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13/1/2011

National Peak Body for Safety and Protection of Parents and Children

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Queensland

Australia

To Attorney General, Hon Robert McClelland

The Gillard Government

Family Violence Bill

Family Law Branch

Attorney-General's Department

3-5 National Circuit

BARTON ACT 2600

Email: familyviolencebill@ag.gov.au

Dear Hon Minister McClelland,

Proposed Family Violence Amendments

Admin of the National Peak Body for Safety and Protection of Parents and Children (NPBSPPC) is writing to express its consortium of parents support for the changes to the Family Law Act proposed in the draft Family Law Amendment (Family Violence) Bill 2010. World Health Organisation studies strongly support elimination of violence and abuse against children and women, and any vulnerable persons, including men, and this report confirms our views and findings, the links can be opened in the documents or copied and pasted in your browser. There is evidence that more women and children are at risk of violence from

perpetrators in intimate relationships, and it is argued that the present family law system in Australia places vulnerable kids more at risk. Our studies focused on the impact on children and vulnerable/protective parents in the family law courts.

<http://www.stopfamilyviolence.org/info/custody-abuse/statistics>

http://www.jfcadvocacy.org/documents/WHO-IPSCAN_9241594365_eng.pdf

Our findings also highlighted that perpetrators of domestic violence and abuse were more likely to access justice systems and contest, repeatedly family court systems, <http://www.stopfamilyviolence.org/info/custody-abuse/statistics/rates-at-which-batterers-receive-custody>

Respectfully, NPBSPPC strongly supports the Federal Government's moves to provide better protections for people who have experienced family violence within the family law system and believe that the proposed amendments are essential to place safety and protection of children and family members at the forefront of the Family Law Act. Historically, there has been a very enmeshed culture of operations by the family court system and its professionals, and it is well articulated in this article,

<http://parentingnewsnetwork.com/?p=1152>

http://www.fassit.co.uk/child_custody_reversal.htm

To date, specifically the outcomes of Howard reforms of 2006, has demonstrated the increasing number of children and women being murdered from intimate relationships and the number is increasing. This report confirms our client conversations,

<http://www.aic.gov.au/documents/8/9/D/%7B89DEDC2D-3349-457C-9B3A-9AD9DAFA7256%7Dmr13.pdf>

In particular, NPBSPPC strongly supports the changes relating to:

- A broader definition and understanding of family violence and child abuse.
- Prioritising family violence when considering what is in the best interests of the child.

- Removing the friendly parent provision.
- Repealing section 117AB about costs orders relating to false allegations or denials of violence.

However, NPBSPPC believes there are some additional changes that need to be made to ensure the amendments protect victims of violence and their children, and do not result in unintended negative consequences.

NPBSPPC strongly support broadening the definition of ‘family violence’ to spell out a wider range of behaviours. However, NPBSPPC is concerned that the new definition of family violence is limited to behaviour included on the list and does not include an overarching context for the behaviour that focuses on **a pattern of violence, or behaviour used to coerce, dominate or control** others in the family. Without this general statement, a perpetrator could use attempts to resist violence, or actions of self-defence, to accuse the victim of violence or of mutual violence. NPBSPPC strongly recommend that the definition includes this contextual statement, which is followed by a list of these various behaviours as examples. This would also mean that other forms of violence not included in the list can still be taken into account in individual cases.

NPBSPPC also thinks there could be more changes to address the ‘one-size-fits-all’ approach of the Family Law Act. Psychological abuse definition needs to be better defined and addressed.

There is still no consideration of the differing needs of children of different ages, especially the vulnerability of children under 4 years old. There is little support for separating children from their mothers, and many children were removed, and in particular abused kids and placed in harmful situations, reported consistently in the NPBSPPC newsletters. Evidence published in many journals and peer reviewed articles support maternal care as being extremely vital to child development and future impact on their psychosocial functioning. Medical and nursing research does not need to be quoted but there is plenty of evidence to support this claim by NPBSPPC.

NPBSPPC is particularly concerned about the continuing confusion over what is in the ‘best interests of the child’, when there is a primary consideration still being given to children having a meaningful relationship with both parents. In cases of family violence, it must be

clear that the safety of children is listed as the first consideration and therefore, given the highest priority.

NPBSPPC is concerned that the amendments don't take into consideration key recommendations made in the reports that you commissioned, particularly Richard Chisholm's recommendation that:

"In considering what parenting orders to make, the court must not assume that any particular parenting arrangement is more likely than others to be in the child's best interests, but should seek to identify the arrangements that are most likely to advance the child's best interests in the circumstances of each case."

In line with this recommendation NPBSPPC wishes to see the removal of the presumption of equal shared parental responsibility, so that each child's situation can be viewed on a case-by-case basis.

Similarly NPBSPPC wish to see the removal of the link between equal shared parental responsibility and time arrangements. NPBSPPC would support the concept of shared parental responsibility, without the time links, and suggest a solution is simply to remove the word 'equal'.

Even if equal was there from the 2006 reforms, it appears almost a "false concept" as many mums lost their kids to their abusers, and a lot of father's were reported to be engaged in some form of sexual act, to stun mothers and this gave them an advantage in the family courts. It is okay to assume that, "this was an unintended consequence of the 2006 reforms" but many children were reported to be placed in ongoing harmful situations and many have endured lifelong impacts as reported in the findings thus far, and so many have lost their lives.

It is envisaged that the mental health of women and girls, as well as others is well considered in the reforms, and this article supports our views,

NPBSPPC is convinced through story telling, sharing experience and on scrutiny that mums and kids don't lie about abuse, and this research findings amongst many confirm our views,

<http://www.omsys.com/mmcd/courtrev.htm>

A short history and further recommendations and supporting arguments follow from NPBSPPC.

