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Title: Obtaining expert evidence in child protection court proceedings

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Obtaining expert evidence in child protection court proceedings

Abstract

Judicial officers use expert evidence in child protection court proceedings to inform decision-making about the welfare and best interests of children. There are many types of expert evidence, from different types of experts, and different jurisdictional arrangements for obtaining expert evidence in children's court matters. This paper presents research findings from Queensland, Australia, involving interviews with judicial officers and other professionals working in the children's court. The study found that it was considered vital for magistrates and judges to have access to information about child development, parenting capacity, and other factors relevant to care and protection decisions, but in practice, there were problems with the provision of independent expert evidence to the court. Legislative provisions enabling the court to appoint experts with special knowledge or skills were rarely used, so it was generally parties to proceedings (representatives of parents, children, or the statutory agency) who furnished expert reports to the court. The professional expertise of child protection caseworkers was not highly regarded. The findings raise questions about the availability and quality of expert evidence, the capacity of judicial officers to appraise such evidence, and the best arrangements for the court to obtain access to expertise.

Implications

- Expert evidence from social workers and other professionals is vital to inform child protection decisions in the children's court.
- Adequate funding, guidelines, standards, and other mechanisms to improve the accessibility and quality of expert evidence are needed in Queensland

Keywords

Child protection, children's court, expert evidence

Expert evidence is a type of evidence tendered to a court that is based on specialised knowledge gained from training, study, or experience (Freckleton & Selby, 2009). It is used in child protection court proceedings to inform decision-making about the best interests and welfare of children, particularly in relation to making child protection orders. The purpose of expert evidence is to provide the court with information beyond its general knowledge and common sense—it is information that is based on specialised knowledge. Expert evidence can be categorised as providing clarity about a rule or standard; contextual information (such as the cognitive capacity of children at a certain age, or cultural differences in parenting styles); or information regarding the specific case before the court (such as the care needs of a particular child who has a disability) (Kelly & Ramsey, 2009). Expert evidence allows for opinion, which is distinguished from direct evidence of fact (Freckleton & Selby, 2009).

There are different types of experts relevant to child protection court proceedings. Experts generally have professional qualifications, such as social workers (Brophy & Bates, 1998; Fernando, 2014), psychologists and psychiatrists (Fitzgerald & Moltzen, 2004; Jamieson, Tranah, & Sheldrick, 1996), medical practitioners (Roper, 2015), and forensic scientists (Budd & Springman, 2011). Professionals who provide expert opinion are expected to be representative of a relevant field of knowledge or a scientific discipline, and to provide objective information (Kelly & Ramsey, 2009). Experts need not have professional training, but may have advanced technical or other knowledge. For example, expert evidence regarding cultural matters can inform judgements regarding the preservation of cultural continuity in placements for Indigenous children (Anderson, 2014). The types and topics of expert evidence on case-specific matters could include social assessments of family circumstances and functioning; psychiatric reports about parental or child mental health; or medical reports about a child's injury or illness. Reports presenting a synopsis of current

research on topics such as shared care, parental conflict, surrogacy, gender identity dysphoria, or same sex parenting have been provided by experts in the family law jurisdiction (Rathus, 2014).

Expert evidence has an important role in child protection matters because of the multifactorial causes of child maltreatment; its intersections with other problems such as domestic and family violence, substance misuse, mental health, and disability; and the lifelong consequences of children's placement in out-of-home care. The research base about child abuse and neglect and its impact on children has rapidly expanded in recent decades. This research has much to offer in understanding and responding to complex problems, but can be difficult to keep up-to-date with, especially for lawyers and practitioners in service delivery roles. However, there are criticisms of expert evidence. Some criticisms relate to the probative value of the expert evidence, which the court must assess. Other concerns are procedural, relating to costs, timeliness, and access to evidence.

Poor quality research that has flaws in design, methodology, or analysis cannot be relied upon by courts (Lempert, 2013). Experts ought to use recognised methods of evaluating research and should be able to identify the strengths and weaknesses of the evidence that they use to reach conclusions and provide opinion (Fitzgerald & Moltzen, 2004; Johnston, 2007; Ludolph & Dale, 2012). There is reason to be cautious about controversial findings or research that captures public attention but is not established science. The 1923 decision in Frye vs United States established that scientific findings should have gained general acceptance in their field (Cheng & Yoon, 2005). Further, the 1993 Daubert case enumerated criteria for sound research, establishing four principles: falsifiability, peer review, error rates, and acceptability in the relevant research community. Daubert also established the judge as gatekeeper, requiring courts to scrutinise the reliability of any expert evidence offered by the parties (Cheng & Yoon, 2005).

