

**Submission on Section 211 Reports  
under the *Family Law Act***

Submitted to:

**Family Policy, Legislation and Transformation Division,  
Justice Services Branch, Ministry of Attorney General**

**December 5, 2023**



**CANADIAN  
BAR ASSOCIATION**  
British Columbia Branch

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## Canadian Bar Association, BC Branch

The Canadian Bar Association, BC Branch (CBABC) represents over 7,800 lawyers, students, and judges in BC as a branch of the Canadian Bar Association (CBA), the largest national, legal professional association. Members of CBABC are dedicated to protecting the rule of law, the independence of the judiciary and the Bar, and improving laws, justice and legal systems and access to justice. We believe in equality, diversity and inclusiveness in the profession and in justice and legal systems and are committed to the process of reconciliation with Indigenous peoples.

CBABC members have unique insight into the BC justice system and the impact laws have on people. We are committed to the steady progress of our legal and justice systems and improved access for all British Columbians. Strategic and efficient operations in those systems can be achieved through careful analysis and innovation. Fair access to justice can be achieved by acting with sensitivity and courage to meet the needs of those who suffer most under those systems today.

Through a Board of Directors, 60 Sections, 15 Committees, and member service programs, CBABC:

- Improves and promotes the knowledge, skills, ethical standards and well-being of members of the legal profession;
- Provides opportunities for members to connect and contribute to the legal community; and
- Advocates on behalf of the profession based on members' professional, front-line experience.

The development of this submission was led by the Family Law Committee whose mandate is to:

- Monitor developments in the law and practice of family law;
- Co-ordinate the development of family law reform policy and submissions; and
- Provide recommendations to the Policy & Advocacy Committee regarding advocacy in relation to family law matters.

Members involved in this submission include:

Stephen McPhee, KC, Chair (2022-24)  
Kimberly Santerre, Vice Chair (2022-24)  
Sophie Bartholomew (2022-24)  
Erin Brook (2022-24)  
Mylene de Guzman (2022-23)  
Samantha de Wit (2022-24)  
Nick Maviglia (2022-23)  
Chandni Ghei (2023-24)

Suzette Narbonne (2022-24)  
Aachal Soll (2022-24)  
Josephine Wong (2022-24)  
Joseph Cuenca (2022-23)  
Christine Murray (2023-24)  
Patricia Blair, Board Liaison (2022-23)  
Dan Melnick, Board Liaison (2023-24)  
Karen Shirley-Paterson (2023-24)

CBABC Staff: Kerry Simmons, KC, Chief Executive Officer & Executive Director  
Jess Furney, Manager, Policy & Advocacy  
Yasmeen Jaafar, Policy Advisor  
Rai Friedman, Policy Advisor

## Executive Summary

The Canadian Bar Association, BC Branch commends the Ministry of Attorney General (the Ministry) for continuing their review of the *Family Law Act (FLA)*. Following our participation in Phase 1 on property division and spousal support, CBABC anticipates engaging in the next stage of government consultation around parenting arrangements, childcare, and related topics.

Based on its commitment to improve the administration of family law matters, CBABC, led by its Family Law Committee, offers the Ministry thirteen recommendations to streamline and improve the section 211 reporting process under the *FLA* for judges, lawyers, report writers and clientele. These recommendations were informed by views and experiences shared through an online survey (view the results [here](#)) and a series of CBABC roundtables that engaged seasoned family law professionals (including judges, lawyers, psychologists, social workers and family justice counsellors) who work with section 211 reports in their practice.

The recommendations concern all aspects of the reporting process, from ordering to preparing to delivering/receiving section 211 reports. Implementing these recommendations collectively will help increase access to justice within the family justice sector and improve the lives of children and families across British Columbia.

## Background

The Ministry of Attorney General is engaging in a multi-year consultation on the *Family Law Act (FLA)*, a summary of which can be found [here](#). The objectives of the review are to modernize the law where appropriate and address any issue or gaps identified since the *FLA* came into force.

CBABC's Family Law Committee ("FLC") monitors developments in the law and practice of family law and provides recommendations to improve the administration of justice in family law matters. Following CBABC's successful [submission](#) responding to Phase 1 on spousal support and property division, and in anticipation of Phase 2's focus on parenting arrangements and related reporting processes, the FLC met with representatives of the Ministry and held engagement opportunities with family law professionals to discuss their experiences with section 211 reports ordered pursuant to the *FLA*.