The National Peak Body for Safety and Protection of parents and children (NBPSPPC)

was formed out of a personal experience of a mental health nurse, and now a credentialed mental health nurse in the family court systems and she writes:

“I was in a relationship and became pregnant. I was abandoned by the father who forced me to have an abortion, but I had seen my ultra-sound and with support of my colleagues, friends and family, I chose to not go through with the father’s wish and I saw through the pregnancy and also endured violence and abuse during pregnancy. There were many separations and getting back together and eventually made a final break. The father and I were educated and although I maintained my employment, he seemed to be more financial at the time and had been an experienced litigant in the family courts with his previous relationships. My daughter was born as a sickly baby spending considerable time in the hospital on the life-support, and had ongoing medical attention at home. She remained in my primary and sole care and after two years, the father went on a campaign with his legal representatives to remove her from my cares. I found the lawyers were equally manipulative and abusive with no regard for the child’s health and safety, growth or development and appeared to be very legalistic.

I was concerned for my daughter’s growth development health and safety, and became a respondent three times in the family court systems. I had and still do have grave concerns for the outcomes for my own daughter, and my experience in the family law courts and the court preferred professionals, and some from my own profession, psychiatrists who failed to follow the diagnostic criteria. The courts ignored and remained silent on the years of domestic violence and child abuse, reported to the child protection and the family courts. I was educated in a private girl’s school and had achieved my career success, enjoyed working fulltime and also had hopes of enjoying raising my child with her father. The unbearable consequences of ongoing domestic violence, and abuse forced me to separate in the hope that I could protect my child from violence and abuse. I sought help from other services and this probably is what saved my sanity and to handle trauma not only from the father.

The family court judge’s failed to acknowledge the domestic violence, despite the fact that the Registrars and family court consultant accepted that there was existence of domestic violence and abuse. Child Protection and police failed to intervene due to the matter being handled in the family courts, and the child’s age.

After the first trial, the child was abused to the extent that she presented with bruising and injuries to several parts of her body, and some sexually inappropriate behaviours. She had

finger print marks from being grabbed and dragged. Medical evidence was downplayed by the courts and child protection. The police initially told me that they had lost the forensic photographs of the injuries and it required some efforts of the deputy Commissioner to access those photographs. The child described being licked all over her body at night time, and the child protection stated that, "oh the father was playing raspberries" The child disclosed to the child safety about sexual abuse and they blamed me for coaching the child, when the child was away from me and was only having fortnightly weekend contact. The child's injuries were dismissed when the medical officers reported to child safety, the police said that "the doctor did not ask the child what coloured belt it was."

As research now indicated, that the abusers were most aggressive in inflicting violence and abuse after separation, and this was inflicted on the child when the Family court Judge removed the child from my care and handed it to the father. Child protection told me to report every injury and expressed concern that the child was at risk. What I cannot describe is the emotionally abusive nature of the father on the child and me. The emotional and psychological abuse pain is unbearable, as it affects every aspect of your human functioning. Whilst I was able to access help, my child was never given any assistance, and this is appalling from looking at the mental health perspective. Because we reported abuse and violence, I was told that I was emotionally abusing the child for reporting the injuries and the child and I have spent over the decade four years in contact centres. Most recently, the child was used as a political tool and manipulated to go and see and say things to privately commissioned report writers by the father and his legal team. The judicial officer's attitude and handling of the case was obviously biased and he was pro-father, but the existing legislation was unhelpful.

It concerned me as a mental health nurse, and now as a credentialed mental health nurse, of the false allegations and accusations being fabricated by the father and the legal professionals, judicial officers who accepted this as evidence, and the report writers who twisted facts to support the entitlement and domination of the father through the family courts and the lawyers, to place my daughter in a harmful situation, and now ongoing for ten years with no relief to the child..

It then prompted me to ask a few questions of the family law justice system and begin to look for some answers and support. There was nothing available to me and I came across a few organisations in its infant stages, but not as helpful in terms of accessing research, reports and information, and to learn of any similar situations like mine. I began researching and joining various forums, and learnt directly from client experiences, and then began finding

ways to highlight the issues of the statistics on child abuse, domestic violence, and various values, mindsets that shaped the outcomes for children and vulnerable parents.

Soon thereafter, a consortium of parents caught up in the Family court systems began participation and conversations in forums and contributed to NPBSPPC of their personal experiences individually or through their organisations, and those who had resources to do so. NPBSPPC soon became aware that there are many who cannot access research or information due to a lack of resource, skills and internet access.

There were gaps in services for mums and kids, and many were caught up in the exploitation of maternal relationship with their children, having to attend many professionals and services who failed to believe their personal experiences.

As a mental health nurse and with my training and experience to be providing a just and accountable services for those who access healthcare, I found that the family court system was not delivering services adequately, justly, or in the best interest of the children, and remained functioning in a very non-transparent and inefficient manner.

I then realised that something was not really right for the abused mums and kids in the family justice systems, and published my passion in the context of my profession to become involved, from a social justice and ethical duty of care within the context of my nursing profession, and to research, learn from others, understand the complex and (learnt a secretive systems kept out of the public eye due to s.121) and embarked on a journey, to understand and find solutions, for better health outcomes for the kids and vulnerable parents specifically mums who had endured domestic violence in their relationships and how separations were dealt with by the family courts and the State/Territory authorities.

I was surprised that the NT sexual abuse debacle received a major intervention from the Howard govt, and yet child sexual abuse, domestic violence in the mainstream population was treated as if it did not exist, and even though they campaigned during election about having a zero tolerance for domestic violence on child abuse, yet the statistics, continued to show increasing number of children were being killed and the homicide of mothers were on the rise too....phew..I was lost for words, as to how human race could be so abusive, selfish and are able to dismiss other people's sufferings and pain. I learnt that the lawyers and family court professionals were unhelpful to me and the process over ten years was incomprehensible, where they labelled, stigmatised, accused me falsely and so on. Yet I remain in my full time employment contributing professionally to my mental health consumers, and have actively participated in improving health outcomes of vulnerable children and parents accessing family court system.

