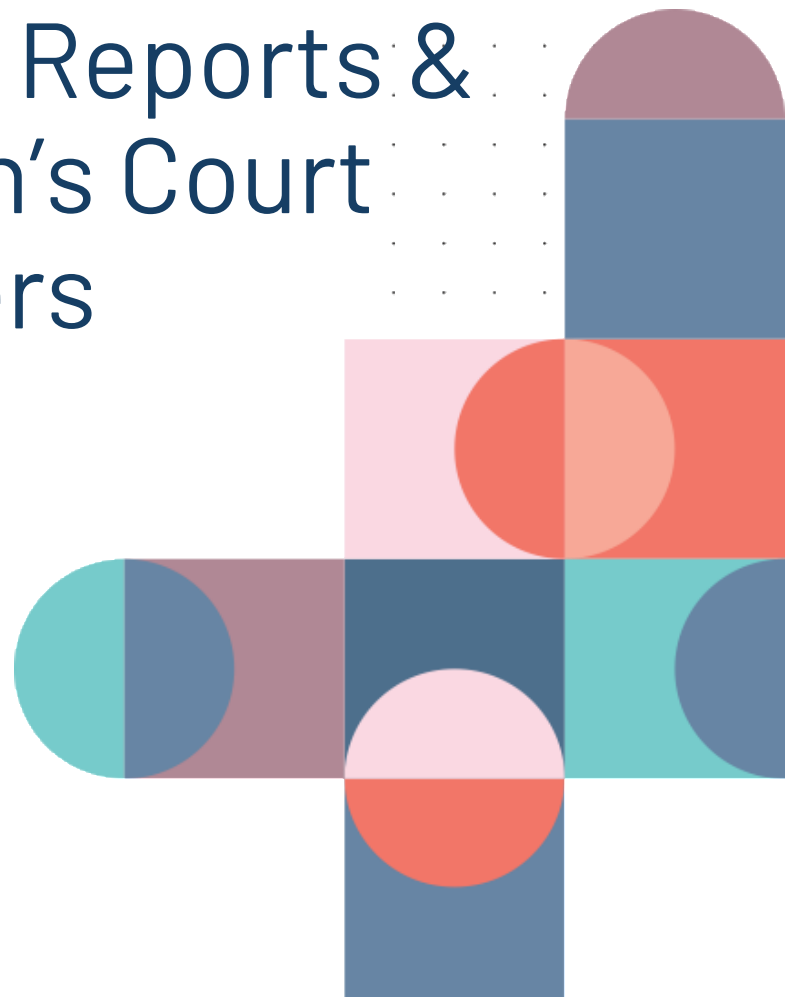




# Magistrate Perceptions of Expert Psychological Reports & Testimony in Children's Court Family Division Matters

**Dr Abigail Sheed**

ANZAPPL, 3-6 December 2025





# Team

- > Dr Abigail Sheed
- > Dr Maddison Riachi
- > Dr Harry Dent
- > Dr Lisa Forrester
- > Dr Benjamin Spivak
- > Dr Nina Papalia
- > Distinguished Professor James Ogloff



# Acknowledgements

## > Court Services Victoria

- Victorian Children's Court Clinic (CCC)
- Children's Court of Victoria

## > Victorian Legal Services Board (Grant No. 2023-GR043)

- > This project is funded through a grant from the Victorian Legal Services Board Grants Program

*The views expressed in this presentation are those of the authors and do not necessarily reflect the views or policies of the CCC, the Children's Court of Victoria, or the Victorian Legal Services Board.*

