
Independent Children's Lawyer ("ICL")

An Independent Children's Lawyer ("ICL") is appointed in many disputes involving children. These cases are generally the more difficult children's cases where the issues affecting the children may include:-

- drug abuse
- violence
- neglect of children
- serious issues of mental health relating to the children or either or both parents
- alienation of children from a parent
- ages, maturity and wishes of the children
- relocation
- proposal to split siblings

The ICL is appointed to look at the case from the perspective of the best interests of the child. The ICL does not take sides, not act for either party or act on the "instructions" of the child.

The ICL must investigate the matter and present to the court an independent perspective about which arrangements are in the best interests of the child.

The ICL usually meets the child to gain some insight into the child. The ICL often speaks to the child's counsellors, school teachers and school principals to see how the child is progressing and contacts medical practitioners.

The ICL usually arranges a "family report". A family report is prepared by an experienced family consultant who is normally a psychologist or a social worker. The family report writer sees the parents, the children and sometimes other family members.

The ICL examines documents which may be subpoenaed from organisations such as:

- Department of Human Services – if there have been past allegations or there are current allegations, that the children are abused or are at risk of being abused
- Victoria Police – for criminal records of the parties or their current partners
- Schools - for the progress and developmental records of the children
- Medical, psychiatric and psychological records of the children and/or their parents
- Vic Roads - for speeding fines or other motor vehicle related offences

Ultimately, the role of the ICL is to put independent objective material to the court and help the court to make a decision that is in the best interests of the child. The ICL may act as the "honest broker" trying to mediate or broker a settlement between the parties.

Maria Kourtis of Forte Family Lawyers is a member of the panel of Independent Children's Lawyers for Victoria.