Section 211 reports have an important role in the family justice system, and that role has been recognized in the legislation and the treatment of the reports in court and in out of court dispute resolution. The reports have a significant impact on parties reaching parenting agreements, parenting determinations, and the welfare of children in family law disputes. At present, families who require an assessment only have the option of accessing free services provided by the Family Justice Centre if the assessment is ordered by the court, or to pay for an independent report writer to complete the report.

Improving family law in BC is a key advocacy priority, as demonstrated in CBABC's [Agenda for Justice 2021](#). CBABC has consistently provided recommendations to the provincial government, leading up to and following the enactment of the *Family Law Act* in 2013. These include:

- Briefing Note on [Amending Section 203 of the \*Family Law Act\*](#), submitted to the Deputy Attorney General on April 14, 2022.
- [Submission on Modernizing the Child Protection System in B.C.](#), submitted to the Ministry of Attorney General and Ministry of Child and Family Development on October 6, 2021.
- [Submissions on Guardianship Issues Under the \*Family Law Act\*](#), submitted to the Ministry of Justice by CBABC's Special Committee Family Law Act Working Group on October 18, 2016.
- [White Paper on Family Relations Act Reform: Proposals for a New \*Family Law Act\*](#), submitted to the Ministry of Attorney General by CBABC's Family Relations Act Working Group on October 8, 2010.

## Discussion

### Introduction to Section 211 Reports

Section 211 reports under the *Family Law Act* are most often ordered in difficult, high-conflict family law matters where the parents cannot reach consensus on parenting issues. The specific legislation reads as follows:

- 211 (1)** *A court may appoint a person to assess, for the purposes of a proceeding under Part 4 [Care of and Time with Children], one or more of the following:*
- (a) the needs of a child in relation to a family law dispute;*
  - (b) the views of a child in relation to a family law dispute;*
  - (c) the ability and willingness of a party to a family law dispute to satisfy the needs of a child.*
- (2)** *A person appointed under subsection (1)*
- (a) must be a family justice counsellor, a social worker or another person approved by the court, and*
  - (b) unless each party consents, must not have had any previous connection with the parties.*
- (3)** *An application under this section may be made without notice to any other person.*
- (4)** *A person who carries out an assessment under this section must*
- (a) prepare a report respecting the results of the assessment,*
  - (b) unless the court orders otherwise, give a copy of the report to each party, and*
  - (c) give a copy of the report to the court.*
- (5)** *The court may allocate among the parties, or require one party alone to pay, the fees relating to an assessment under this section.*

Section 211 reports are used by judges to resolve parenting disputes, where a professional trained in the psychology field can provide an objective view or opinion. This opinion is obtained through a series of activities such as interviewing parties involved, including the child or children, reviewing court documents such as affidavits or court pleadings, or reviewing other pieces of evidence related to the parents or child/children to resolve parenting disputes.<sup>1</sup> Section 211 reports can also assist parties in trying to reach a consensus on parenting arrangements in the child or children's best interests, by way of negotiation or alternative dispute resolution.

Most section 211 reports are either<sup>2</sup>:

- “Views of the Child reports” (“VoC”) which offer the child’s insight on each parent, such as with whom they would prefer to live or spend time. There is often no further enquiry by the report writer regarding why the child may have reached that view, or whether there has been undue influence by one or both parties on the child.
- “Full section 211 reports” which include information about the child’s needs, opinions, information about the parents, the home, and the different parenting styles.

These reports can be prepared by various professionals, including family justice counsellors in Family Justice Centres and private assessors such as social workers, psychologists, and clinical counsellors.

In preparing a full section 211 report, the report writer meets with the parents individually and observes their interactions with the child. In addition, they meet with the child alone and ask them questions relevant to parenting arrangements. Both parents may undergo psychometric testing. Report writers may also interview other people close to either or both parents such as family members, friends, daycare providers, teachers, and other individuals who could provide valuable insight as to the child's well-being.<sup>3</sup> The report writer will then summarize their observations, analysis and recommendations in a written report, which is provided to both parties, their lawyers and the court. Their views could, for example, include their views on which parenting arrangements are in the child's best interest, as well as their suggestions regarding counselling or reunification programs.<sup>4,5</sup>

## Engaging with Section 211 Reports

In BC, there are approximately 137 Provincial Court judges, 14,000 practicing lawyers and 1300 registered psychologists.<sup>6,7,8,9</sup> As there are currently no guidelines or standards regarding the approach to the section 211 report process, family law professionals – whether judges, lawyers or report writers – are only equipped with their individual education, experience and expertise to guide their engagement in the process. This leads to varying approaches amongst all those who order, prepare and receive the reports, as to what the reports require. Our consultations highlighted the current confusion and frustration around the section 211 report process across the justice system, given the diverse perspectives of what is in a child's best interest. Concerns included those raised around material review and timing.

Report writers are often tasked with reviewing an inordinate number of materials as evidence when preparing section 211 reports. For example, to align with the *Code of Ethical Conduct and Practice Standards*, psychologists are required to review every document presented. Oftentimes, the documents provided are needlessly extensive and irrelevant to the matter, such as financial statements. They are often also provided materials, such as affidavits, on a rolling basis which impedes their progress in completing the report and increases costs. There is consensus among report writers that being provided too much documentation is unhelpful, requires excessive review, inflates costs for their clients significantly, and delays the timely completion of section 211 reports.

CBABC therefore recommends the *FLA* require lawyers to prepare a joint summary document, memorandum, or instructions to the report writer, limited to 10 pages, ahead of ordering the section 211 report, consistent with the requirements for retaining a joint expert set out in *Supreme Court Family Rule* 13-4(1), to outline:

- a. Agreed upon facts,
- b. Issues in dispute;
- c. Clear instructions or guidance on the types of issues from the case to be provided as evidence and included in the section 211 reports – for example ‘the report should consider “a, b, c”; and
- d. Any materials permitted to be reviewed as evidence.

The preliminary documents must remain objective and assist the role of the report writer in the process. They cannot be overly specific, to ensure compliance with the *Code of Ethical Conduct and Practice Standards*.

To make the process as efficient and effective as possible, CBABC also recommends the *FLA* outline mandates that enable the court to direct both parties to provide the materials to be reviewed as evidence

to the report writer within a given timeline (for example, a certain number of weeks or months). The *FLA* should also enable the judge to provide a deadline for such materials within a given timeframe at their discretion that takes into consideration any pending hearing date.

During our consultations, family law professionals – regardless of their role – also voiced concern around the impact of “endless litigation” on endless costs and the current “judicial bottleneck” given the backlog of cases. It was raised that sometimes judges avoid ordering the reports due to the delays in obtaining the reports in a timely manner.

CBABC recommends the *FLA* be amended to allow section 211 reports to be ordered as early in the process as possible and as part of a triage process to allocate resources in proportion to the issues and the urgency for resolution. At the beginning of cases, clients are often more open to compromising to avoid extended litigation and increased costs. There could be less history documented in affidavits and parties may not be entrenched in positions. Using section 211 reports in support of earlier resolution of parenting issues could reduce the time required by the report-writer, increase compromise, and support resolution by the courts in a timelier manner, thus reducing the adverse impact on children and families.

For example, if a Judicial Case Conference (“JCC”) is required to demonstrate that an issue exists before the court may order a section 211 report, then the JCC should take place following the commencement of a family law proceeding, as early as possible. The *FLA* should reflect the process of ordering an early section 211 report, such as the requirement for a JCC. CBABC recommends that the *Supreme Court Family Rule 7-1* (JCC) should be amended to give priority scheduling of the JCC on application by a party who is seeking an order that a section 211 report be directed. As the orders a Judge may make at a JCC are prescribed, *Supreme Court Family Rule 7-1(15)* should be amended to specifically permit the Judge to order a section 211 report at the JCC, with the parties’ consent.

Given the prominent role that section 211 reports play in the family justice system, CBABC recommends establishing comprehensive, standardized guidelines to ordering, preparing and receiving section 211 reports, which reflect and resolve the professional requirements of judges, lawyers and report writers. This would help make the process more effective and efficient for judges, lawyers, report writers and clientele alike, as it would help ensure all professionals who engage with the section 211 reports do so appropriately and systematically. For instance when judges order the reports, they may prefer if both parties could identify the issues ahead of time to ensure a more comprehensive request. Report writers, who prepare the reports, might appreciate being provided terms of reference for report orders, and to receive more focused requests from judiciary that provide clear guidelines of what should be included. Lawyers, who receive the reports, often request more consistency in what information they comprise.

