

Patricia Lane • Lawyer*
**Chartered Mediator, Chartered Arbitrator, Certified Family Arbitrator
& Parenting Coordinator**

Voice of the Child Reports

The Family Law Act requires that children have a voice in issues affecting them unless this would be “inappropriate¹”. To this end I am pleased to provide **Voice of the Child Reports**. VCR’s are intended to allow decision makers (parents, judges, parenting coordinators and arbitrators) with a statement which reflects the child’s voice and expresses their perspective.

Children have a voice, not a choice. VCRs do not aim to decide what is in the child’s best interests. They simply set out what children want to say.

Voice of the Child Reports are child-centred. If a child comes to see me and decides they do not want their voices heard that is the end of it. Everything that happens in my office with a child is confidential unless the child decides otherwise. ²

I require at least 2 meetings/interactions with the child. In the first one we talk about confidentiality and whatever they want to tell me. I ask if I can take notes. I ask them if there is anything they do not want said to their parents or the decision maker. I read back to them what I think they have told me. I tell them that I will not be doing anything with the report until I have double checked with them that they have remembered everything they wanted to say and that they are still fine with it being given to their parents and decision makers. In the second interaction, usually much shorter than the first, we go over what they told me, they add or subtract or change anything they want and they confirm what they want to say.

The report is not released without their full consent. Once the child has approved the content and my invoice has been paid I release the report. The report can be in written form and in video. The best is a combination of both formats.

Requirements:

- Parental consent
- Child’s consent
- Agreement as to process choice.

One parent brings the child. The other picks them up. I do not allow parents to wait in the office area although they may wait in the car outside my office area. If there is a second “in person”

¹ Very young children, children who say they do not wish to be heard, or children whose parents agree as to their perspective might be included in this list. Very badly abused children might also be excluded under some circumstances.

² This confidentiality is constrained by my legal obligation to report child abuse.

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** denotes Law Corporation*

child meeting the parents reverse their role from the first time. It is also possible to have one parent bring and pick up from the first meeting providing the other does so for the second. Keep in mind that with children older than about 10 and sometimes younger, electronic communications can work very well for the second visit depending on the child.

Process options open to parents for creating a Voice of the Child Report.

Option 1 (Least recommended; most expensive)

1. I meet with both parents separately for up to an hour and hear their perspectives and receive up to 5 pages of written material from each parent or counsel.
2. I meet with the child(ren).
3. I meet with the children a second time.
4. I brief the parents in person and provide report in written and potentially video form if the children consent.

Total estimated time: 6-8 hours (add an additional 2.5 hours for each additional child)

Option 2:

1. I talk by telephone with each parent.
2. I meet the child(ren) twice.
3. I provide a written report with potential video if the children consent.

Total estimated time: 4-6 hours depending on length of telephone calls. Add additional 2.5 hours per child

Option 3

1. I receive written material from parents limited to 5 pages each.
2. I meet the child(ren) twice
3. I provide a written report with potential video if the children consent.

Total estimated time: 3-5 hours. Add additional 2.5 hours per child.

Option 4 -This is my preferred option:

1. I receive a one page summary from each parent.
2. I meet with the children twice; the second meeting can be electronic depending on the child's age and stage.
3. I provide a written report with potential video.

Total estimated time: 2.5 hours per child.

- Other process options can be designed by mutual agreement. In Parent Coordination parental consent is given at the time of signing the Parent Coordination agreement.
- Caveats: Times are estimated only and not guarantees. Fees are charged on the basis of time spent at \$385 per hour plus applicable taxes. I cap it off at \$1500 unless there are more than 2 children in which case I cap it at \$2000.

- If there are multiple children I meet each one separately unless the children indicate a strong preference for coming together in which case we can start together but I do strongly prefer to meet each child separately as part of the process. I prepare a draft report while we are chatting and go over it with each child.

Parental Consent to Patricia Lane to provide a Voice of the Child Report

1. I _____ (parent) give permission to Patricia Lane to prepare a Voice of the Child Report for my child (ren) using Option ____ (see above).

List names and ages of children below

2. I understand Patricia is a lawyer/mediator/arbitrator and a qualified family law professional with specialized training and experience in interviewing children for the purposes of hearing their voices in family law proceedings. As such she is qualified to prepare Voice of the Child Reports. I understand that although Patricia is a lawyer she is not providing legal advice during this process and is not an advocate for anyone.
3. I understand that she will keep everything my child(ren) say to her confidential unless she is satisfied that they have given permission to her to reveal what they say. I understand that Patricia has a legal requirement to report children she perceives to be in need of protection to the government.
4. I understand that she will meet with the children at least twice in order to allow them to confirm their statements.
5. I understand that the report may be in written or video form or a combination.
6. I understand that Patricia will not provide the report to anyone except me but that if a judge, arbitrator or parent co-ordinator has requested the production of the report, Patricia will provide them with notification that the report has been released.
7. I understand that once the report is released to me Patricia will destroy it and has no further responsibility for its custody.
8. By signing this form I consent to its terms above and agree to provide Patricia with
 - a. My consent
 - b. My cooperation in bringing or picking up the child(ren) as she sets out or making them available for a virtual meeting;
 - c. My commitment to refrain from discussing the content of the meeting with the child either before or after the meeting and to refrain from “coaching” the children to prepare them as to what to say.
 - d. Payment in full for the report understanding that it will not be released to me until I have paid my full share.

Date:

Parent

Counsel or witness

Parent

Counsel or witness

What happens in a Voice of the Child interview?

I start by introducing myself and asking the child if they know why they are with me. We talk a bit about that in very neutral terms. Examples might be:

Your Mum and Dad don't live together now. This means some new ideas have to be thought about as they think about how you will spend time with each of them. As they make these decisions they wanted to make sure you had a chance to have a say about that and they have asked me to chat with you to get your input. They will make the decision but we know that kids often feel better if they are asked their opinions so that's what we are here to do today.

I will tell them that everything they say is confidential until they tell me I can talk about it.

I tell them I will if they agree make a written report about what they want to say so their Mum and Dad can read it and consider it carefully. I will ask them if they want to speak to a video camera about their feelings so their Mum and Dad can hear and see them directly. I might do this at the beginning or at a later point depending on the dynamic with the child.

It is my practice not to tell parents in advance about the kinds of questions I ask because it is too easy to either coach the child or assume the other parent coached the child if the report is not to one parents' liking. Generally speaking I want to provide decision makers with a report from the children about the state of their lives. What is working for them and what is not working? What do they want to change and what do they want to stay the same? What activities do they like doing with each parent and what would they like to do less or more of?

I might ask how they are feeling about their time with each parent, whether they would like more time with either parent and how they might see that happening.

If parents want me to ask specific questions they are free to make that request in their preliminary materials. Of course I cannot guarantee that the child will agree to talk about the topic, I will get an answer that is understandable to an adult mind or that the child will allow me to release it.