

College of Forensic Psychologists



Information sheet 2: Writing Reports for Court

Psychologists as expert witnesses

Psychologists provide expert evidence in family, civil, administrative, or criminal proceedings. The purpose of this is to assist a court or other tribunal on psychological matters relevant to the legal proceedings. The psychologist has an overriding duty to the tribunal and not to a particular party. Expert witnesses are not permitted to advocate for one party to a proceeding. An expert witness will commonly provide a report to the court to be admitted as evidence. Given that it is essential that an expert witness remains objective, a psychological report for court differs from a report written for another purpose (e.g., a clinical report). It is essential that the report is written in a manner that assists the court or other tribunal to test the psychologist's evidence (e.g., one's reasoning is fully outlined, provide the scientific basis for all opinions, all interviews are recorded and made available to the court, raw test data and test manuals are made available to the court if requested). In addition, the credibility of the psychologist as well as the psychological profession is likely to be under scrutiny during court proceedings and it is essential that recommendations are based on (objective) data and established psychological theory.

Contents of a Court report

The source of referral should be indicated at the start of the report, including the purpose of the report, followed by the data relied upon in preparing the report. A statement of the expert's qualifications should also be provided¹, as well as an indication of the author's awareness of the relevant Court rules or practice directions. Relevant background information on the person or persons being evaluated is then reported², followed by the assessment findings and the expert's opinion on issues relevant to the legal matter under consideration. Finally, the report should outline any recommendations that are appropriate to make (e.g., treatment needs, risk-management, whether or not children's contact with a non-resident parent should be supervised, etc.).

¹ A comprehensive CV helps determine the extent of the expert's knowledge and experience in the area that is the subject of the report.

² Different aspects of litigants' background will be relevant in different forensic contexts. In a report for a criminal trial, information in relation to the defendant's personal and family history, education background, mental health background, substance use history, and past legal history is often relevant. In a report for Family Court litigation, background information on the parties' relationship, early development of the children, and other family relationships is critical.

Important points

- The report must provide an opinion as to the legal issue under consideration. This should be based on empirical data.
- It is essential that the report is written in a manner that assists the court or other tribunal to test the psychologist's evidence.
- Guidelines for expert witnesses are published by the Courts, and any psychologist who assumes the role of 'an expert', should be fully acquainted with those guidelines.
- Psychological tests with sound psychometric properties, full normative data, and measures of response bias should be used where available.

How do I find out more?

Forensic psychologists receive intensive training in psychological assessment and the writing of reports for legal purposes. For more information contact the Australian Psychological Society's College of Forensic Psychologists or see www.psychology.org.au for a list of Forensic College members in your area.

Further reading

White, J., Day, A., & Hackett, L. (2007). *Writing reports for court: A practical guide for psychologists working in forensic contexts*. Australian Academic Press: QLD, Aus.