Even sound research has limitations. Evidence accumulates over multiple studies; a single study is rarely decisive. A great deal of research in Australia, and internationally, involves middle-class families and populations lacking cultural diversity, so caution is needed in generalising and applying the findings to people with different racial and cultural backgrounds, and from one country to another (Cashmore & Parkinson, 2014). There are limits to both the quantity and quality of research in several important aspects of child protection, including the costs and benefits of different therapeutic and educational interventions for children and families; the use of standardised instruments for psychological testing and risk prediction; and the relative merits of different placement types (such as adoption, foster care, and kinship care). Knowledge continually develops, and previous expert opinions may be revised due to new research (Rathus, 2014). A sound overview of research is generally not sufficient, the evidence must be applied to the individual case. It should take into account family history and changes in circumstances over time, rather than focus solely on current family functioning, and should explain the underlying causes of family problems in order to provide a basis for recommendations.

Experts can be court-appointed or commissioned by a party to proceedings. Even when commissioned by parties, evidence given to the court by expert witnesses is expected to be impartial, because the expert has an overriding duty to the court. Expert reports may introduce bias if they are of a poor standard, or incomplete, presenting research selectively and ignoring studies with contrary findings. Reports that advocate for a specific outcome or type of court order may be questioned if they lack balance, transparency, or qualifications to advise on legal remedies (Kelly & Ramsey, 2009). When assessing dynamics related to complex issues such as domestic violence, family contact, and reunification, experts can be influenced by the emotions, value stances, and perspectives of others as well as their own, or

they may overly identify with one of the parties (Cashmore & Parkinson, 2014; Johnston, 2007; Ludoph & Dale, 2012; Rathus, 2014; Stevenson, 2012; Weiss & Alexander, 2016).

If expert evidence is presented, the court must have the capacity to appraise the evidence. In some jurisdictions, including Australia (Rathus, 2014), information untested for validity or relevance that was commissioned by one party was included in the judgement (Johnston, 2007). Examples of insufficient critical appraisal of expert evidence are judgments that incorporate inaccurate or incomplete summaries of findings, not including the caveats of the findings or acknowledging the methodological limitations of the research (Cashmore & Parkinson, 2014; Johnston, 2007). Cross examination of an expert witness may be aimed at obfuscating testimony or creating doubt about the expert's credibility, rather than interrogating the validity and reliability of their evidence (Brophy & Bates, 1998; Johnston, 2007). Further, whether it is by parties to proceedings or by the court, experts must be paid. Parties may have differential access to the best available experts depending upon their financial resources (Brophy & Bates, 1998). It has been argued that experts testifying in court are an expensive way for the judiciary to gain an understanding of relevant research (Rathus, 2014).

In summary, most courts, including children's courts, make use of expert evidence. It has an important role to play in informing decisions about the best interests of children. In Australia, prior research on expert evidence in court proceedings determining children's best interests is focused on the family law jurisdiction, with less attention to expert evidence in children's courts (e.g., Cashmore & Parkinson, 2014; Rathus, 2014). The research question guiding the present study was: how is expert evidence obtained and used in child protection proceedings in the Childrens Court[1] in Queensland, and how is it regarded?

Method

[1] In Queensland legislation, the name of the court is 'Childrens Court' (no apostrophe).

Data were obtained from the Queensland part of an Australia-wide study on future directions for the children's court conducted in 2010-11 (Sheehan & Borowski, 2013). Documentary sources including legislation, government reports, and policy documents were reviewed to establish the history and contemporary operations of the court. Interviews were conducted with a purposive sample of judicial officers and other stakeholders to ascertain their views about the purpose and processes of the Childrens Court, current and future challenges, and opportunities for reform. In Queensland, there were interviews with 22 participants, and seven focus groups with a further 25 participants, all of whom had extensive experience and knowledge of the Childrens Court. The sample included six judges, six magistrates, 18 representatives from government agencies (police, child protection, and justice), and 17 from legal services. The study complied with all requirements of the ethics approval granted (Griffith University ethics approval 2009/241). Confidentiality was assured for all participants, and information was sought regarding matters within the scope of their professional knowledge. Interviewees were based in Brisbane and regional centres. A content analysis (Sproule, 2006) of the interview data was undertaken to provide a description of practices and perspectives relating to expert evidence. This involved systematically searching the records of interviews using the key words 'evidence' and 'expert' and categorising statements about *obtaining* and *using* expert evidence. The analysis was deductive in that these two categories were developed from the literature review. The aim was to develop a clear and accurate picture of legislation, policies, and practices relating to expert evidence in child protection proceedings, using both documentary sources and the interview data.

Findings

Under the Queensland *Childrens Court Act 1992* there is a two-tiered system whereby the first tier, the Childrens Court, is presided over by a Magistrate who hears and determines the

vast majority of child protection applications. Magistrates are not required to have a particular interest or expertise to preside in a Childrens Court. Magistrates' decisions can be appealed to the superior tier, the Childrens Court of Queensland, which is presided over by Judges appointed from the District Court, one of whom is appointed President of the Childrens Court. In making appointments to the Childrens Court of Queensland, the Attorney-General "must have regard to the appointee's particular interest and expertise in jurisdiction over matters relating to children" (*Childrens Court Act 1992,* s.11(2)). In practice, most Childrens Court of Queensland judges, including the President, have infrequent involvement with the child protection jurisdiction, because few child protection decisions are appealed: there were 14 appeals in 2015-16 and 29 in 2016-17 (Childrens Court of Queensland, 2017).

General provisions relating to evidence are contained in section 105 of the *Child Protection Act 1999,* which provides that the Childrens Court is not bound by the rules of evidence, but may inform itself in any way it thinks appropriate. Section 6 states that in all decisions about Aboriginal and Torres Strait Islander children, there must be an opportunity for a "recognised entity" (an Aboriginal or Torres Strait Islander child welfare agency) to participate and be consulted. Section 104 states the court must have regard to the Principles of the Act, including section 5C which states that for Aboriginal and Torres Strait Islander children subject to the Act, connection with family, culture, traditions, language and community should be maintained. The specific legislative provisions of the *Child Protection Act 1999* relating to expert evidence are as follows:

- Section 68 - the court may order expert reports for two purposes: (1) a written social assessment report about a child and the child's family; or (2) a report about a medical examination or treatment of a child;

- Section 98 - the assessment should be undertaken by an appropriately qualified practitioner (examples in the Explanatory Note are psychologist or social worker); and
- Section 107 - the Court may appoint a person having special knowledge or skill to assist the court (example in the Explanatory Note is a medical expert to clarify the implications of an injury or illness).

Participants reported there was rarely expert evidence presented to the court under s.107 enabling the court to appoint experts with special knowledge or skills. The main reason given for the lack of court-ordered reports was that the court had no funding to meet the cost of expert reports.

It was generally parties to proceedings (representatives of parents, children, or the statutory child protection department) who tendered expert reports to the court. Examples given were: (a) expert opinion obtained by the parent from a treating therapist or specialist; (b) expert opinion obtained by the department, usually on specific case matters such as the mental health or cognitive capacity of a parent; and (c) comprehensive family assessments, which were mainly commissioned by children's separate representatives, and funded by legal aid. There is a provision under s.110 for separate representatives to be appointed to represent children. In Brisbane, contested matters often had separate representatives appointed early in proceedings and most reports provided to the court were via the separate representative. The appointment of separate representatives, and hence reports commissioned by them, was much less common in other parts of the state. Section 23(2) of the *Director of Child Protection Litigation Act 2016* requires the statutory child protection department to provide information to the Director, including an independent expert assessment, where it is reasonable. The department and the Director of Child Protection Litigation (DCPL) should work together to identify the expert and develop terms of reference, although the department is ultimately responsible for deciding the content of the terms of reference, and for meeting the costs of

expert reports. In accordance with the *Child Protection Act* s.198 the authors of family assessment reports were professionally qualified, usually in social work or psychology. Experts were infrequently cross-examined due to the low level of legal representation (especially for parents) in the court, although this was variable across the state, with legal representation less likely in regional areas. There were no guidelines or standards pertaining to how expert evidence should be presented, it was incumbent upon the party commissioning the report to brief the expert about matters to be addressed in a report. Most expert evidence related to the specific circumstances of a case. Research reports presenting an overview of research and current knowledge on topics, such as those provided in the family law jurisdiction, were rare.

