



Counsel Family Lawyers

Family Law Case Update #17: Cases with Protection Issues

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Collins & Ricardo [2015] FamCA 7

Judgment of Justice Stevenson - Sydney Registry

Facts

- Interim Application by father Mr Collins.
- Child 6 yrs old. Final orders were made on 12 January 2012, providing for the mother to have sole parental responsibility, child to live with the mother and child spend time with father as follows:

"That the child spend time with the father for two periods each of two hours on consecutive days at contact centres in City 1 in Western Australia and Wollongong in New South Wales."

- It would appear that there was no indication of recurrence of contact.
- Following making of orders mother relocated to Cairns.
- Father sought interim orders that the earlier orders be varied so that he could spend eight hours of unsupervised time with him in Cairns and his resident city.
- There was no evidence by the mother.
- The father had filed an appeal against orders of 12.01.2012 which was still to be determined.
- Father attached various reports from professionals to his affidavit post-dating orders 12.01.2012, including an assessment from psychologist that in his opinion father not suffering from a diagnosable psychological disorder.

Reasons and decision

- Not satisfied that father had provided evidence enabling the Court to determine what was in the children's best interests.
- Another important consideration was the fact that the father had an application for final orders on foot and an appeal, which were yet to be re-determined, at which point there would be an appropriate evidence addressing considerations in Part VII.



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