We must find better solutions and outcomes for children and the vulnerable parents and my interest is protecting motherhood for children as my own studies in psychiatry very clearly says and from my experience that removal of maternal care from children does produce negative lifelong impact on children. I was appalled of learning from mums who contacted me that their babies were removed from the breasts, and that courts were removing children as little as two years from mothers and handing down to the father's through legalism. I was also appalled that sex offenders, and abusers faced no consequences, and that psychological abuse was played several times to diminish a mother from children's lives. I also learnt that many professional mothers' who were able to pay were held back and kept in the system. I myself earned nearly 100k, but I have remained close to being poverty stricken, due to the mounting costs of family courts, and have struggled to see my daughter. I learnt that intelligent men are not wise, they are abusive and many professionals empathise, support and control, dominate and psychologically abuse them too. As a nurse I would like to see a change, not only in my daughter's situation but many other kids and the vulnerable mum's cases in the reforms. Currently the child remains unprotected and at risk, and I will maintain this as a nurse and her mother, but there is nothing I can do unless the legislation is improved and the convention of human rights are supported with demonstrable and measurable, specific outcomes for children. Neither could any one else including politicians as they cannot interfere with the court processes, however they now have the opportunity to listen to the people and amend the legislation so kids and women are protected. I hope for a better outcome for my daughter, and from the mental health point of view and talking to many mental health professionals including psychiatrists and child mental health workers, that my daughter can be saved from years of abuse if she is totally removed and provided with counselling and support, as she is still young. Early psychosis can be prevented, but not whilst family court professionals are used to support the father's ongoing abuse and violence against the child and I am determined to learn, understand and help bring some developments in the mental health to assist children and parents being placed in my situation. It is unacceptable what has happened to my own child, and now that I have learnt this situation for hundreds of children and parent." In terms of costs to the family court operations, well there are solutions, and current paper does support some of my concerns but the tools have to be more specific and measurable, and to change the terrible culture of the family court, professional accountability should be the key to change behaviours and practice. Why should some judicial officers be allowed to push their personal mindsets, beliefs and values, prejudices and biases, whilst working as public service officials, whilst we as nurses have to work within professional guidelines, legislation, codes of practice, standards and protocols.

The two Judges who oversaw my case demonstrated all of the things I described above, and placed my child at harms way. We were and are stuck in the family court with nowhere to go to get help and the legislation must look into some of these complexities, and a gap in affordable and accessible services to the clients and children. More resources should be allocated to services in counselling and support, and less legalism, to achieve better outcomes for kids and vulnerable parents. Cases before court should not wait for the consultation papers, they now have the findings for a long time, and must use that information to freeing up children from the system accessed by abusive parents, and in my case my child's father .If anything at all to be said, there could have been some help given to the father, which would have helped him(even to a small extent) to be a better parent, but the courts failed to enforce this with the father and there is a degree of misconception that educated people especially fathers do not need help, which is completely out of touch with reality from my mental health professional point of view. Often educated people have under-developed personality traits to handling or having successful relationships, and as emotional development and emotional intelligence is significantly less amongst some of these very educated professionals who have kept children and women subjugated to their will in the family courts. It can be argued that these cohorts struggling in the family courts have focused all their lives on education and career development, and many had ignored personal development. There are many educated persons who are controlling women and children through the family courts and its processes and my case is no exception, especially when there are professionals who also support such mindsets, and it is incomprehensible to me that this actually is happening to so many people and children. Business of family courts and its professionals need to prioritise safety and protection of children and to ensuring that mindsets and processes are updated to finding solutions and being solutions focused, so lifelong impact on children and vulnerable parents are addressed. Motherhood never should be underestimated in the nurturing and support required for child development.

Thank you for asking me to write a short version of my decade long story."

NPBSPPC found that there were several well established and some well funded men's groups who provided information, advocacy and assistance to fathers. NPBSPPC findings revealed that there were organisations such as the Lone Fathers, Dads in Air, Dads in Distress, and Fathers for Justice and so on, also were involved in and with the worldwide networks of men's groups, and many held extremist views to disempowering women and motherhood. It seemed like anti-mother sentiment being spelt out by these groups who also targeted good men when they were most vulnerable and traumatised from the break-ups. NPBSPPC was

contacted by several men at different points who felt that more professional services will have helped these men better than the groups described. In Australia there are groups like Black shirts who have harassed, abused and targeted women and mothers.

Various stalking tactics similar to what is reported here were being used against mums and kids seeking protection and safety, reported by Dr Michael Flood on establishment of these organisations,

<http://www.stopfamilyviolence.org/info/custody-abuse/fathers-rights/responsible-parenting-and-fathers-rights-an-interview-with-michael-flood>

USA articles

<http://angelz fury.wordpress.com/2010/05/05/the-fathers-rights-movement-how-to-legally-stalk-harass-and-intimidate-victims-of-domestic-violence-after-a-restraining-order-has-been-issued/>

Domestic violence is prevalent endemic in the Australian society, and this article highlights the problem further, so mums and kids need to be freed from this enmeshed mindsets of those who often get away with perpetrating abuse on the vulnerable and the voiceless victims, some stats here,

http://safety4parentsandkids.org.au/index.php?option=com_content&view=article&id=206:domestic-violence-australias-silent-victims

In comparison to men's established and some funded groups, in Australia, there were no real established organisations or support services for mums struggling in the family court systems. When enquired about the services, mums were referred to community legal, women's legal services, and legal aid, but these organisations were of very little assistance in terms of supporting due to a lack of funding. These services have not been able to support mums with what the father's were able to do for themselves. Most of the men's groups were found to have been forming and advocating on extremist views, and wanting to endorse gender bias and their main interests remained issues surrounding Child support and property division. Some fathers reported to NPBSPPC that they felt very vulnerable, and that the support services surrounded how to win their court cases, and also the services failed to meet their emotional needs during separations.

NPBSPPC looked to see International bodies and received support from our USA networks and so it was set up in 2008, to provide information, support and to advocate for mums caught up in the family law to protect themselves and their children from abuse and violence.

NPBSPPC remains a self funded organisation and is unable to meet the needs of mums and kids, and some of the father's.

NPBSPPC hopes that it can be more proactive in information sharing and support all mums, kids or other vulnerable fathers and others through our published newsletters. NPBSPPC was specifically interested in mums and kids, but remained open to sharing information and services with the fathers if they accessed our websites or newsletters.