Participants were asked about the value of expert evidence. Because most judicial officers are generalists, sitting in courts that deal with both adult and children's law, and with no specific training in the Childrens Court, several judicial officers emphasised their dependence on the information provided to reach decisions, such as expert opinion on family functioning, quality probative evidence, and details of available services or programs that could help families. They sought child welfare input. Some magistrates said access to specialist training in areas such as children's development, cross cultural awareness, and family dynamics would be helpful in undertaking their roles, but the majority said that their on-the-job training and experience on the bench was sufficient. Expert reports commissioned by children's separate representatives, often being the most comprehensive assessment available to the court, and a source of information about children's views and wishes, were valued by the court. Most participants considered it vital for magistrates and judges to have access to information about child development, parenting capacity, and other factors relevant to care and protection decisions. There was some criticism of the quality of expert reports, relating to their depth of analysis and assessments of complex issues (such as trauma, intergenerational

abuse, or cultural matters). The expert was generally expected to comment upon whether the order being sought was the appropriate response in the best interests of the child, and stakeholders expressed the view that if a different type of order to that being sought by the statutory department was recommended, the rationale for this conclusion should be robust.

Information provided by participants revealed that the majority of the evidence pertaining to whether the child was in need of protection was provided by the child protection department, mainly in the form of affidavits from caseworkers. There were also affidavits tendered by recognised entities concerning Aboriginal and Torres Strait Islander children, if they had a view contrary to the department, but these were infrequent. In most cases, the department made a statement in their submissions along the lines that the recognised entity was consulted, and agreed with the decisions taken by the department. Direct evidence was sometimes presented to the court from departmental caseworkers and police involved in the case. Parents' views were mainly tendered by affidavit if legally represented and parents occasionally gave direct evidence, particularly if not legally represented. There was rarely direct evidence from children.

Child protection caseworkers employed by the statutory department have professional training in social work and human services disciplines, and draw on a body of professional knowledge to provide evidence on behalf of the state. While they provided direct evidence, such as relevant family history, observations and conclusions from the assessment, harm and risks for the child, and the rationale for seeking a child protection order, they are not independent or impartial experts, their evidence is tendered on behalf of the State. Moreover, they were not seen as experts by many lawyers and judicial officers. In Queensland as in most jurisdictions, the frontline workers who conduct investigations and risk assessments tend to be less experienced caseworkers who are supervised by more senior staff, and while senior staff may be consulted in preparations for court, the affidavit material filed was

generally from the caseworker who initially had contact with the family. Judicial officers and lawyers expressed dissatisfaction about poor quality evidentiary material and case plans submitted by departmental caseworkers to the court. They attributed this to a lack of expertise and experience, citing case plans that were not followed through and interventions that were not evidence-based. The court was more likely to accept evidence about when certain events occurred and the details of child protection concerns reported, rather than the caseworker's professional opinion about the causes and consequences of the child maltreatment experienced, interventions for the family, and case plans for the care and protection of children.

Discussion

The findings raise questions about the availability and quality of expert evidence, as well as the capacity of judicial officers to appraise such evidence. Until very recently, Queensland did not have any administrative or organisational arrangements for readily obtaining independent expert advice. The 2013 Queensland Child Protection Commission of Inquiry (QCPCI) found that independent experts were generally not commissioned due to the budgetary constraints of the Childrens Court (QCPCI 2013). The Inquiry recommended that the Department of Justice and Attorney-General and the Chief Magistrate establish a two year expert assistance pilot project so that the court could access expert assistance under s.107 of the *Child Protection Act* (recommendation 13.10). Five years on, the Department of Justice and Attorney-General announced that funds had been allocated for a two-year pilot project in the Beenleigh and Cairns Childrens Courts to implement this recommendation. The project commenced on 2 July 2018. It enables the cost of independent expert reports ordered pursuant to s.107 to be met by the court, if the Magistrate determines that expert advice would assist decision-making. It is planned that reports ordered in the pilot project will be reserved for complex matters. It is not envisaged that expert reports would replace social

assessment reports or detract from the obligation of the parties to present their case to the court (personal communications, 18 July and 20 August 2018). There is still no accreditation, training, quality assurance, or guidelines for professionals about how to provide expert evidence, or for judicial officers about how to assess their evidence.