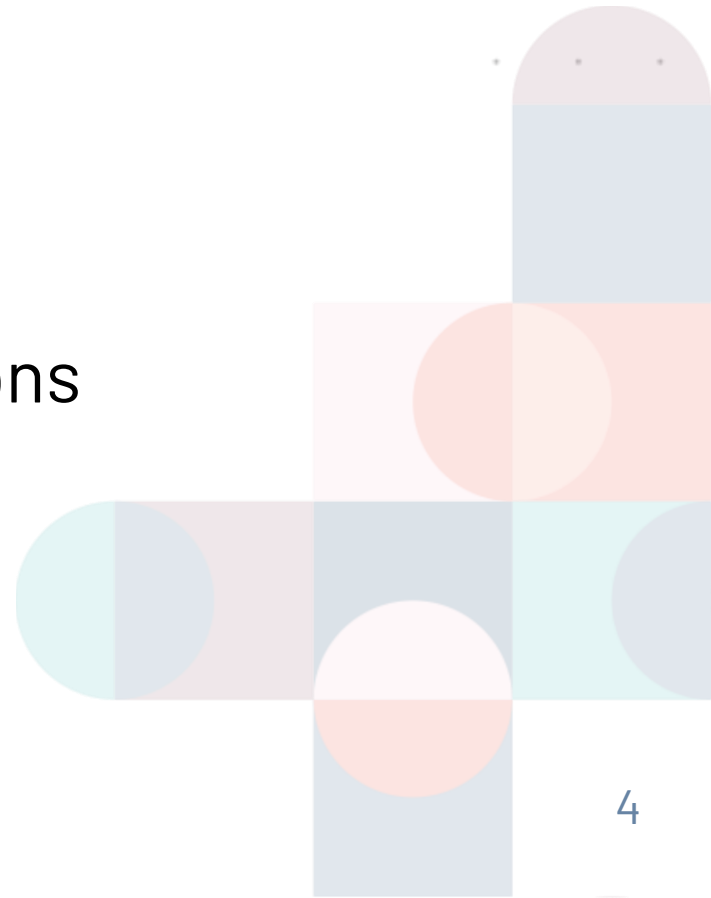
# Presentation Outline

> Rationale

> Our research

- What we did
- What we found

> Implications and future directions



# Rationale

- > Limited research exploring use of expert reports by the courts
  - Almost non-existent in child & family matters.
- > Lack of understanding as to:
  - Circumstances leading to judicial requests
  - How reports are considered
  - Most/Least useful components
  - Valued characteristics of expert witnesses
- > Improved utility to courts

# Our Research: What we Did



Children's  
Court of Victoria



4 magistrates interviewed  
4 magistrates surveyed  
~ 6 unique responses

- > Thematic analysis of magistrate responses related to:
  - Reasons for referral
  - How reports are considered
  - Useful components
  - Valued characteristics of expert witnesses



# Findings – Reason for Referral





# Findings - Reason for Referral



Seeking independent expert opinion

*“I’m looking for more information from an expert that will assist me to make a decision about placing a child with a parent or, the contact regime. “ – M01*



Seeking a piece of the evidence “jigsaw”

*“The Clinic is very valuable in giving us that type of jigsaw piece that, “yes, we’ve seen them, we’ve seen the dynamic, ah, we would recommend supervised contact or unsupervised contact” ...and that helps.” – Focus Group (M01 & M02)*



# Findings - Reason for Referral



## High Case Complexity

*“The Clinic is our kind of, it’s like the last where you’re just totally stuck, and you think... ‘oh, I can’t get a, I can’t get a, a read on this situation it’s so complex.’ Then it goes to the Clinic. So... they deal with the, the worst of the worst.” – M04*



## Request from Parties

*“It’s really the parties that dictate who is called” – M01*

*“Each magistrate will determine whether they want a Children’s Court Clinic assessment during the course of the hearing” – Focus Group (M01 & M02)*