Contributions and articles for NPBSPPC came from many clients, researchers, academics, professionals and others to ensure a more transparent and inclusive conversations are held amongst parents about the care arrangements for their children during separations, and the important issues that need advocacy and consideration by our politicians, people making legislations, and making decisions. Costs are a huge barrier for parents and kids and these needs to be looked at. In all honesty, NPBSPPC findings revealed that children were/are the real victims thus far and domestic violence and child abuse had been dismissed but the current proposals have honoured human rights conventions. Many cases are still struggling in the system with phenomenal costs to the tax payers and that this should be considered for longstanding cases that were unable to seek protection under the laws as it is. The profile of NPBSPPC is as follows:

- We now have over 800 organisations and individual subscribers listed, who access our information, resources and advocacy services through the NPBSPPC newsletters. NPBSPPC has had many contributions from clients, authors, researchers and other contributors.
- We have consistently discussed reviews, research, experiences of mums who have remained struggling in the current family court system, to freeing themselves and their children from the ongoing indirect domestic violence and abuse through the Family Law Court system, their select professionals, such as court appointed psychiatrists who have labelled and stigmatized mums with personality disorders and mental illness, when they have raised domestic violence and abuse situations.
- Many Australian mums and those who were from CALD backgrounds married to the Australian Nations were so traumatised, and being intimidated by the Family court processes, and s. 121, that they have not been able to participate in sharing parts of their stories.
- Other limitations for these mums were a lack of computer skills, or having resources, and many sought assistance through telephone contacts with various support groups.

- We suggest objective and professional support for both mums and dads, so many dads are not left on the edge of dealing with traumatic times, and force them to hurt and harm themselves and children, as we have increasingly seen since the 2006 reforms of the Howard govt.
- Currently from experiences described by some over 300 clients that have participated in NPBSPPC surveys, and ten times more who interact with us through NPBSPPC networks, both internationally and Nationally, have articulated that the current laws, and particularly the reforms of the Howard govt of 2006, have placed children in harmful situations, and many kids have also died in most distressing situations, and an example is that of the death of little Darcy Freeman. We have also observed the treatment of mums such as Melinda Stratton, and her fight to protect her son, Andrew. NPBSPPC also was forwarded evidence of the collusion and collaboration that took place in the Brisbane Courts. NPBSPPC's first report statistics identified hot spots and issues in family courts and Qld was identified as one of the problem areas for mums and kids followed by other States.
- We saw corruption and collusion in the Brisbane courts reported by Courier mail and other news media and there needs to be further scrutiny and reporting procedures for such culturally enmeshed behaviours of Family court Professionals and without any retribution, as is the case with s. 121

"The Voice of the People Report" which was submitted to the Chisholm enquiry on violence, had over 151 submissions from clients and professionals including organisations highlighting the extent and magnitude of the problem, with the family courts dismissing domestic violence and child abuse.

Since 2006, it is observed that more and more kids were killed or placed in harmful situations, with now suffering lifelong impact, and these impacts have been reported by the AIFS studies, and other enquiries and reports. Even if only a few kids are affected, then the legislation must identify this as a risk, and from our experiences, many kids and parents are impacted negatively for life. Our views and findings are supported by the findings of all studies conducted for the violence enquiry bill and consultation. The number of survey participants (those who had internet and computer resources) is a resounding example of the magnitude of the problems faced by protective parents and kids accessing the family justice systems.

The founder of the organisation with mental health and nursing background was a substantial resource for the formation of NPBSPPC, with support from professional nursing unions and

colleges publishing support for the nurse who too was caught up in the system. This gave more insight to NPBSPPC to request that the govt considers post graduate mental health nurses, who are credentialed to be involved in family law dispute resolutions and the provision of assistance to the families.

NPBSPPC found that mental health nurses with at good reputation of nurses together with evidence based training and interest in social justice systems, to improving public health outcomes, it is envisaged that a credentialed mental health nurse practitioner will be given an opportunity to contribute to family separations and provision of family therapies and support. In fact there should be standard competency based training for all professionals who assist kids and parents in family court systems to understand domestic violence and child abuse. Nurses already are trained in the suspicions of child abuse as there are mandatory reporting requirements in these circumstances. Mental health professionals can assist and contribute to separating families which involve children, if they were up skilled in understanding domestic violence. I know y own understanding and three years of learning has helped me to provide better services to clients, in a therapeutic manner. Separating parents do not need to be so enmeshed in legalism, when support for trauma will produce better outcomes, and especially how children are affected.

NPBSPPC is aware that, from mental health perspective, many mums wrote a number of letters to AG and other MP's for crying out desperately for help. Some have put all their traumatic incidences and impact on paper, without help to recover from the psychological injuries endured from violence and abuse, and the implementation of further political abuse of them through the family law court processes and professionals who failed to believe them or their children. There was no means available to help and support them.

It is understandable that any family break up or child related custody matters are very traumatic as it involves all dimensions of human emotional, financial and resources.

Mums had very limited access to resources or help, and we know that when one endures domestic violence and abuse being perpetrated on them for a long time, are even more lost and helpless when family courts become involved, and which is mainly controlled by the courts, the legal industry and the professionals. NPBSPPC is aware that legal aid funding was slashed for mums, which meant that a lot of them were unable to access the justice systems.

Many mums wanted protection of their kids, health and welfare and were prepared to let go of the child support payments. We are aware and have published information for the men's groups, that property and child support were important issues for them, but there are increasing number of mums paying child support, and some have had no contact with their

children, and the current laws are obstructive in preventing children from being exposed to ongoing harm caused by the current family laws, and the jurisdictional complications, where the child protection services have been under-involved (or have joined others in victimising mums for reporting abuse of their children), and unable to participate fully due to the liabilities. So NPBSPPC supports the reforms to allow child protection to step in to free kids from harm and ongoing abuse through the family court processes.

NPBSPPC recommends that PAS is not used as there is no finding for this legal argument, and is not included in DSM IV or ICD-10 disease criteria and is supported with evidence,

<http://cincinnatiipas.com/dr-richardgardnerautopsy.html>

Many parents have reported that they were advised against filing form 4 and those that filed the Notices of abuse in the courts, were not investigated. Courts remained silent on domestic violence and child abuse issues leaving many children and vulnerable parents at risk of harm. NPBSPPC is aware this took place in many instances and the stories included with this report demonstrate this. Where do the cracks in the jurisdictional powers leave parents now, studied by the ALRC, needs to be addressed, especially for those children who remain struggling in the system for a long time. But NPBSPPC has also seen that some children are being freed up after struggling in the family courts for nearly a decade, for example *Darcy v Cameroon*.

