

### 3) Who prepares the court report?

As directed by the Family Court / High Court Judge, the Social Work Officer of Family and Child Protective Services Unit of the Social Welfare Department will conduct social investigation, submit report(s) to the Court and follow up with the statutory supervision in relation to custody, access and/or child care arrangement.

### 4) How does the Social Work Officer collect information?

The Social Work Officer will collect the relevant information through :

- Individual interviews with parents, child(ren)-in-question and other relevant parties
- Home visits
- Observation on the relationship between the child(ren)-in-question and parents / carers
- Collateral contacts with relevant parties and seeking views from other professionals
- Review of court documents and other appropriate written information, etc.



### 5) Who are the relevant parties?

During the course of investigation, other than the child(ren)-in-question and the parents, the Social Work Officer will contact the relevant parties to collect and/or verify information relating to the child(ren)-in-question and/or their parent(s) and/or the carers and/or potential carers in order to facilitate the preparation of the court report. The relevant parties can be the significant others of child(ren)-in-question (e.g. grandparents and relatives who take daily care of them), their potential carer(s) [e.g. parents' girl / boyfriend(s) or cohabitant(s)] or the helping professionals (e.g. school teachers, medical practitioners or social workers).

### 6) Use and transfer of collected information

When you are one of the relevant parties, the Social Work Officer will approach you and collect and/or verify the information relating to the child(ren)-in-question and/or their parent(s) and/or the carers and/or potential carers, as well as your views and personal data<sup>1</sup> ("related information"). When collecting the related information from you, the Social Work Officer will inform you of the purpose and the use of the information (Please refer to paragraphs 1 and 2 above for details). The related information provided by you may be included or recorded in the court report to be

<sup>1</sup> Under the Personal Data (Privacy) Ordinance, Cap. 486, personal data means any data

- (a) relating directly or indirectly to a living individual;
- (b) from which it is practicable for the identity of the individual to be directly or indirectly ascertained; and
- (c) in a form in which access to or processing of the data is practicable.

submitted to the Court by the Social Work Officer afterwards. According to the Matrimonial Causes Rules, Chapter 179A Rules 95(3) (b), the parties involving in the child custody case including the parents of the child(ren)-in-question and their lawyers may inspect and acquire copies of the court report. Hence, they may have the chance to inspect the related information provided by you.

Besides, the related information provided by you may be disclosed to the complaint handling authorities such as the Office of the Ombudsman, the Office of the Privacy Commissioner for Personal Data, the Social Workers Registration Board, the Legislative Council, etc., if they are handling complaints about the child custody / access case concerned.

In this connection, you may decide whether to provide the related information to the Social Work Officer during the investigation process. Despite the above, the Social Work Officer sincerely wishes to solicit your support and co-operation so that the Court can have better understanding of the condition of the child(ren)-in-question and make appropriate decisions geared towards their welfare and best interests.



Social Welfare Department November 2018

## Court Report on Child Custody 兒童管養事宜的 法庭報告

Guide  
for  
Relevant  
Parties

相關  
人士  
篇



### 1) 法庭為何下令社會福利署為一些牽涉兒童管養事宜的離婚個案撰寫法庭報告？

當離異父母無法就他們未成年子女的管養／探視安排達成共識，或法庭擔心他們子女的管養／探視事宜，便可下令社會福利署為他們的個案撰寫法庭報告。而這份報告會就以下事項，向法庭提出建議，協助法庭作出相關的決定：

(甲) 離異父母的子女的管養、照顧和管束事宜；及／或

(乙) 不同住的父或母探視子女的安排。

### 2) 法庭報告會涵蓋什麼內容？

社會福利署會搜集該家庭的資料，包括以下各項：

- 家庭背景
- 以往照顧兒童的情況
- 各家庭成員現時的情況
- 父母／當事兒童／相關人士對兒童管養／探視／照顧事宜的意見

社會福利署會根據以上資料，就管養／探視安排及兒童照顧計劃，向法庭提出建議，重點會放在當事兒童的福祉及最佳利益方面。

### 3) 誰負責撰寫此法庭報告？

社會福利署保護家庭及兒童服務課的社會工作主任會遵照家事法庭／高等法院的指示，展開調查，然後向法庭提交報告，並同時執行法定的監管工作，跟進有關的管養、探視及／或照顧兒童的安排。