In many family law cases, family violence exists in one form or another. It is imperative that section 211 report writers, lawyers and judges all receive education on family violence screening and the impact of family violence on all parties, especially children.

The guidelines should also consider the governing document relevant to the professional responsibility and candour for all those who intersect with the courts and engage with the section 211 reports. This includes the *Code of Judicial Ethics* for judges; the *Code of Professional Conduct for British Columbia* for lawyers; and the *Code of Ethical Conduct and Practice Standards* for psychologists. We also suggest including terms of reference that set out more detail as to what the report should contain. These could follow the structure of, for example, the Association of Family and Conciliation Courts’ [Guidelines for Parenting Coordination](#) or the College of Psychologists of BC’s Practice Support document, [Family Law](#)



[Parenting Assessment Checklist](#).<sup>10</sup> The standardized guidelines could be in the regulations to the *FLA* or the applicable court rules. CBABC also recommends the *FLA* include a mechanism to address the manner and circumstances in which a party who disagrees with a section 211 report may challenge or object to a report.

### **Recommendation 1**

CBABC recommends the *FLA* require lawyers to prepare a summary document, memorandum, or instructions to the report writer, limited to 10 pages, ahead of ordering the section 211 report, consistent with the requirements for retaining a joint expert set out in *Supreme Court Family Rule* 13-4 (1), to outline:

- a. Agreed upon facts,
- b. Issues in dispute;
- c. Clear instructions or guidance on the types of issues from the case to be provided as evidence and included in the section 211 reports – for example ‘the report should consider “a, b, c”; and
- d. Any materials permitted to be reviewed as evidence.

The specific wording should track the language in *Supreme Court Family Rule* 13-4(1).

### **Recommendation 2**

CBABC recommends the *FLA* outline mandates that enable the court to direct both parties to provide the materials to be reviewed as evidence to the report writer within a given timeline (for example, a certain number of weeks or months).

### **Recommendation 3**

CBABC recommends the *FLA* be amended to allow section 211 reports to be ordered as early in the process as possible and as part of a triage process to allocate resources in proportion to the issues and the urgency for resolution.

### **Recommendation 4**

CBABC recommends that the *Supreme Court Family Rule* 7-1 (JCC) should be amended to give priority scheduling of the JCC on application by a party who is seeking an order that a section 211 report be directed. As the orders a Judge may make at a JCC are prescribed, *Supreme Court Family Rule* 7-1(15) should be amended to specifically permit the Judge to order a section 211 report at the JCC, with the parties’ consent.

### **Recommendation 5**

CBABC recommends establishing comprehensive, standardized guidelines to ordering, preparing and receiving section 211 reports, which reflect and resolve the professional requirements of judges, lawyers and report writers.

### **Recommendation 6**

CBABC recommends that family violence screening and assessment training be included as part of the standardized guidelines and the standards required of judges, lawyers and report writers.

### **Recommendation 7**

CBABC recommends the *FLA* include a mechanism to address the manner and circumstances in which a party who disagrees with a section 211 report may challenge or object to a report.

## **Oversight of Report Writers' Accreditation**

Under s. 211(2) of the *FLA*, section 211 reports can be prepared by a family justice counsellor, a social worker, or another person approved by the court. However, there are no further regulations or practice directives governing who can prepare these reports. Currently, “each category of assessor is governed by their own professional ethics and/or employment requirements”.<sup>11</sup> This approach results in a wide range of section 211 reports that are not always useful to those who rely on them, be that a judge, lawyer or party trying to resolve the issues. There is also inconsistency in the knowledge of report writers regarding the use and limitations of the reports. Further, there is not common continuing education of report writers, judges and lawyers with respect to knowledge of family law, child psychology, parenting, and the like.

CBABC recommends that the *FLA* establish an overarching governing group or body such as a roster or committee to oversee the accreditation process for individuals interested in becoming report writers, and to direct judges, lawyers and report writers to sources of continuing education in the law related to section 211 reports and assessment practices, including family violence screening and assessment. This initiative would help ensure consistency in the reports. It would also help ensure that report writers have certain experience, training, and interest in the area. More clarity and transparency around the process could also help incentivize a larger pool of professionals to engage with section 211 reports, which would in turn perhaps increase the number of available report writers.