The QCPCI did not recommend the establishment of a court clinic, as exists in NSW and Victoria. In NSW the *Children's Court Act* 1987, s.15B provides that the purpose of the Children's Court Clinic is to make clinical assessments of children, submit reports to court, and other prescribed functions. Assessment reports are for the court, not partisan evidence for any party. Experts include psychiatrists, psychologists, and social workers, who are authorised to make recommendations following assessment of parenting capacity or a physical, psychological, psychiatric or other medical conditions, and who must comply with practice guidelines (for example, reports must contain author's relevant qualifications, training and experience; experts may be cross-examined and should be available) (Children's Court Clinic, 2011). A NSW study found that clinic reports were perceived to be influential, but limited financial resources reduced the production of reports by clinicians, delaying decisions about children particularly in rural areas (Fernandez, Bolitho, Hansen & Hudson, 2013). The Victorian Children's Court Clinic uses mostly psychologists and psychiatrists to provide independent expert evidence to the court about children's needs and development, as well as the child's family (Children's Court of Victoria, 2018). The 2011 Protecting Victoria's Vulnerable Children Inquiry noted there were variable opinions about the quality of clinic reports, as well as concerns that judicial officers erroneously regarded the reports as more impartial than those provided by the child protection department (Cummins, Scott, & Scales, 2012). The Inquiry recommended reforms to the governance and oversight of clinic services, including that assessment guidelines and protocols be formalised, that reports should be available to all parties (not only the court) in order to reduce adversarial

proceedings, and that clinicians should not make disposition recommendations. A recent Victorian study found clinic reports were valued by the court, but access was problematic for regional families, and the availability of reports was constrained by budgets (Borowski, & Sheehan, 2013).

Magistrates in the present study recognised the complexity of decision-making when parents had (for example) problems with substance abuse, mental ill-health, or intellectual impairments, and wanted sound information about the impacts of these on children and parenting capacity. But the capacity of judicial officers to appraise the quality of evidence (expert or not) in children's matters is the subject of debate (Rathus, 2014). Experts are expected to synthesise the research, giving most weight to studies that use a robust methodology and demonstrate careful analysis in order to provide an opinion to the court, and judicial officers also must be able to identify good science. This is vital to avoid reliance on "common sense" assumptions (Burns, Dioso-Villa, & Rathus, 2016), personal experiences, and values and beliefs about children and parenting. Judicial officers should be equipped to ask the right questions about methods, findings and conclusions, and critically evaluate issues such as whether the context changed since the research was conducted, was the research conducted in another country, with a different demographic profile, culture or service system, and the generalizability of findings (Cashmore & Parkinson, 2014). This is particularly important given the low level of specialisation and limited jurisprudence in the Queensland Childrens Court, compared with other jurisdictions (Tilbury, 2013). Building judicial capacity to appraise expert evidence could be achieved through conferences, legal training events, and judicial education to provide opportunities for lawyers and judges to become informed of relevant research findings and gain the tools to better evaluate research (Cashmore & Parkinson, 2014, Burns, et al., 2016, Rathus, 2014).

There are particular issues to consider in appraising expert evidence relating to Aboriginal and Torres Strait Islander children and families, given their disproportionate involvement in the child protection system in Australia. In 2017, Aboriginal and Torres Strait Islander children were almost ten times more likely to be subject to child protection orders than non-Indigenous children (Australian Institute of Health and Welfare, 2018). According to Section 5C of the *Child Protection Act*, connections with family, culture, traditions, language and community should be maintained for children in care. The *Explanatory Memorandum* states: "This clause recognises the special needs of indigenous children and their families and communities to receive services which meet the cultural and identity needs of indigenous children, and to avoid dislocation of children from their communities". It is altogether unclear how court determines how the special needs of Indigenous children will be met in considering applications for child protection orders, except through the input of recognised entities. These agencies may tender evidence as to cultural considerations for Aboriginal and Torres Strait Islander children, but they are not called as experts or funded to provide expert reports. There are questions about the extent to which the court can rely upon or appraise family assessment reports prepared by non-Indigenous social workers, psychologists or psychiatrists who may have limited contact, knowledge or understanding of Aboriginal and Torres Strait Islander culture. How do such experts make culturally appropriate assessments or weigh up the applicability of research findings to Indigenous populations? Experts need to have expertise, and when reporting on Aboriginal and Torres Strait Islander families, this requires the ability to provide reports that competently address cultural issues and do not draw inappropriate or discriminatory inferences from a parent's presentation or communication style. There are noted difficulties in describing typical child development, as well as concerns about interpreting differences in deficit terms for children from diverse cultural, ethnic, and socio-economic backgrounds (Akhtar & Jaswal, 2013). For

Aboriginal and Torres Strait Islander families, consideration must also be given to issues such as intergenerational trauma and ways to effectively engage with parents, given the history of coercive child welfare intervention in Indigenous communities.