In other cases “PAS” is still used, when there is no researched evidence for this in the professional and peer reviewed research and it appears to be a pure legal diagnosis and it is misused by some professionals to remove kids from protective parents, and handing children to the abusive parents. This appears to be a pattern in the family courts and more so since 2006 reforms, where reporting of abuse was not only ignored, some took active steps and included in the family court processes to politically abuse kids and protective mothers. This is unacceptable and NPBSPPC asks that this be addressed.

- Current legislation needs to have a much stronger focus on addressing domestic violence and child abuse, and that all past abuses are now acknowledged and addressed, with stricter directives and guidelines to the judicial officers.
- More accessible complaints procedures must be accessible by the clients and the children, with fast tracking cases and workload of the family law courts, in the legislation.
- Motherhood should be facilitated for the successful nurturing role in child development, minimising lifelong impact, to minimising harm, and to supporting happiness and optimising mental health of vulnerable children caught up in the family

courts. There have been many deaths and harms as a result of lack of intervention implemented in the legislation.

NPBSPPC, asks in this reform that whilst the Gillard govt has the opportunity, that the legislative protection is strongly enforced with consequences to all professionals for breaching same, in that those professionals are required to attend training and engaged in competency based training, with the eventual consequence of being de-registered to practice in Family law Courts.

- A family law professionals complaint process should be in place, and a public administered tribunal is a good way to ensure accountability and governance of the administration of child custody, and to also managing domestic violence and abuse cases, to becoming proactive in seeking solutions that are helpful for the separating families, that is providing education, information and support for all parents and all children.

Through NPBSPPC, it is my submission as a credentialed mental health nurse that all children are provided with professional support if they are involved in family law courts and processes on an ongoing basis, as well as freedom to access kid's helpline and the like. I know from professional experience that children will demonstrate benefits of being able to speak to independent counsellors on the phone and that support is automatically provided without interference from the lawyers and the family courts, or the ICL's.

Many mums are reporting to NPBSPPC that the family courts are restraining mums and kids from accessing help for themselves.

Recommendation:

- I can confidently say that early intervention and support in traumatic situations cannot be replaced with anything else(for example legalism), and that the reforms seriously consider professional support for children and the parents, so that I do not have to continue to campaign with my professional colleagues, networks and bodies for this in the future. There is enough evidence to support this course of action, even if parents are asked to self fund, or to access parentline and kids helpline type services. Funding should be allocated to family court client support groups and so on to minimise the lifelong impact on both parents and children.

Psychiatrists

NPBSPPC submits that, it is a form of violence, and political abuse of women and children, to be labelled, stigmatized with a personality disorder, mental illness by court hired professionals and report writers. As the administrator of NPBSPPC, and as a credentialed mental health nurse, having first hand experience of processes used, for assessments and forensic assessments by psychiatrists, psychologists, and social workers, it is our evidence that, and my personal experience, that the psychiatrists were found to be in breach of the diagnostic tool, the DSM IV and ICD-10, and we now have many names of those assessors that can no longer be excused from the prospective reforms.

There is a strong vote for naming and shaming those assessors, and that they are held accountable for breach of their professional body's stipulations from many mums. NPBSPPC is aware of some of these psychiatrists who are breaching professional diagnostic standards. Family law legislation is currently allowing these professionals to breach due to the "immunity" provision, and many kids have been placed at risk. This is completely unacceptable that the family law Act has allowed this to happen thus far, and NPBSPPC hopes to be in contact with professional bodies to review these situations.

Recommendation and a strong one:

- That these professionals are held accountable for not following the diagnostic criteria, and misleading courts for labelling, stigmatising women with personality disorder, mental disorder, when previously there were no such diagnosis. The only probable diagnosis from DV and abuse is PTSD(post traumatic stress disorder), and that personality disorders are confirmed by psychological testing by professionals, and in any case, and that personality disorder is dismissed in cases of vulnerable parents and kids being a subject of domestic violence and abuse.
- That all professionals undergo a standard training, that they are members of their professional bodies, are receiving clinical supervision, and that they attend the recommended competency based training, and that complaints procedure is in place specifically to reporting corrupt and colluding professionals who place kids at harms way, and also label and victimise vulnerable and traumatised mums with mental disorders.
- Abuse must expand and specify and include emotional and psychological abuse, and should not be abused by the industry and the lawyers and should be subject to Child Protection notifications. Accountability should be included, and obligations can be manipulated with lawyers defending abusers.

- Reports by private psychiatrists and other professional person's assessments should be given consideration.
- There needs to be a system for scrutinising and holding to account those psychiatrists and psychologists or social workers, and enforcement measures in place. Family courts are dismissing everything as being “delusional” “delinquent” and these professionals are misdiagnosing and are used to dismiss domestic violence and abuse. Many children were put at risk due to the courts avoiding liability for their decisions, by using fabricated reports of these professionals to divert responsibility for the abused.
- NPBSPPC has information from clients that those who have accessed services privately and produced reports from professionals were criticised. Some judicial officers lacked insight and failed to balance the probabilities and have dismissed whole reports upon pressure from the lawyers, and using rules of evidence. This is unacceptable and there needs to be a provision to address this situation. Many professionals have criticised family courts to be doing this, and have felt frustrated to assist their clients. Removal of family court preferred professionals should be considered in the reforms, with a fresh mindset and provision, and criteria, which may include anyone who has done the competency based course, to be able to report to the family law courts, without suffering prejudice for their clients, provided they belong to their professional bodies, and have demonstrated adequate qualification requirements. Credentialed mental health nurses should be considered as they are credentialed under very strict conditions, where they are required to have completed post graduate studies and to have extensive clinical and professional experience.

Lawyers:

Lawyers are and should be held accountable for omitting evidence or misleading the family court and allowing false information in the affidavits. Lawyers remain very powerful and controlling in manipulating clients, and showing a lack of understanding of domestic violence and abuse. There needs to be a greater accountability of this profession. Many clients have reported that they are a profession on their own, and often in family courts, lawyers are allowed to dominate, and many self-represented clients feel prejudiced by conduct of some of the judicial officers. Many mums have complained that the lawyers were not advising them, manipulating them and making deliberate mistakes, and many were forced to sign consent orders without an explanation of the consequences, particularly before the 2006 reforms.

