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Tuesday, 29th July, 2003

Committee Secretary
Standing Committee on Family and Community Affairs
House of Representatives
Parliament House
CANBERRA ACT 2600

1 AUG 2003
PARLIAMENTS HOUSE
CANBERRA

Dear Sir/Madam,

**Re: Child Custody and Access Arrangements
Our Concerns & Our Story**

Let me say firstly, that I am writing this on behalf of my husband and the many other fathers out there, who have indeed been given a "rough deal" when it comes to custody and access arrangements.

[REDACTED] I am step-mother to three children ages 8, 9 and 12. They are my husband's children from a former marriage, and we have no children of our own. Though this does not influence our position at all with regards to this matter of access rights for fathers.

A recent article was published in our local paper, Penrith Press (22.7.03), stating that it was time to speak up on access issues, as quoted by our Federal Liberal MP for Lindsay, Jackie Kelly. Considering our own experiences with custody arrangements and so forth, we thought it about time that this issue be re-addressed.

My husband had two boys and a girl with his former wife over the space of three years. Sadly as when marriages breakdown and couples divorce, it is the children who are most affected. And this is something that many adults choose to deny in the course of ascertaining what's "mine and yours". The children become "property" and possessions, and in many cases, even pawns in the game of "who's going to win". Such was the case with my husband. His former wife moved around constantly to prevent him from seeing his children, after they separated, despite there being a consent order in place allowing his access. But it is unfortunate that the laws put in place to protect women from genuine abusive situations are then manipulated by those who use them to get what they want. In this case, to prevent my husband from continuing access with his children. The times he did have access with them, she alleged that he abused the children and took them away. As I am sure you are aware, situations like these become very messy where there are children involved. No one wants the other to have the right to the children they now see as theirs and no one else's.

For five years my husband's former wife moved around. For five years she kept the children from their father. For five years she instilled in the children the type of person she wanted the children to believe their father was, complete with all her own hate and anger.

Two years ago, in April 2001, we were told by a distant family friend that my husband's children were in the care of Department of Human Services [REDACTED], and had been since around March of that year. My husband then made contact with DHS to be told that his former wife had passed away the previous night of a drug overdose. From there, we arranged a meeting with them in [REDACTED] to discuss the children and where to go from there. But from the beginning, it appeared that their views of my husband were already tainted. Instead of giving him the benefit of the doubt, they took the words of a self-confessed drug addict, who was now deceased, and that of her mother, who hated my husband just as much, if not more than her daughter ever did. We discovered that a false name had been given to DHS by my husband's former wife and her mother, so they would not be able to contact him with regards to his children. Despite his correct name appearing on various other documents, including Child Support letters and statements, they failed to contact us at all.

A picture had been painted of my husband as an aggressive abuser, who beat his former wife and his children. To the point that his eldest son, now 12, was told and all children still believe, that he has a plastic jaw from an injury his father inflicted on him by "bashing" him in the face. My husband is in fact the one who has a plate in his jaw, from an accident on a bike. There were apparent hospital reports from when his former wife was admitted to hospital, to which DHS took as my husband being responsible for resulting from the "alleged" abuse, instead of it actually being from the many overdoses she took and slashing her wrists many times.

From the beginning, we were told by DHS that as the children's father, my husband had the right to regain custody of his children, though this would take some time to rebuild a relationship with them under the circumstances. His eldest son though wants nothing to do with him, and has influenced his younger siblings into making any access we had difficult. He never wanted them to have contact with us. When the matter went to Court in July 2001, DHS assured us that it would only be a formality and that they were seeking a permanent care order for the children to be placed with us, with the exception of the oldest child, since he didn't want to see us and we respected that. But when we got to Court, they had changed their position, and sought an order for the children to be placed with their maternal grandmother, who told my husband that she would "fight him to the death for those children".

We were given access, and we placed the children in a local school near us, since they were to be coming to live with us in the near future, as DHS had assured us. But over the coming months proved to be difficult. The younger two, now living with their older brother at their maternal grandmother's, with the negative influence that surrounded them, they rebelled against us. To the point that I had to have someone with me whenever I picked the children up for school and when I took them home again. They ran away, they kicked, screamed, bashed things, and screamed obscenities. They even stated they wished their father "had died when he was burnt" (in a major accident he had when he was a teenager). At school, their behaviour was not improved. They proved to be very difficult children for both my husband and myself, as well as the school they were attending. However, it came to our attention via someone who lives close by the children that they were told by their older brother that if they misbehaved so much at school and with us, then we would give in and they would be able to stay with them and go to the same school he was attending. Unfortunately, we knew these children were well trained in manipulation to get what they want.

Sadly, after many months of trying and countless efforts to regain custody of the children, we decided against any further contact with them. DHS tried talking us out of it, but it was not getting any easier. In fact the children were now refusing any access at all, stating that I had bashed them numerous times, and that their father and myself had beat them the last time we saw them. In actual fact, they both received reprimanding for atrocious behaviour, with my husband's daughter

bashing on the walls with her toys, and his son claiming he was going to urinate all over himself and everyone and the house ~ this behaviour resulting from being sent to their rooms for bad language and fighting with each other. We attended many Case Plan Meetings with DHS and the maternal family, and even in these meetings the maternal grandmother did not acknowledge us as part of the children's family or lives, except to emphasize the grief it was causing the children to remain in contact with us. She made every assurance to all concerned that she was co-operating with us and that she encouraged contact with their father, both of which we knew to be untrue, as she made any contact with the children as difficult as possible. She even told us in front of the children when we picked them up for an access visit, "don't you hurt them" with her arms around them and an accusing tone in her voice. Just with those words, she gave the children the belief that he would.

