



Please take Notice: Information supplied is based on our opinion reading - The Constitution, Conventions, law, Case Law, Rules, Regulations and Standards in the Republic of Ireland only. This sheet is drafted by lay litigants and might not be correct.

This is not legal advice, but the opinion of the author(s). Please consult your legal advisor

Opinions and suggestions will be appreciated.

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Revised enactments
Grammar, spelling, Banner
Banner

I want to study the report

Dear APS,

My solicitor does not give me copies of the ‘section’ reports by the social worker or the psychologist. I am only allowed to read it in the office, under supervision, paying a normal fee to be supervised

I am not even allowed to make notes or take a photo of any report

Dear Target parent,

I have a personal opinion on this problem but might end up facing litigation against me and possible incarceration if I publish it.

In this document I am only going to highlight my suggestions:

1. In the heading of this paper, I suggest that you consult with your legal advisor. If he/she does not agree with these suggestions, you should consider another legal advisor or go as a litigant in person (yourself).
2. Instruct your solicitor to give you a copy. If your solicitor attempts to persuade you that he/she is not allowed to? Please inform your solicitor that you can indeed receive a copy if you represent yourself if you dismiss him/her.
3. Also, instruct your solicitor to show you where in law it is stated that you are not allowed to have a copy of the report. You should quote to him/her -
 - a) If it is a section 47 report under the Family Law Act, 1995, refer to subsection 47.-(3) of the act:

(3) A copy of a report under subsection (1) shall be given to the parties to the proceedings concerned and (if he or she is not a party to the proceedings) to the person to whom it relates and may be received in evidence in the proceedings.

- b) If it is a section 27 report under the Child Care Act, 1991, refer to subsection 27.-(3) of the act: If it is a section 32 report under the Guardianship of Infants Act, 1964 (as revised), refer to subsection 32.-(4) of the act:

(4) A copy of a report under subsection (1)(a) may be provided in evidence in the proceedings

and shall be given to—

- (a) the parties to the proceedings concerned, and
- (b) subject to subsection (5), if he or she is not a party to the proceedings, to the child concerned.

- c) If it is a section 20 report under the Child Care Act, 1991, or any other report ordered in terms of subsection 11.-(5) of the Guardianship of Infants Act, 1964 (as revised), refer to subsection 11.-(7) of the act:

(7) A copy of any report prepared under subsection (5) shall be made available to the barrister or solicitor, if any, representing each party in the proceedings or, if any party is not so represented, to that party and may be received in evidence in the proceedings.

4. Nowhere in any enactment could I find any justification prohibiting you from having full access to the report, including having a copy to study at home.
5. Nowhere in any enactment or procedure could I find any justification for the action of some solicitors that you have to pay for supervision while you are reading the report.
6. Nowhere in any enactment or procedure could I find any justification for presenting you with only part of the report or a redacted version.
7. Nowhere in any enactment or procedure could I find any justification for harassing you if you made copies or notes of the report when you were not supervised while reading it.
8. Nowhere in any enactment or procedure could I find any justification for a judge to make an order contrary to the enactments quoted. The opposite is true in the matter PH v HSE, IEHC (unreported) where the judge actually criticized the respondent and ordered immediate access to all the reports of the past.
9. The ECtHR, England and Wales High Court, Irish High Court, and more ruled that you are deprived of a fair hearing if you do not have proper access to the reports.

Bottom line –

- **Instruct your solicitor to show you the enactment authorising him/her or the judge involved, to override THE HIERARCHY OF LAWS¹**
- **Instruct your solicitor to decide if you should represent yourself to get the report, or him / her getting payment to represent you and supply you with a copy of the report.**

The Old Man.

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Comments and suggestions by email to andy at aps dot ie

¹ See THE HIERARCHY OF LAWS in Ireland in the document “Crooked family law in Ireland”