Judicial Conduct and behaviour:

Many mums have reported in the forums and conversations about how poorly they are treated in the family court by some judicial officers. Some of these mums are self represented, and often are screamed at, and other behaviours that is seen by mums as experiencing further abuse and trauma, as a loud and intimidating Judges can be small triggers for mums in the courts. These triggers or behaviours do not help already traumatised mums self representing, and it is envisaged that judicial conduct is more consistent with parents who are already suffering the multiple traumas of loss and grief. Judicial officers will benefit from revising their conduct and treatment of mums during proceedings and NPBSPPC is aware that many mums were affected by harshness of the words. Mums have complained that they feel like criminals sometimes, whilst trying to protect their children, and have described the “professionals ganging up on them” and are accused and intimidated. NPBSPPC, that this should be monitored and that intimidating, interrogating and ganging up behaviours should be eliminated against any parent, self represented or not. That is why the first point of call for the separating families and children should be to counselling and therapeutic services, not the expensive family courts. One client reported a judge reporting and rightfully so from the judges’ point of view “this is a court of law” and it is not competent or resourced to provide therapeutic counselling services. Therefore family courts then is inconsistent and incongruent to traumatised victims (from domestic violence and abuse) seeking solutions. More innovative approaches should be explored, to avoid funding costs in the future, and NPBSPPC has some ideas it wishes to share in the future, eg Mental health services becoming more proactive in providing help and assistance to families, and expanding services like parentline, kid’s helpline, lifeline and Beyond blue type services, including including Mental health nurse practitioners assisting families and children too.

There are many more observations, being talked about and a more consistent approach by the court officers will be helpful. Many mums have talked about being pressured and forced to sign consent orders outside the court rooms by their respective lawyers, and this was more so just before or during the time of 2006 reforms taking effect, and were not explained to about any impacts of being forced into such agreements.

Timeframes for court proceedings:

Delays in judgement, delays in obtaining appeal dates, and lengthy trial timeframes are no solution to kids and mums who are already traumatised from abuse and violence. It is impossible to comprehend why court dates and timeframes are not better planned by the family law courts. The process and paperwork, forms involved is phenomenal.

Recommendation:

A more simplified system of scheduling court proceedings, and paperwork and forms management should be considered. It is apparent that only complex cases, or high conflict cases, terms which has no measurable meaning, except that NPBSPPC found that these cases involved abuse and domestic violence, have become a minefield for paperwork and process.

Witnesses:

NPBSPPC have heard from many parents that many opposing clients were asking their work mates and colleagues to concoct stories against protective parents. Some limit setting and boundaries, consequences should be included in the legislation, and the judicial officers be guided as to the quality of evidence.

- Courts have been known to accept third hand information, for example a school principal wrote information from one receptionist, who passed the information to the Principal's receptionist and then the principal wrote a letter on behalf of the father to the courts, and the information was inaccurate. The mother had not spoken or met with the Principal or the receptionist. Although he held a significant position, the Principal failed to follow his own school policy of reporting suspicions to the authorities according to their school policies, instead he sided with the father, and wrote a statement, so NPBSPPC is concerned that some clients will continue to use this strategy, and witnesses should be held accountable, as well hearsay material not accepted. NPBSPPC would like to see this in the recommendations, as many mums have reported this strategy used by father's to minimise motherhood to children, where witnesses are found and manipulated, and the courts are accepting such evidence as the truth and children are continued to be placed at harms way.
- It should be made very clear to the witnesses that if they falsify facts, or present second or third hand information, hearsays, that they can be subject of costs, and consequences and the lawyers also need to be made obligated or held accountable for this strategy used to win cases, and leaving children in harms way.

- NPBSPPC is frustrated at the extent of lies being told by some of the psychologically abusive types of parents and using witnesses, who access professional mates and colleagues to concoct stories about protective mother's and the kids. Some abusive parents and pro-father lawyers are able to currently falsify information for the abusive parent to win cases, and lawyers need to be put under greater scrutiny in the legislation for professional practice. It is not clear how their respective bodies operate, as many complaints are dismissed.
- More expanded powers should be given to the commonwealth Ombudsman to investigate and report about complaints, and that the people's tribunal are involved in commenting and making recommendations.
- NPBSPPC is aware that mums are disadvantaged when they are at home caring for the children, and the courts favour father's witnesses from employment sources and their networks.
- Courts should not be persuaded by hearsay evidence.
- Clients accessing private professional help from credible sources like counselling services, doctors, psychologists and nurses should not be allowed to wholly dismiss evidence, especially if those professionals are able to testify evidence. If there are objections, then parts of the evidence should be specified that the other side disagree with, and the chapter of the law that applies should be used by the lawyers to object to evidence, and not wholly dismiss everything.

Evidence:

- Evidence from the abused should be taken in context, and where possible all notifications from the past and ongoing should be looked at in context.
- It is in the knowledge of NPBSPPC from mums that court's preference of professionals, has meant that private practitioner's evidence has been wholly dismissed. It is unfair in the context of balance of probabilities, and the reforms should be very clear on this issue, to avoid risks to children and vulnerable parents, and in particular must support naivety of parents and children who are self represented. Courts should not dismiss evidence if the witnesses are able to testify and willing to be cross-examined. This situation where the courts have wholly dismissed objective and credible evidence is one reason why children have suffered harm. Lawyers are writing affidavits and often fail to explain law. When fresh

evidence is made available, then parents should be able to present that evidence, regardless of the timeframes for presentation of the evidence.

