



Father's agony at 15-month wait for Family Court judgment

EXCLUSIVE
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FAIRS

He wakes from nightmares that everyone thinks he is a paedophile, about mothers pulling their children out of his path at the markets, that his son is dead.

The weekdays are bad, when each time the phone rings he hopes it will be his lawyer bringing news of a judgment.

But the weekends are worse, when the ring of the phone brings no hope at all.

This father has been waiting

15 months to learn whether the Family Court believes his ex-partner that he physically and sexually abused their 10-year-old son, or whether it believes him that he never did.

He has not seen his son since.

"At two in the morning, I wake in fright," he said. "During the day, I'm OK, I can keep busy – but those early hours when I wake, that's when it just slams me."

Retiring Family Court judge David Collier said last week that the animosity between couples that enter the system was more intense than it had been at any

time in his career, with some mothers fabricating claims that their children were abused by their fathers.

Several fathers contacted Fairfax Media this week claiming to be among those falsely accused.

They included a father whose case was upgraded from the Federal Circuit Court to the Family Court on account of its seriousness – and then expedited to the front of the queue.

But after the hearing, the presiding judge's sense of urgency evaporated and more than a year passed without a decision.

As a party to Family Court proceedings, the man cannot be identified. He elected not to have interim orders, expecting an early decision.

Under the previous orders for shared care, the mother failed to turn up at handover time.

He claims she is the one psychologically abusing the boy by making false allegations.

The father's request for primary care of the boy was supported in submissions by the Independent Children's Lawyer, who said the boy needed to be removed from his mother's predominant care to

protect him from the psychological abuse of being encouraged to believe that he had been sexually abused by his father.

There was no independent evidence to support the woman's accusations, the boy's lawyers submitted. But it is understood that, unlike the father, the boy's lawyers believe the mother genuinely believed in her claims.

According to the man's lawyer, the Department of Community Services and the police each told the court there was not enough evidence to substantiate the woman's claims.

A 15-month judgment delay was extracted from the man.

"It's not common in some cases but it is in urgent cases where it's considered that the child is at risk," the lawyer said.

More than half the cases awaiting judgment in the Family Court are more than three months old, according to the court's 2011-12 report.

At the same time, there has been a steady attrition in the number of judges, with six fewer now than there were in 2007.

And still the man waits.