### **Recommendation 8**

CBABC recommends that the *FLA* establish an overarching governing group or body, such as a roster or committee, to:

- a. Oversee the accreditation process for individuals interested in becoming report writers; and
- b. Direct judges, lawyers and report writers to sources of continuing education in the law related to section 211 reports and assessment practices, including family violence screening and assessment, including family violence screening and assessment.

## **Costs of Section 211 Reports**

The costs of section 211 reports vary widely across categories of report writers:

- Family justice counsellors can prepare both VoC reports and full section 211 reports for free, along with services such as short-term counselling, legal education, and mediation. However, we note

there may be long wait times to meet with the report writer and for the report writer to complete the report. Their reports also do not include psychological testing.<sup>12,13</sup>

- Private assessors, such as social workers and psychologists, can also prepare section 211 reports. These tend to be longer than those of family justice counsellors and may include psychological assessment of the parties. They can cost between \$15,000 to \$30,000, depending on the complexity of the case, whether the assessor is required to travel, the number of collateral interviews, and the number of materials the assessor needs to review (including parties' affidavits and other relevant materials) in the report's preparation.<sup>14,15</sup>

Unless otherwise agreed or ordered, the parties generally share the cost of the section 211 report. Courts can apportion the costs of section 211 reports between the parties pursuant to s. 211(5). However there can be a gap in information to assist the court in making the determination. For instance, if one party is consuming an inordinate amount of the court's resources, the court should be able to attribute more costs to that party. CBABC believes it is not in the child's best interest for both parents to unfairly endure financial hardship, and that where one party has disproportionately increased the fees, they should be responsible for these elective costs. To address this issue, CBABC recommends that the *FLA* be amended to clearly allow for the court to request information from the report writer to inform the court's decision, or not to apportion the cost of obtaining a section 211 report evenly or disproportionately between the parties, similar to the parenting co-ordination model. In the parenting coordination model, the costs of parenting co-ordination are shared equally unless the parenting coordinator determines that one party has increased the costs.

While family justice counsellors' services are provided free of charge to those unable to afford private assessors' reports, there is currently a significant backlog due to the high demand and under resourcing. CBABC recommends the government commit to long-term funding to hire more report writers and personnel engaged in the administration of the reports' processes. Establishing more stable and efficient program infrastructure that supports publicly funded reports would help increase access to these services.

In increasing access to these provincial services, it is also important to reiterate the difference between Views of the Child reports and full section 211 reports. VoC reports provide information on the child's perspective regarding issues stemming from the parents' dispute, and are often valued by judges. However, they cannot be equated as substitutes for full section 211 reports. The use of VoC reports in place of full section 211 reports needs to be carefully considered on a case-by-case basis and may not be appropriate if there are concerns about undue influence of one or both parents, or allegations or parental alienation, that may have impacted the child or children's views disproportionately.

To further mitigate costs for the public, CBABC recommends the government provide tax relief for individuals who pay for private section 211 reports, such as receiving a tax deduction or credit. This program could be modelled after the policy allowing a tax deduction on legal fees to seek child support, as ordering section 211 reports early reduces court time and resources on litigation, and benefits the child.

### **Recommendation 9**

CBABC recommends that the *FLA* be amended to clearly allow for the court to request information from the report writer to inform the court's decision, or not to apportion the cost of obtaining a section 211 report evenly or disproportionately between the parties, similar to the parenting co-ordination model.

### **Recommendation 10**

CBABC recommends the BC government commit to long-term funding to hire more report writers and personnel engaged in the administration of the reports processes.

### **Recommendation 11**

CBABC recommends the BC government provide tax relief for individuals who pay for private section 211 reports, such as a tax deduction or credit.

## **Psychometric Testing**

Where establishing parenting arrangements, the use of psychometric testing (formal psychological testing) is controversial.<sup>16</sup> These tests are often reserved for high conflict cases and should be included in the report only if requested by the judge or agreed to by the parties. Private assessors, including psychologists and social workers, who have the requisite qualifications, can perform psychometric testing to be included in full section 211 reports. They are required to adhere to standards and guidelines dictated by their profession. For example, per the *Code of Ethical Conduct and Practice Standards*, psychologists preparing a section 211 report are obligated to follow a multi-trait assessment paradigm which includes psychological testing. CBABC recommends the *FLA* mandate that the report writer consider whether psychometric testing would assist in the specific family's report, and if so, then apply the testing. The report writer would then be required to set out in the report why the testing was done and what it is supposed to measure.

Judges, lawyers, and clients should all be aware of the purpose of psychometric testing, and that it should not be used as evidence to demonstrate psychological illness. It is not meant to establish if an individual has a personality or mental health disorder, and judges must refer the case to a psychologist, family healthcare provider, or other relevant professional if a clinical diagnosis is needed. Psychometric testing in this context is conducted without access to a person's medical history and is based on one opinion, that of the report writer. We recommend mandating when additional practitioners familiar with the clients, such as family healthcare providers or other professionals, should be included when analyzing the results of the test.

Psychological assessments in family law often fail to consider individual and family needs and dynamics, and can cause serious harm to children and their families. For example, report writers without appropriate training in family violence may neglect to consider such patterns/incidents in their assessments. Additionally, Indigenous and racialized individuals have continuously highlighted that these forms of assessment "often [reproduce and reinforce] colonial and racial bias and leaves them vulnerable to systemic racism".<sup>17</sup> Psychologists have the responsibility within their *Code of Ethical Conduct and Practice Standards* to avoid inappropriate candour, questionnaires or presumptions regarding cultural norms which differ from their own. However, it remains that these tests' results frequently contain cultural biases, as they do not consider differing worldviews, customs and traditions, and can lead to report writers improperly labelling or profiling individuals.<sup>18</sup> Those who perform psychometric testing should be required to consider equity, diversity and inclusion principles and differing cultural morals and norms as it relates to child rearing.

### **Recommendation 12**

CBABC recommends the *FLA*:

- a. Require the report writer to consider whether psychometric testing would assist in the specific family's report, and if so, then apply the testing. The report writer would then be required to set out in the report why the testing was done and what it is supposed to measure.
- b. Mandate when additional practitioners familiar with the clients, such as family healthcare providers or other professionals, should be included when analyzing the results of the test.
- c. Require psychologists who perform psychometric testing to consider equity, diversity and inclusion principles and differing cultural morals and norms as it relates to child rearing.

### **Protective Mechanisms for Report Writers**

Report writers regularly face undue complaints, harassment, reputational damage, and safety concerns. This pressure, in addition to unclear guidelines, often discourages family law professionals from preparing section 211 reports. Private assessors face particular difficulties in this regard. For example, when a complaint is made to the College of Psychologists of BC (the regulatory body for psychologists in BC), it is the responsibility of the report writer to appeal the case which requires time and resources, such as hiring counsel. The assessor is not reimbursed or compensated for the loss of income. CBABC recommends the *FLA* establish protective mechanisms for report writers.

### **Recommendation 13**

CBABC recommends the *FLA* establish protective mechanisms for report writers.

### **Next Steps**

Throughout our engagements regarding the *Family Law Act*, our members have expressed appreciation to government for the continued opportunity to contribute to the legislation's modernization. We look forward to providing input in the next phase and pre-emptively offer these recommendations on how to improve the administration of section 211 reports ordered pursuant to the *FLA*. More direction and consistency around engagement with these reports will help increase access to justice for children and families across British Columbia, and better equip professionals across the justice system to support their clientele.

## Recommendations

CBABC makes the following specific recommendations:

1. Require lawyers under the *FLA* to prepare a summary document, memorandum, or instructions to the report writer, limited to 10 pages, ahead of ordering the section 211 report, consistent with the requirements for retaining a joint expert set out in *Supreme Court Family Rule 13-4(1)*, to outline:
  - a. Agreed upon facts,
  - b. Issues in dispute;
  - c. Clear instructions or guidance on the types of issues from the case to be provided as evidence and included in the section 211 reports – for example ‘the report should consider “a, b, c”; and
  - d. Any materials permitted to be reviewed as evidence.

The specific wording should track the language in *Supreme Court Family Rule 13-4 (1)*.

