missing information and limitations
- Provide clear, balanced, evidence-informed opinions

Reliable clinical evidence helps the court decide.



Thank You

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