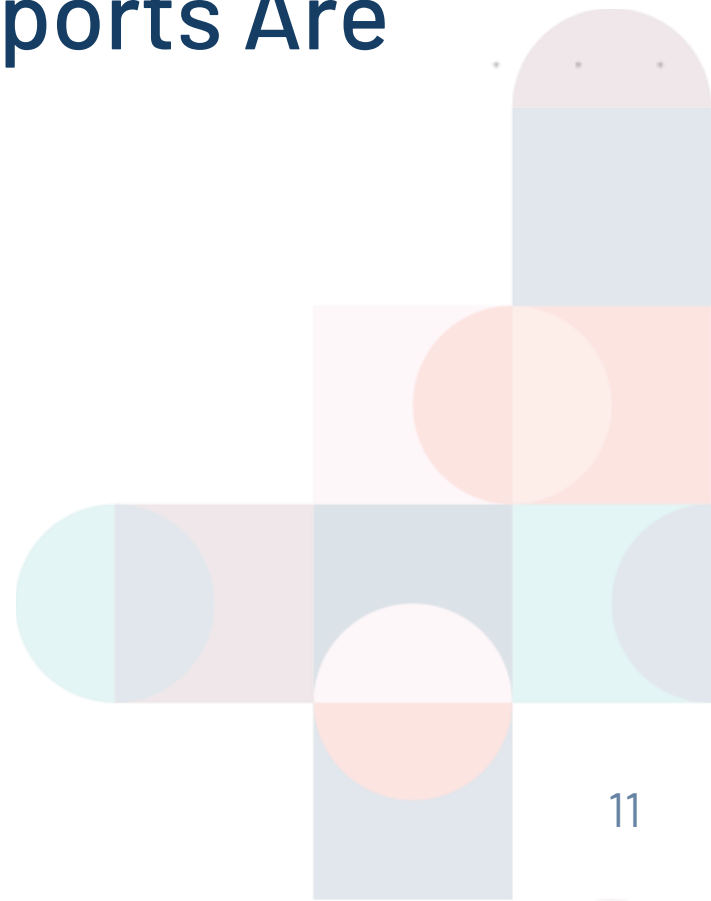


# Likelihood of Referral Influenced By...

- > Agreement from parties
- > Stage of court matter
- > Accessibility
- > Perceived benefit (e.g., existing reports, parent progress)
- > Specificities/nature of case



# Findings – How Reports Are Considered





# Findings – How Reports are Considered



Important  
Source of  
Information

*"It's an important source of information which I give great weight to." – M04*

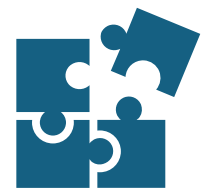


Assistance to  
Magistrate as  
Final Decision-  
Maker

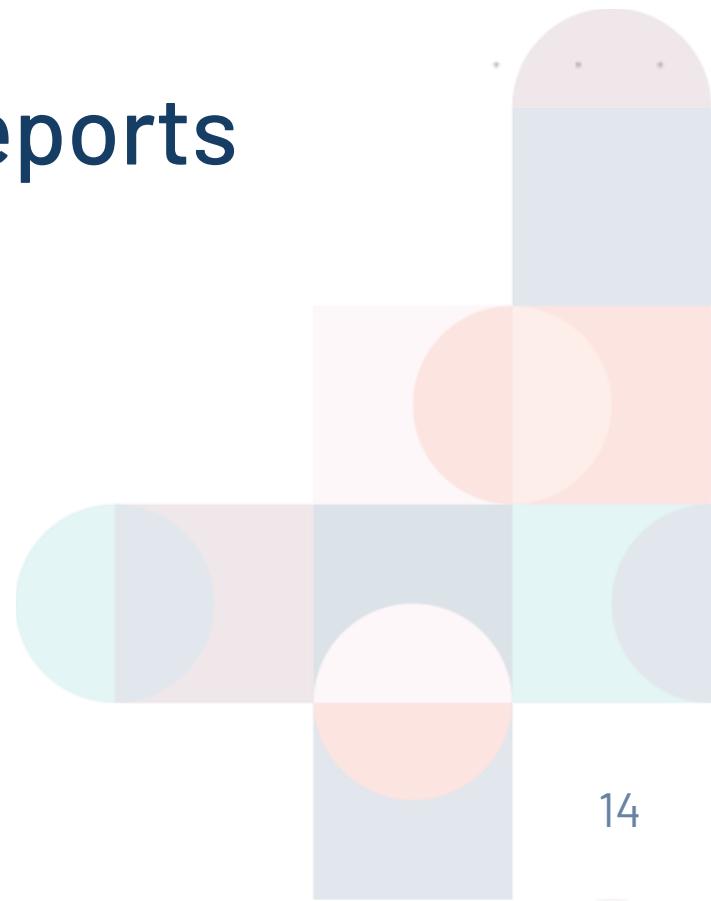
*"...The judicial officer should be on top of everything and the clinician is there to assist the judicial officer in terms of the recommendations."*

