

## ***Harridge & Harridge* [2010] FamCA 445 (4 June 2010) – Family Court of Australia**

‘Children’ – ‘Risk assessment’ – ‘Unacceptable risk’

Proceedings: Parenting orders.

Facts: The father of the two children subject to the parenting proceedings was convicted of three offences involving child pornography.

Issue/s: What parenting orders were in the best interests of the child?

Reasoning/Decision: Although this case did not relate to family violence, it contains observations relevant to risk assessment. The Court held that an allegation of potential risk of harm ought not to divert the court from the central task of assessing the best interests of the children. At [53] Murphy J quoted from an article by psychiatrist and barrister, Mahendra, who stated that risk assessment in any situation involves, in essence, asking the following questions:

- > What harmful outcome is potentially present in this situation?
- > What is the probability of this outcome coming about?
- > What risks are probable in this situation in the short, medium and long term?
- > What are the factors that could increase or decrease the risk that is probable?
- > What measures are available whose deployment could mitigate the risks that are probable?