- Children's evidence need to be considered. Courts should not be judging evidence based on in whose care evidence is articulated, as children are more closely attached to mums naturally and confide in their mothers and share their feelings and thoughts. Mums should not be obstructed by courts to dismiss evidence. Courts are incorrect in suggesting that children confide in contact centre staff, and allow contact centres to write things as if children may have said something, in fact NPBSPPC is aware that there is a high turnover rates of contact centre staff, and many have left because they were forced to write things that were inaccurate. So stories seem to be written in contact centre notes and reports to support the lawyers, and to endorse family court processes and this is unacceptable.
- What NPBSPPC has observed is that it appears that the current legislative bias towards children, and harm caused to them is support by a whole chain of activities and organisations and professionals involved in the family courts. Professionals and courts, contact centres seem to prejudice particular parents and children and appear to say same things to make the protective parent look like a liar, and then psychiatrists are used to label mums as delusional, delinquent and so on. NPBSPPC has observed this pattern of behaviours which is putting many children at risk of harm, and in fact many have suffered harm. We strongly support observations and reports to be accountable, objective and truthful and this is essential in protecting children and vulnerable parents from suffering harm and deaths. Domestic violence and harm should not be minimised using above processes and it should not be measured in monetary terms as to who can fund systems and professions better, as many women and children are unable to.
- Health considerations of children need to be carefully considered. NPBSPPC is aware that and mums are asking for guidance on what to do with for example, a child who suffers from asthma, and the stress of changing homes exacerbates the condition, and another mum is struggling with a down's syndrome kid having to drive long distances between schools and homes. These are only two on several enquiries made, and mums are feeling helpless in protecting health and safety of their children.

Protection of children Health and safety, Cultural needs of CALD children:

- NPBSPPC strongly recommends that children's health and safety, which may include medical conditions, are considered and that shared parenting is not permitted, as the movement between households is detrimental to children psychologically, and compounded by medical conditions, it is unhelpful. Mums are naturally better suited to provide the care and nurturing, which is a natural task. Father's should be able to have weekend contact if practical and medically reasonable to children.
- It is clear that the platform of the Australian population is changing, culturally and many inter-racial children are observed to be disadvantaged in the family law courts. Courts are perceived to be favouring Australian Nationals and to the point where some kids have not had contact with their CALD families. NPBSPPC recommends that this prejudicial aspect of the public policy is monitored and that CALD children's cultural needs are respected, as it is important for children's identity formation and its impact on their adult lives. Many are marrying women from overseas, and whilst the legislation allows preference for children to have contact with paternal families, there is very little efforts made by family courts to promote children visiting or having contact with their international and CALD families.
- NPBSPPC respects the Indigenous recognition, and that there appears to be a greater focus on this then children from other backgrounds, and NPBSPPC is aware that complaints from CALD (for eg Indian mums and others in our first survey) highlighted that they were being prejudiced by the family courts, and went further, that these clients felt unnecessarily targeted, whilst at the same time they contributed and participated fully in the Australian government services, businesses and family court was not an exception. Whilst the population platforms have changed, there is little reforms in the policy to meet the needs of CALD families and children, who have articulated a lack of knowledge of justice processes in Australia. People's innocence and naivety are abused by the abusive parents and professionals to disadvantage them and their children in the family courts, where domestic violence and abuse is remained silent upon, despite evidence presented and disclosures made by children.
- It is envisaged that the courts will want to appreciate the benefits of children experiencing their own cultural needs, and those cases that felt targeted needs to be corrected as part of our recommendations here.
- Health and safety issues must be included in the reforms for protecting kids, and including provision of appropriate supportive counselling, to minimise risks of harm and negative impact in their adult lives.

Domestic violence, Harassment and bullying behaviours of the lawyers:

- NPBSPPC has been kept informed that many lawyers and the abusive parents have harassed mums at work, through their employers, residential real estate agents, and other networks of the mothers. This needs to be stopped, for subpoena of information.
- Many mums have reported that they were harassed by the abusers making false allegations to the police and many endured trauma and costs to freeing themselves from criminal charges. NPBSPPC is aware that mums have suffered health problems including brain tumours, cancers and other medical conditions due to being harassed and intimidated by the lawyers, and being labelled and stigmatised by the family court professionals.
- We support obligations placed on the professionals but is it enough?

Existing, ongoing family court cases:

Many mums and kids were left in ongoing harmful situations and some have had their cases ongoing for the life of the child. NPBSPPC provided individual stories to that effect and more so from the 2006 reforms.

It is also evident from our past and current submissions that over 90% of applications were made by the father's who also had a history of violence and abuse. Most continued to perpetrate bullying, harassment and ongoing psychological abuse of innocent kids and their mothers. Stockholm Syndrome is the strategy used to induce fear in victims of abuse, and The Betrayal Bonding, trauma bonding to the process by Dr Patrick J Carnes clearly explains this phenomena used by the industry.

Parental Alienation Syndrome is bogus and is not reported in any medical journals or sighted as evidence, which has been used against mothers as a strategy to remove children from them.

Recommendation:

- All existing and ongoing cases in family courts for over three years should be reviewed, and NPBSPPC has evidence that some cases are still in courts for over ten years. In many instances and from our submissions of individual stories, most

applicants were fathers, and had continued to be bonded to trauma and exploitation of women and kids, as a strategy to avoid paying child support and others who could be clearly seen to be using the indirect forms of domestic violence on their victims.

- All these cases need to be freed from the family law courts.
- A ten year case, Darcy v Cameroon was freed by J O'Reily in SA, where she identified the abuse, and also made recommendations for the seeking assistance from mental health services.

NPBSPPC Submissions to date and for the consultation:

Our evidence submitted with the 151 submissions earlier, and subsequent further submissions to the ALRC, and for the current consultation paper, with 51 submissions, and in total over 200 clients, NPBSPPC urges the govt to free women and children, and other vulnerable parents from the ongoing family court processes as the lengthy court proceedings and timeframes causes perpetuation of trauma to children and the parents.

Our evidence shows that the majority of applicants were fathers with a history of domestic violence and abuse of mothers and their children. These frightened and vulnerable persons suffered PTSD through domestic violence and abuse perpetrated on them and it is unhelpful to have such lengthy legal processes inflicted on them by the industry, when early therapeutic interventions will be more helpful and productive.

S.121 remains a concern for many mums and kids that our forum has identified through clients and client organisations. Family court judicial staff needs to be educated with the conditions agreed upon by the Ministers to using the Mental Health ACT 2000 language, assessment criteria, and that those vulnerable persons are treated with dignity and respect, and also supported in their roles as mothers, and supportive and safe fathers. The judicial staff and mental health psychiatrists are still using custodial aspects of the mental health Act and language, and they need to update, in line with the consumer organisations, rights and responsibilities of mental health consumers under the MH Act 2000. There needs to be ongoing public participation, and scrutiny of the Family Court Processes, if kids and mums are seriously to be protected.