*– Focus Group (M01 & M02)*

*“I rely very heavily on the Clinic to ah, let me know about the likelihood of trauma to the child in that situation, could it be done in a different way, is there a way it could be done at all, um, is it just too late...” – M03*



# Findings – Useful Components of Reports





# Findings – Useful Components

## Components of Reports

- Opinion & Recommendations
- Chronology of events
- Observations (of relationship dynamics)

## Features of Reports

- Comprehensiveness
- Objectivity



# Findings – Least Useful Components



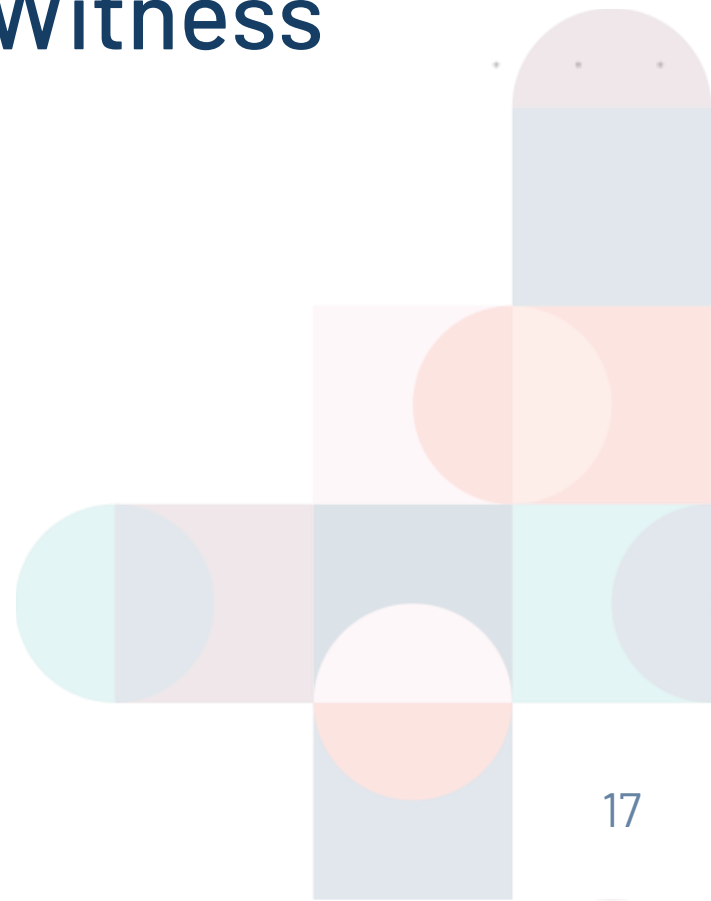
Standardised tests



Length of reports



# Findings – Expert Witness Characteristics



# Findings – Expert Witness Characteristics



## Clinician Credentials

*“Credentials of the clinician are paramount when considering what makes an expert witness.” – M01*



## Objectivity & Fairness

*“Secondly, how they come across. That, they’re not so weighted against or for the Department or for a parent...Any witness, expert witness, you... want to be persuaded by their fairness – M01*

# Findings – Expert Witness Characteristics



Clear, Logical  
& Considered  
Opinion

*“So credibility... the rationale, the, the sort of logical evidence that...that witness is, is giving.” - M03*

*“They make appropriate concessions, they back up their assessments... And the fact that they give good evidence, they’re considered.” - M04*



# Summary

- > Reports requested in complex cases where independent expert opinion needed.
- > Fundamentally, reports are/provide:
  - Useful source of information
  - Assistance to final decision-maker.
- > Opinion & Recommendations viewed as most useful sections
- > Clinician credentials + objectivity highly valued



# Implications + Future Directions

## > Implications

- Supports inter-disciplinary understanding & communication
- Improved capacity to meet the needs of the court

## > Future Directions

- Expand beyond CCC setting
- Larger/more diverse samples
- Comparison of high vs low quality expert opinion



Centre for Forensic  
Behavioural Science



For questions or feedback contact:

**Dr Abigail Sheed**

**[asheed@swin.edu.au](mailto:asheed@swin.edu.au)**



Scan the QR code  
to explore our website

