



National Child Protection Alliance

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in association with the National Council for Children Post Separation

MATTERS OF CONCERN SURROUNDING EVIDENCE OF CHILD ABUSE BEING CONSIDERED BY FAMILY COURT JUDGES

The National Child Protection has grave concerns regarding the repetitive failures of the Family Court judiciary to prevent ongoing abuse of children in cases coming to the Court.

There are a great many, however those which concern us a great deal and which arise constantly are:

JUDGES

- The refusal of judges to view or hear recordings of interviews when the child has clearly disclosed sexual abuse or abuse.
- The willingness of judges to accept the untested report of the Expert Witness without hearing or viewing all evidence or allowing credible witnesses to take the stand.
- The refusal of judges to allow competent witnesses to give evidence which will alert them to the strong possibility that the child is at risk of harm.
- The assumption of judges that, when a report from State Child Abuse Units around Australia is marked 'unsubstantiated' this means the abuse did not happen and that the mother has lied and coached the child to lie.
- Judges who make decisions based on the assessments of Court Appointed Experts who do not have the qualifications to assess a child who has been sexually abuse.
- The refusal of judges to adjourn to allow time for fresh evidence to be submitted which may show the child is at risk, before making rulings on a case.

INDEPENDENT CHILDREN'S LAWYERS

- The disinterest shown in the child's wishes, some never meeting or speaking with the child. (it is common to hear that the child remembers meeting the ICL once in period of some years)
- The ICLs delaying the counselling of children without good reason when the counselling has been ordered by a judge and described as urgent. Example: in one case the Judge made **urgent** orders for counselling to begin in May 2015, a week after the hearing, yet counselling was delayed for over six months and began in January 2016.
- The ICLs costs to the State Government could be better used by putting these funds into Legal Aid and making children party to proceedings with a lawyer funded by Legal Aid, who will express the child wishes directly to the court. (UNCROc).