Although there was a lack of access to independent expert evidence, the other main source of information about children's needs and best interests as tendered by departmental caseworkers, was not rated highly. This has been found in other jurisdictions, including the UK (Dickens, 2007) and in Victoria, where caseworkers were regarded by the judiciary as inadequately trained, inexperienced, and under-prepared witnesses who showed little understanding of the family (Borowski & Sheehan, 2013). The QCPCI recommended the formation of an in-house departmental legal unit to improve the quality of evidentiary material tendered by the department to the court. Commencing in 2016, the Office of the Child and Family Official Solicitor (OCFOS) is responsible for providing legal advice and support to child protection caseworkers and working with caseworkers to prepare briefs of evidence for child protection matters (Department of Child Safety, Youth and Women, 2018).

Evidence means different things in different contexts – for example, evidence that meets a legal standard of proof, or evidence from research that meets scientific standards (for example, about child abuse risk and protective factors, child and adolescent development, attachment, and trauma). In part, criticism of the evidence provided by child protection workers reflects the adversarial and forensic nature of court proceedings. Predicting risk of harm is inherently complex, especially when children are most at risk not from decisive incidents, but from chronic adverse events such as low-warmth, high-criticism parenting that may not result any in physical evidence of abuse or neglect, but significant cumulative harm (Dickens, 2007; Bromfield, Gillingham and Higgins, 2007). Sheehan and Borowski (2014) have pointed out the routine undermining of child protection expertise in adversarial court proceedings caused by the forensic gaze of the court, and they called for problem-solving

judicial approaches involving multi-professional teams. Having the court involved in commissioning reports can facilitate this through liaison with parties about the engagement of an expert to ensure no duplication of assessments, that experts are acceptable to all parties, to ensure timely reports, and to reduce costs. It has been argued that reinforcing the paramount duty of the expert to the court through court appointment of independent experts, or joint instruction of an expert by representatives of children, parents, and the department, would avoid disagreements between experts, reduce costs, and enhance impartiality (Brophy & Bates, 1998; Cummins et al., 2013).

The current arrangements in Queensland with regard to commissioning and appraising expert evidence are unsatisfactory. They reflect "an outdated conception of judicial decision-making which does not appropriately recognise the role that extra-legal 'outside' knowledge plays in judicial reasoning … and unclear and inadequate legal frameworks for the admission, reception, and interpretation of outside knowledge" (Burns et al., 2016, p. 289). The legal standard of "best interests of the child" in the children's court involves broad judicial discretion, so the court's decision-making would benefit from improved access to independent, multi-disciplinary expert evidence, the development of standards for expert evidence, and enhanced legal and judicial capacity to appraise expert evidence. Improved access to experts could advise or assist the Childrens Court in Queensland on matters such as:

- child and adolescent development and other factors relevant to care and protection decisions such as cultural identity and connections, attachment, and trauma;
- a parent's capacity to protect and care for a child; and
- how a child's injuries or developmental delays may have been caused, and suitable treatments or therapeutic interventions.

If the separate legal representative for a child does not or cannot speak directly to the child, the social assessment report may provide the only means for the court to learn about the

child's views and wishes. Where a child is Aboriginal or Torres Strait Islander, the court may receive expert help about whether the case plan has been developed with the family involved in all decisions, and whether it appropriately meets the child's need for connection with family, traditions, culture, language and community. As well as providing written reports, court-appointed experts could provide a brokerage and review role, advising magistrates about cases where an expert may be beneficial and what, if any, additional expert evidence may be required; the appropriateness of case plans; recommendations for referrals of the parents or the child to services or treatments; reviewing and commenting on filed material; advising on how to effectively engage with the parties, or to adapt court proceedings to facilitate parents' understanding; engaging and liaising with experts, including providing specific instructions about matters to be addressed in reports.

Limitations. The present study was based on a purposive sample of children's court stakeholders so it may not represent all views. However, participants were experienced and knowledgeable about the operations of the court. Quantitative data about the number and type of expert reports tendered to the court are unfortunately not available. Interview data were collected in 2010-11 and the jurisdiction has been subject to considerable reform since the study was conducted, notably with the establishment of OCFOS and DCPL. The expert assistance pilot project is in the early stages of development at two regional courts only, and there are no other administrative arrangements or guidance to facilitate obtaining expert evidence or assuring its quality. This study, the first of its kind in Australia, offers important insights for social workers and other professionals about how the children's court operates in Queensland, and outlines considerations for expanding access to multidisciplinary expert evidence in child protection matters.

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