### 4) 社會工作主任如何搜集資料？

社會工作主任會透過以下途徑搜集資料：

- 與家長、兒童及相關人士個別面談
- 家訪
- 觀察兒童與父母／照顧者的關係
- 為搜集／查證資料而與相關人士聯絡及尋求其他專業人員的意見
- 查閱法庭文件及其他適當的書面資料等

### 5) 誰是相關人士？

社會工作主任在調查的過程中，除了接觸當事兒童及其父母外，亦會主動聯絡與當事兒童相關的人士，他們可能是當事兒童身邊重要的人士，例如日常照顧當事兒童的祖父母／親友；日後有可能負責照顧當事兒童的照顧者，例如父／母的男／女性朋友或同居者；又或其他專業人士，如學校老師、醫護人員或社工等，收集／查證關於當事兒童及／或當事兒童的父或母及／或現時當事兒童的照顧者及／或日後有可能負責照顧當事兒童的照顧者的資料或了解當事兒童的情況，以助社會工作主任撰寫調查報告。

### 6) 收集資料用途及資料轉移

當你是其中一位相關人士，社會工作主任在向收集有關當事兒童及／或當事兒童的父或母及／或現時當事兒童的照顧者及／或日後有可能負責照顧當事兒童的照顧者的資料、你的觀點及個人資料<sup>1</sup>時（下稱「相關資料」），會解釋收集資料的目的及用途（詳情見上文第1及第2點）。你提供的相關資料有可能被納入或輯錄於法庭報告內。當社會工作主任把法庭報告提交予法庭後，根據《婚姻訴訟規則》（第179A章）第95(3)(b)條，案件當事人（包括當事兒童的父母及其律師）均可向法庭查閱該報告及索取報告的副本，因此他們有機會查閱你提供的相關資料。

此外，若處理投訴的機構（如申訴專員公署、個人資料私隱專員公署、社會工作者註冊局、立法會等）正在處理有關社會福利署向當事兒童的管養／探視個案所提供的服務或援助的投訴，你提供的相關資料也可能會因此而需向該機構披露。

基於以上情況，你可以決定是否在調查過程中向社會工作主任提供相關資料。雖然如此，社會工作主任十分希望獲得你的支持及合作，讓法庭更了解當事兒童的情況，以便為當事兒童的福祉及最佳利益作出適當的決定。

<sup>1</sup> 根據《個人資料（私隱）條例》（第486章），個人資料指符合以下說明的任何資料——

- (a) 直接或間接與一名在世的個人有關的；
- (b) 從該資料直接或間接地確定有關的個人的身份是切實可行的；及
- (c) 該資料的存在形式令予以查閱及處理均是切實可行的。

### 1) Why does the Court order the Social Welfare Department to prepare a court report for some divorce cases with child custody issue?

When a separated couple cannot agree between themselves on the custody / access arrangement of their child(ren) or when the Court has concerns about the custody / access of their child(ren), the Court may call for a court report. This report aims to assist the Court in making a decision with regard to the custody, care and control of the child(ren) of the separated couple, and/or the child(ren)'s access arrangement for the non-residing parent.

### 2) What will be covered in the court report?

The Social Welfare Department will gather information about the family:

- Family background
- Child care history
- Present condition of each family member
- Views of the parents / child(ren)-in-question / relevant parties towards custody / access / child care issue

Based on the above information, the Social Welfare Department will make recommendation with a focus on the welfare and best interests of the child(ren)-in-question to the Court on the custody / access arrangement and parenting plan.