In January 2002, we organised with DHS to arrange a final meeting with the children for the entire paternal family. No one was informed of our decision and the first anyone heard of it was at the meeting. We did not want the children "coached" into a belief that we were abandoning them or that we didn't care. On the contrary, we made this decision because we do care. Enough to let them go. Enough to let them be, and live their lives. Even if that is without us. Ten months later, we moved interstate to NSW to begin a new life for ourselves, with the hope that the children rebuild their lives. Three weeks ago, a permanent care order was put in place by the ██████████ Children's Court giving their maternal grandmother full and sole permanent custody of the children.

Despite many promises that the children would be placed into our care and my husband would have permanent custody of his children, this never came to fruition. DHS handled the case very badly from the beginning. We in fact wrote a letter of complaint to this Department a couple of years ago in regards to this matter, to which we received no reply or response to our concerns.

We believe that the custody and access rights of fathers to be very poor. Why is it that women are the first choice for primary custodians? The belief that they are the more nurturing and caring of the two sexes is highly over-rated, in many cases. When it comes to custody and access, even normal people can react and behave badly and inappropriately. But in this case, making the choice for my husband's children to remain with their mother proved to be a big mistake on the justice system's part. These children were subjected to constant hate and anger, particularly toward their father ~ added to that they never saw him, so they believed what their mother told them about him. But even without that hate and anger, these children saw a life that many of us could not even begin to imagine. Their mother was a drug addict. She had been when she was with my husband, but this is never taken into account when custody arrangements are made. She constantly slashed her wrists for attention. Though she was never diagnosed, I believe she may well have been suffering from some kind of mental illness, which contributed to her irrational and thoughtless actions. And in the middle were these children, including the further two she had with another man. My husband's two oldest children, a boy and a girl, became the parents/adults in the house, looking after the three younger children, from changing their nappies, feeding them and looking after their mother and her husband when in a drugged stupor. My husband's daughter disclosed to me a number of times how her mother wasn't always nice. She yelled and screamed and she said mean things about their father that she now knew not to be true. Then she told me of the times when her mother locked herself in the bathroom and no one could get in. When the husband kicked down the door, all the children standing by witnessed their mother laying on the floor in a pool of blood from slashing her wrists yet again.

Sadly, we believe had my husband's rights as a father been enforced by the Courts more adequately, and maybe even custody, back then, maybe none of this would have happened. These children would have been given the opportunity to live normal healthy lives. Instead, they are scarred for life by not

only what they saw, but the hate, anger, constant violence, lies, manipulation to which they were subjected at the hands of their mother.

Unfortunately, the only right for fathers seen is their "responsibility" to pay child support. And access is a separate issue. My husband was made to pay back child support to his ex-wife's estate, that being her husband who was also a drug addict, instead of in a trust for the children, which we wanted to do.

As I stated in the beginning of this letter, I am writing this on behalf of my husband and all the other fathers who are being denied their full rights as fathers with regards to access and custody arrangements. As we have well seen in our own case with my husband's children, custody with the mother is not always in the best interest for the child. But how is one to know what is in their best interests? Particularly when the truth is covered up so the Courts don't see what really goes on. In my husband's case, he tried numerous times, but his pleas fell on deaf ears. And it seems that he wasn't entitled to fight his battle for his rights through Legal Aid because she had enlisted their help to fight her side. That is what he was told by Legal Aid. So if one has no money, and no access to Legal Aid services because the other party had already done so, then where do they go from there? How unfair is the justice system for fathers? Why is it that mothers are favoured? And why is equal access so difficult to maintain and enforce? We must remember that it is the children who ultimately suffer.

Fathers have rights too! It takes two to make a marriage, and it takes two to break it. It takes two to make a child, and it takes two to parent them. So why do mothers get favoured over the fathers? Why are fathers forgotten amidst the red tape of bureaucracy? Why is it the father's only right appears to be to pay child support?

Why can't custody be made jointly, and access be maintained? Both parents have just as much rights to their children as the other does. Children need the guiding influence of their fathers too, particularly boys. In the words of Federal Liberal MP for Lindsay Jackie Kelly "clearly something NEEDS to change". I, too, passionately believe in equal access to children for both parents. Children need both their parents ~ not a substitute. No one has listened to our pleas before; let's hope someone does now. It may not change things for us in our situation, but it can help pave the way for other fathers who have lost out in their rights for fair access and custody battles for their children.

Please, I urge you, to enforce the father's rights to access and joint custody, and help other children know the loving security of family, despite their situations. After all, it's the children who really lose out.

Thank you for listening to our story, and taking into consideration the genuine concern we have for children who have been denied a guiding influence of their fathers, and that of the father's parental rights to access arrangements. Let's help make a difference.

Regards

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes.