

Assessments (an overview)

Expert evidence and assessments

Drug and alcohol testing

Section 7 reports

13 April 2022

FPR 2010 Part 25/S.13 CFA 2014

- Permission is required to instruct an expert:
 - Application by no later than FHDRA.
 - Test - “necessary to assist the court to resolve proceedings justly”
 - What issues would it address?
 - What other expert evidence is available?
 - What impact will it have on the timetable, duration, cost and conduct of the proceedings?
 - What impact, if any, would it have or be likely to have on the welfare of the child?

Contents of Part 25 application

- The proposed field of the expert.
- Where practicable, the name(s) of the proposed expert and their CV.
- The issues to which the proposed evidence will relate.
- Draft letter of instruction, including responsibility for the instruction.
- Draft order.
- Details of :
 - The timescales for the instruction and completion of the expert report.
 - Proposed questions.
 - Proposed fees (including by reference to whether or not they are within Legal Aid Agency rates) and how they are to be apportioned between the parties.

Drug and alcohol testing

- Methods of testing:
 - Drug use:
 - hair strand test;
 - blood test;
 - urine.
 - Alcohol use:
 - liver function test;
 - hair strand test (EtG/FAEE);
 - PEth blood alcohol testing;
 - SCRAM bracelet.

Drug and alcohol testing - Key principles

- Test results are not determinative or conclusive. It is part of the broader evidential picture.
- Drug testing:
 - Positive identification of a drug above the cut off level is reliable as evidence that there has been exposure.
 - Sequential testing of hair strand sections is a good guide to the pattern of use.
 - The quantity of drug in any given section is not proof of quantity used but is a good guide to relative level of use (low, medium, high) over time.
- Alcohol testing (Hair Strand Testing):
 - Positive results above the cut off level are indicative of excessive alcohol consumption. Results below the cut off level are indicative of abstinence/social drinking.
 - There is no result that is able to determine between abstinence or social drinking. Consider PEth or SCRAM testing.

Section 7 report

- Timing of the report – what evidence will the author need in order to make recommendations?
- Who prepares the report – Cafcass unless there is recent/ongoing Local Authority involvement, or if there is a complex history with a given Local Authority.
- How long does it take – 8 weeks (at least).

Section 7 report - recommendations

- **Be specific.**
- Generally:
 - With whom the child should live.
 - Contact arrangements with the other parent, including the type of contact, the location, frequency and duration of contact sessions.
 - Ascertainable wishes and feelings of the children.
 - A parent's ability to meet the children's needs, including conditions in the home.
 - Parenting capacity, including in light of any specific concerns.
 - The impact of any proposed changes to current arrangements.
 - Specific recommendations to manage any risk of domestic abuse or conflict.

Other possible pre-proceeding assessments

- Child and Family Assessment.
- Section 47 investigation.
 - Child protection medical.
- Historical parenting assessments.

Questions