Recommendation re which age kids if and should be removed from their mothers:

There is enough evidence to support that children are best left in their mother's cares, and except in harmful situations, and with evidence. NPBSPPC has published findings in relation to juvenile delinquency and criminal behaviours of children who lacked maternal cares.

- Children should not be removed from breast feeding; it is up to the mother and her infant to decide. Family Court interference must be stopped and there is a strong support for this from our client organisations, and support groups.
- There is evidence submitted by mothers that family court proceeding should be avoided, and that kids are left in the maternal care until they start first year of school
- Minimum age before kids are even considered for forced contacts should be increased from two years to at least four years. as there is now sufficient evidence that breaking the maternal bond between the child and the mother is harmful for kids. It is only natural and mothers should be allowed, respected of their mothering and nurturing roles, and family law court interference should be legislated. Many nurses have expressed concerns to NPBSPPC.
- If there is any doubt in single mothering, then our Former PM Kevin Rudd, current Chief Justice, Hon Diana Bryant, and current Premier of Qld Ms Anna Bligh are good examples and outcomes of them being raised by single mother families.
- The child support laws can be re-visited although the recent reforms have been helpful, and hopefully to all those who pay child support, and many mums are happy to forego child support for the safety and protection of the kids and themselves.

NPBSPPC wishes to re-submit the “***Voice of the People Report*** and individual submissions already submitted to the AG dept for further consideration,” because it speaks of the individual stories as it is for protective parents and their children in the present framework of the Family Law.

Contact centres and supervision

- NPBSPPC also recommends accreditation and governance requirements of Contact centres.
- Contact centres to be more transparent and user friendly
- Logistics of having contact centres is re-visited.
- Documentation and processes be made more transparent
- Fee structures and other costs be regulated, and price rises, and logistics of funding these centres re-visited as clients are often complaining about a lack of professionalism and an understanding of domestic violence and child abuse by these

centre staff. Centre staff have been intimidated by the lawyers and abusers too and the professional requirement of the centre staff are unable to see the processes used to intimidate kids, due to lower grade non-university level professional requirements of the centres. This is reported by a professional mum who was supervised.

- Centres do tend to lie and mislead and support the dominance of the lawyers, and the family court, who communicate behind the clients back, and it appears lawyers are given different privileges than the self represented clients. For example lawyers are able to order reports in much shorter time frames, whereas as self represented clients are told over 6 week time frames.
- Contact centre reports are often reported by people who may not have observed the client and the kid, who is unacceptable, and then they are witnesses to give evidence. This is not acceptable. Contact centres should be also obligated to report suspicions of abuse, and informing the appropriate authorities and parents. On several occasions emotional abuse of children were ignored by the contact centres, and lawyers were ordering private reports from the centres, and on one occasion when the report went against the lawyer's clients and identified risks, the lawyer failed to alert the other parent or any authorities and failed to present that evidence to the family courts. Some quite sneaky things have been reported between the contact centre staff, the lawyers, family courts and protective mums and kids who are victimised through these centres. These places are used and fit in the indirect abuse of kids.

Transcription services:

There is a growing perception and information shared by NPBSPPC clients that the appeal is interfered with, and that the transcription services are editing and changing original court cases.

This editing and changing transcriptions by the family law court contracts need to stop, and if proven those that are involved should face certain consequences.

Transcription services have also been known to have been unable to estimate and quote and have been known to access client accounts without permission and to have removed monies, not agreed upon. There needs to be a more transparent process in place. These are forms of abuse by the industry profiteers from the vulnerabilities of kids and their parents, inflicting further trauma, and also maybe protecting some from liabilities, but it is unacceptable that

transcriptions are being interfered with for the appeals. These are abusive processes to undermine an appeal, and are a form of abuse of clients of family law court clients.

And finally more flexible therapeutic approaches should be adopted and not heavy legalism in the separating families, as this will have a far reaching benefits for the children and the parents alike. Costs remain a factor for many mums and kids accessing justice systems, and a more cost effective, efficient system needs to be looked at for finding solutions. The long term damage and impact on the kids and the families are not worth it, as the costs to the tax payers, a mindset of the general public to being solution focused, and Australia's International obligations under the convention of human rights <http://www.un.org/en/documents/udhr/> of children and women must highlight the need for protection from violence and abuse. Mental health treatment of women is important to be considered in the reforms relating to domestic violence and abuse, in the current context of this consultation paper, <http://www.safety4parentsandkids.org.au/images/stories/ccnewsletter/womens-consensus-statement.pdf>

Breaking the cycle of domestic violence and child abuse culture so embedded in society

NPBSPPC recommends that schools should play a key role in educating children on respective behaviour in schools, including life skills in forming healthy and functional relationships. This will play an important role in future generations.

NPBSPPC has looked at many of the research, reports nationally and networked with international bodies and individuals involved during the violence consultation, and acknowledges Dr Lesley Lang's findings, and many other authors who have contributed to our knowledge base, including Barry Goldstein (USA), Dr McIntosh's findings, Dr Michael Flood's research studies and other commissioned enquiries and reports by the AG dept and has actively allowed participation by many clients in the family law processes with the Australian Law Reform Commission. NPBSPPC acknowledges all studies reported in this submission. NPBSPPC thanks those participants who have had the courage to tell their stories and with this report submits 52 stories.

NPBSPPC urges you and the Federal Government to act now in response to the evidence-based research you have commissioned in the past 18 months and the promises you have made to address the serious problem of family violence in the family law system. NPBSPPC

strongly supports the proposed amendments and urge you to include the further changes we suggest. NPBSPPC recommends that the findings and research, reports to date should be used by the family courts in determining decisions and that all judicial officers are familiar with these, and that an immediate action plan is actioned as a guideline or directive to freeing up children from risk of harm and lifelong impact. NPBSPPC supports that the backlog of cases are fast tracked, that more resources are allocated to clear the backlog, and delays in obtaining dates for judgements and appeals are looked at.

We thank you for taking the time to read our submissions.

Yours sincerely,

Admin

NPBSPPC

(National Peak Body for Safety and Protection of Parents and Children)

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