2. Outline mandates in the *FLA* that enable the court to direct both parties to provide the materials to be reviewed as evidence to the report writer within a given timeline (for example, a certain number of weeks or months).
3. Amend the *FLA* to allow section 211 reports to be ordered as early in the process as possible and as part of a triage process to allocate resources in proportion to the issues and the urgency for resolution.
4. Amend *Supreme Court Family Rule 7-1 (JCC)* to give priority scheduling of the JCC on application by a party who is seeking an order that a section 211 report be directed. As the orders a Judge may make at a JCC are prescribed, *Supreme Court Family Rule 7-1(15)* should be amended to permit the Judge to order a section 211 report at the JCC, with the parties’ consent.
5. Establish comprehensive, standardized guidelines to ordering, preparing and receiving section 211 reports, which reflect and resolve the professional requirements of judges, lawyers and report writers.
6. Include family violence screening and assessment training as part of the standardized guidelines and the standards required of judges, lawyers and report writers.
7. Include a mechanism in the *FLA* to address the manner and circumstances in which a party who disagrees with a section 211 report may challenge or object to a report.
8. Establish, through the *FLA*, an overarching governing group or body, such as a roster or committee, to:
  - a. Oversee the accreditation process for individuals interested in becoming report writers; and
  - b. Direct judges, lawyers and report writers to sources of continuing education in the law related to section 211 reports and assessment practices, including family violence screening and assessment.

9. Amend the *FLA* to clearly allow for the court to request information from the report writer to inform the court's decision, or not to apportion the cost of obtaining of a section 211 report evenly or disproportionately between the parties, similar to the parenting co-ordination model.
10. The BC government commit to long-term funding to hire more report writers and personnel engaged in the administration of the reports' processes.
11. The BC government provide a tax relief for individuals who pay for private section 211 reports, such as a tax deduction or credit, similar to that allowed for legal fees to seek child support.
12. Amend the *FLA* to:
  - a. Require the report writer to consider whether psychometric testing would assist in the specific family's report, and if so, then apply the testing. The report writer would then be required to set out in the report why the testing was done and what it is supposed to measure.
  - b. Mandate when additional practitioners familiar with the clients, such as family healthcare providers or other professionals, should be included when analyzing the results of the test.
  - c. Require psychologists who perform psychometric testing to consider equity, diversity and inclusion principles and differing cultural morals and norms as it relates to child rearing.
13. Establish, through the *FLA*, protective mechanisms for report writers.

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<sup>1</sup> Yousefi, L (March 7, 2014) S.211 Report Under the BC Family Law Act – When, How and Who to do it. YLAW. <https://www.ylaw.ca/blog/s211-report-custody-access-report-psychologists-bc/#:~:text=211%20reports%20at%20any%20time,take%20several%20months%20to%20prepare>.

<sup>2</sup> Rise Women’s Legal Centre. Understanding Section 211 Reports: A Guide for Women. <https://womenslegalcentre.ca/wp-content/uploads/2021/05/Section-211-Report-Plain-Language-Guide-English-WEB.pdf>

<sup>3</sup> Nasser Allan LLP (2021) Section 211 Report. <https://www.nasserallan.ca/section-211-psychologist-assessment/>

<sup>4</sup> Nasser Allan LLP (2021).

<sup>5</sup> Brown Henderson Melbye. Some Options to Obtain the Child’s Views in Separation and Divorce. <https://bhmlawyers.ca/hear-the-child-reports/#:~:text=A%20Views%20of%20the%20Child,views%2C%20but%20not%20the%20parents>

<sup>6</sup> Law Society of British Columbia (2022) Annual Report. <https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/ar/2022AnnualReport.pdf>

<sup>7</sup> Provincial Court of British Columbia (2023) Provincial Court Judge Complement. <https://www.provincialcourt.bc.ca/downloads/pdf/Provincial%20Court%20Judge%20Complement.pdf>

<sup>8</sup> College of Psychologists of BC (2022) Annual Report. <https://collegeofpsychologists.bc.ca/docs/CPBC%20Annual%20Report%202022.pdf>

<sup>9</sup> While there are other report writers such as family justice counsellors, social workers, etc., the population data is limited.

<sup>10</sup> British Columbia Psychological Association. Psychologists. <https://www.psychologists.bc.ca/#:~:text=Add%20your%20voice%20to%20over,academics%20and%20students%20in%20B.C.>

<sup>11</sup> Rise Women’s Legal Centre.

<sup>12</sup> Rise Women’s Legal Centre.

<sup>13</sup> Rise Women’s Legal Centre.

<sup>14</sup> Rise Women’s Legal Centre.

<sup>15</sup> Nasser Allan LLP (2021).

<sup>16</sup> Rise Women’s Legal Centre.

<sup>17</sup> Rise Women’s Legal Centre.

<sup>18</sup> Rise Women’s Legal Centre.