

**WRITTEN QUESTION TO H.M. ACTING ATTORNEY GENERAL  
BY DEPUTY T.A. MCDONALD OF ST. SAVIOUR  
ANSWER TO BE TABLED ON TUESDAY 28th APRIL 2015**

**Question**

Will H.M. Acting Attorney General advise members what actions he would expect States of Jersey departments and/or agencies to take in the event that they had provided the Family Court with reports that contained inaccurate and/or misleading information which may have led to the court taking a particular action or reaching a particular judgment, which may or may not have prejudiced one of the parties, or to documents remaining on file which may be accessed by other parties in the future who were not aware of the inaccurate or misleading information?

**Answer**

The Family Court is not obliged to accept the content of any report that is put before it. Moreover, a party to the proceedings in the Family Court is entitled to challenge the content of a report in so far as that person feels that the report contains inaccurate information. If such a challenge is made, then the Family Court will make considered findings of fact having regard to all the available evidence. The Court is not obliged to accept any information contained in a particular report.

The Family Court may receive reports from a range of professionals perhaps expressing conflicting views. The Court will make finding of fact and reach conclusions that may or may not differ from the views and information expressed in a particular report. If a party is unhappy with the Court's findings of fact then there is a right of appeal.

If a Department becomes aware during the course of family proceedings that its report is inaccurate in some way then one might expect the Department to raise the matter with its lawyer with the result that an addendum report is produced correcting the position. Even without an addendum report, a party is still entitled to challenge the report at the final hearing. The person who provided the report may or may not add to their report during the course of their evidence. If the Department discovers the true position only after the conclusion of the court process then one would expect the Department to take legal advice as to whether any further disclosure is necessary to the parties involved in the litigation.

If a party has not been prejudiced as the question appears to suggest, or the information said to be inaccurate is very much background and not material to the court's decision as the question appears to imply, then further action may be unnecessary but each case will of course turn on its own facts.

The fact that a report will remain on the Court file is best practice. It is appropriate and indeed necessary to keep an accurate record of what was submitted to the Family Court in a particular case. The Court's judgment will also go on the same file. Anyone seeking access to the file in the future will therefore be apprised of the full facts of the case.