

***Slater & Light* [2013] FamCAFC 4 (5 February 2013) – Full Court of the Family Court of Australia**

‘Children’ – ‘Emotional and psychological abuse’ – ‘Notice of risk’ – ‘Parenting orders and impact on children’

Case type: Appeal against final parenting orders.

Facts: The parties had three children together and separated in 2006. In March 2010, Magistrate Coates made interim parenting orders. The father unsuccessfully appealed against those interim orders (see *Slater & Light* (2011) 45 Fam LR 41; [2011] FamCAFC 1 (11 January 2011)).

Subsequently, final orders were made providing that the mother have sole parental responsibility for the children, that the children live with the mother and spend supervised time for two hours per fortnight with the father. The order for supervised time was for an indefinite duration (see *Slater & Light* [2011] FMCAfam 1021 (22 September 2011) ([1]).

Magistrate Coates’ orders turned on a finding that the father posed an unacceptable risk of emotional harm to the children ([2]). The emotional harm was said to take the form of imposing on the children negative views of their mother, alienating the children from their mother and a chaotic regime for the children ([22]).

Issues: Whether Magistrate Coates erred in:

- > finding that there was an unacceptable risk of harm to the children; and
- > ordering supervised time of an indefinite duration ([2], [29]).

Decision and Reasoning: The appeal was partially allowed. The Court held that the Magistrate did not err in finding that the father posed an unacceptable risk of harm to the children ([69]). This conclusion was open on the psychiatric reports

However, the Court found that the Magistrate erred in ordering an indefinite supervision order, when this was not requested by either the mother or the Independent Children’s Lawyer ([69]-[70]).

The issue of the time and the circumstances in which the father should spend time with the children be remitted for rehearing by a Federal Magistrate other than Federal Magistrate Coates (see Order 3).