

# FAXED

13/8/03

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Mrs Kay Elizabeth Hull  
Parliamentary Committee Member  
100 Yambil Street  
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To Mrs Kay Hull

[REDACTED]

House of Representatives Standing Committee on Family and Community Affairs	
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In reference to the shared parenting issue, I find it hard to believe the government would be considering interfering in personal family issues and taking children from their mothers.

In my experience my husband has admitted openly he is seeking spiteful revenge on me by supporting the shared care issue but in doing so he is using the children as pawns.

The Government has no place making blanket decisions affecting the dynamics of individual family life. Each family should be responsible for themselves unless they seek family law assistance.

We were married for 18 years and during the last 7-8 years our marriage deteriorated. My husband was diagnosed with depression and has spent time in Drug and Alcohol counselling but to no avail. As in most domestic violence cases people ask "Why do you stay?" The main reason for me was the thought that our children would have to "by law" spend time with him and his unstable behaviour without my presence to protect them.

Besides his threats of violence and financial poverty if I left I was most devastated at his insistence that he would gain full custody of our children by lying to the court. He would inform the court that I was an unfit parent and I had a drug and alcohol problem. To fabricate this he would plant drugs in the house and then contact police. He read several of his diary entries to me falsely claiming I had drunk large amounts of alcohol on certain dates. This was clearly to show me he was preparing for our inevitable separation and his plans to "set me up" as an unfit parent.

Eventually, we reached a point where myself and the first of my children had to seek counselling (3 of the other children have also had counselling since) to combat his abuse. Our children were crying in bed at night and their schooling was disrupted.

In November 2001 I escaped to a Women's Refuge with our children with only the clothes we were wearing. We have since experienced many difficulties with [REDACTED] using every avenue available to him to "ruin my life".

He has interfered with every aspect of my life -- my mail, bank accounts, my car, my small home business, internet service, car registration, the Apprehended Violence Order I have against him, the children's scholarship fund, house insurance, Child Support and most recently, my Family Assistance payment from Centrelink.

He has made false claims to the Child Support Agency, Centrelink, local court and has accepted legal aid after giving false information. He has no fear of not being truthful.

I find it difficult to imagine how our situation would have turned out if the Family Court laws used the presumption of shared care and it was then up to me, with no legal aid, to prove the suffering the children would endure by living with their father ½ the time.

I have spent the last 18 months defending myself and combating his lies, allegations, accusations and false claims. I feel that I am constantly battling through red tape, court appearances and legal fees. This is emotionally, physically and financially draining and time consuming.

I feel that it would have been devastating and will be devastating to our family if the laws are changed, as Paul will revisit the family court once again. I will have to start back from the beginning reliving the story of domestic violence, alcoholism and the emotional abuse and our children will be at risk again. I will also once again be battling his emotive lies and fake evidence that he has proven he, (with the help of his support group friends) will concoct in order to set me up.

In my personal experience, I have always been the primary carer of our children from their birth up to our separation. My estranged husband, father of our 5 children had little time or interest in them except for "public appearances", such as school concerts etc.

He currently has no motivation or enough emotional stability to care for our children for more than a few hours at a time and when the children have stayed with him overnight he has on many occasions been drunk.

My 13 year old is sometimes forced to look after him and the other children. On one occasion he almost fell over the balcony of his unit and on another walked into a door whilst the children were in his care. He is abusive and emotional and refuses to co-operate with their social and sport commitments.

He does not access the children as per the family court orders but uses this time as a free time to come and go with the children as he pleases without any commitment. I am unable to make any work or social arrangements during these periods due to Paul's unreliability and refusal to inform me of his intentions.

The Family Court allows this situation to occur by giving no penalty to the father for not following the Family Court Orders, only for the mother if she refuses him access.

If this access was increased from the current 23% to 50% of the time it would just give him more control over our lives and would not in any way improve the children's relationship with their father.

On a less important note - how would I be expected to accommodate the children and pay their living and education expenses? I would receive only half of the Family Assistance from Centrelink and Child Support would be reduced to almost nothing.

At the moment I receive \$325 from Pension and Family Assistance each week, however, my mortgage alone is \$367 per week. Although I am able to supplement this by working I am only able to earn \$16 an hour as I have sacrificed my career to care for my children over the last 16 years.

As a result of having a full time parent my children are loving, honest and respectful and achieve highly in many areas, however, this would be eroded away particularly during their teenage years if the family home is taken away and I am no longer able to give them full time parenting.

Would they spend their school holidays home alone in a unit or perhaps roaming the streets unsupervised. Multiply this by hundreds of families and hundreds of unsupervised children.

Will there be low cost housing available for us, as rent in this area would be around \$500 per week and I would be expected to accommodate the children near there father, school and friends.

In an ideal world, of course it is best for children to spend time with both their mother and father, however, it is not ideal when a marriage breaks down and it is not ideal for the children to be expected to pack up their belongings every week of their childhood and move from one home to another.

It is mothers that fret for their children when they are away or even just start kindy or school, not fathers. It is mothers the children call for if they are hurt or scared. It is mothers the children cry for when they are taken away by anyone.

The proposed changes to the residency laws will create another 'stolen generation'. Children are going to suffer if they are deprived of their mother for extended periods. It is mothers that give birth and suckle their babies and fathers can never change that. The government has no right interfering in people's families or taking children from their mothers.

You'll be sending the Family Laws backwards. Most parents choose to leave the children in the primary care of their mother or agree on shared care without any input from the court.

**Children are not possessions, they need to be parented not shared.**

