

`Never again': Pediatrician David Wood and psychologist Susan Aydon, in Brisbane yesterday, discuss problems with the Family Court

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Family Court `putting children last'

By: Tony Koch

SOME of Queensland's most respected medical experts have joined the growing list of specialists refusing to become involved in Family Court litigation, warning that their evidence is being ignored. They have written to Family Court of Australia Chief Justice Diana Bryant, saying they will no longer be involved in an adversarial system that they say fails to have the best interests of children at heart.

Last April, David Wood, chairman of the College of Physicians in Queensland, wrote to Justice Bryant detailing his long-held concerns about the Family Court. Those concerns were confirmed by the court's treatment of him and other specialists at a custody hearing where an eight-year-old girl alleged sexual abuse by her father, before he successfully obtained custody of her and her 12-year-old brother.

The case was also a defining moment for Sue Aydon, a clinical psychologist with 29 years' experience working with children, and child psychiatrist Brian Ross, both of whom were involved as experts. Dr Wood, who is also chairman of the Abused Child Trust in Queensland and chairman of its national body, Kids First Foundation, said the bullying he received at the hearing had left him refusing to see patients whose case could end up in the Family Court. He also refused requests by lawyers to provide second opinions for the court.

``I know a number of medical experts who have adopted this approach -- that they are not prepared to be part of an adversarial game that seeks just to discredit them so the parent with the most aggressive and expensive lawyer wins," said Dr Wood, who is also director of paediatric health services at Brisbane's Mater Hospital.

``This is a Family Court that should be looking at the best things for children. This is not about the parents. It is about children, and I do not believe the current system cares about, or seeks, that outcome." Dr Wood also questioned lawyers' aggression and tactics in the court.

``In a recent matter in which I was involved I actually fainted in the witness box and they had to call an ambulance," he said. Dr Wood also said that copies of file notes he had taken concerning two children ``were destroyed by the solicitors acting for the father the day after I handed them over to them, so they were never presented to the court and the judge had no idea what was contained in them".

Ms Aydon said she would ``never again" appear in the Family Court. ``I have actually said I would not see any child patients any more because so many of those cases end up in the Family Court," Ms Aydon said. ``We get totally vilified in court, get no chance to explain why we have used certain techniques with the kids, and there is no understanding in the court of what we are trying to do."

For two years, Ms Aydon treated the two children involved in the case about which Dr Wood wrote to Justice Bryant, and she said she was astounded that nobody involved spoke to the children -- not the court-appointed children's representative nor counsel for either parent, and they were not called to give evidence. ``Children have no rights in the Family Court despite the rhetoric that they operate in the interests of the child," Ms Aydon said.

Dr Ross said the legal system sought to ``dismantle any kind of medical credibility". ``The result is that sometimes kids end up in places where they should not. I deliberately avoid and do not see cases I think will end up in the judicial system because I don't trust it," he said.

In the case in question, the mother involved in the litigation spent nearly \$600,000 in her unsuccessful attempt to keep custody of her two children and restrict her former husband's unsupervised access. She gave evidence for three days, and on the morning of the second day of her testimony was approached by her solicitor who demanded she sign a document mortgaging her home to the legal firm or they would withdraw from the case.

The Child Support Agency has since notified the mother, a dentist, that she must pay her former husband \$1700 a month in child maintenance. However, when she had the children until last June, the husband, who told the court his computer business earned more than \$2 million a year, paid \$20 a month to her for child support.

On June 27, Justice Bryant's chief of staff responded to Dr Wood's letter, saying the Family court was ``working towards developing new policies and programs to give children a greater voice in family law processes and to reduce the impact of disputation on children".

A spokeswoman for the Family Court said last night the Chief Justice was not in a position to comment.