



House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 892

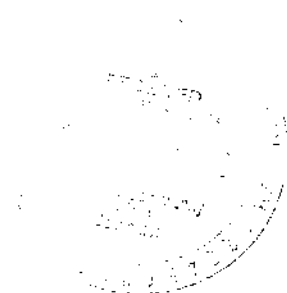
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Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
House of Representatives
Parliament House
CANBERRA ACT 2600



Dear Sir or Madam,

Re: Child Custody Arrangements – in the best interests of the children

I am writing in regards to your Inquiry into Child Custody Arrangements. I am a divorced mother of two daughters and I am a survivor of Domestic Violence. I am a support worker at Citylife Church, which coordinates various programs for woman and children who live in the Northern Illawarra region. I am currently involved in a long-term Domestic Violence support group, which supports women and children who have experienced Domestic Violence. This is the only Domestic Violence support group I know of, that offers families long-term support to deal with the many ongoing issues associated with the aftermath of Domestic Violence. Most of these families continue to experience Domestic Violence because of Child Custody arrangements. The children are the innocent victims of a legal system which continually exposes them to abuse through contact with their father, the perpetrator. I would like to put forth my perspective that it is not in the best interests of children who are victims of Domestic Violence, to be forced into a detrimental and possible life-threatening situation of shared-custody.

The most common issue for a woman who has experienced Domestic Violence is, despite the fact that she has protected her children by escaping from the perpetrator, in the eyes of the Law “the father has the right to see his children,” no matter what. It is seen as “in the best interests of the children” to have contact with their father. The detrimental effects that this contact has on the children, doesn’t seem to be taken into

account. It is seen that if children are not victims of physical or sexual abuse themselves, there is no reason why they shouldn't have contact with their father.

Domestic Violence is still seen by many as just physical abuse, but it takes many other forms such as verbal, emotional, sexual and financial abuse as well as isolation. A woman, who has experienced Domestic Violence in any form, has been manipulated and controlled by the perpetrator, usually for over a long period of time. It is unreasonable to expect a woman, who is a victim of Domestic Violence, to be left to police inappropriate and unmanageable Contact Orders made by the Family Law Court. Once the court case is over, there is no one with authority that can oversee whether the perpetrator is abiding by the Court Orders or not. If a woman has been isolated and doesn't have any family and friends for support, there is no one who can help her. There are only a few Contact Centres around that offer support with supervised access and changeovers. Even then, Contact Centres only offer interim support which is usually eight to twelve sessions. Their goal is to help parents reach self-management of changeovers. This is not a realistic option when there is a history of Domestic Violence. Perpetrators do not change their behaviour unless they come to the point where they want to accept responsibility for their actions and change their ways.

Access with the children is used by many perpetrators as a way to continue the abuse against their ex-partner. Perpetrators most often use the changeovers of the children as an opportunity to abuse and intimidate the mother in front of the children. It is quite common for these fathers to manipulate and control the mothers by returning the children late from access and by changing the arrangements at short notice. Even though breaching the Contact Orders is breaking the Law, the mothers are left powerless to enforce these orders. Legal Aid will not fund Contravention Proceedings against the non-custodial parent. The only option Legal Aid give the mother in this situation is to breach the orders herself by refusing access with the father. The father can then take Contravention Proceedings against the mother, which Legal Aid will fund. The mother is then left unrepresented and at the mercy of her abusive ex-partner. There seems to be no consideration taken into the safety and well-being of the children who continue to be victims of Domestic Violence, long after their parents have separated. Where is the Justice for these victims who are left to suffer in silence, while the perpetrators get all their "father's rights" met through the Family Law system?

Another common issue that children of Domestic Violence are subjected to when having access with the father, is when the father constantly denigrates the mother to the children. The perpetrator uses the children as pawns to send messages to the mother, as well as using them as informants to report back to him what is happening in the mother's life. While having regular access with the children, a perpetrator can inflict continual emotional abuse on the children, which manipulates them to the point where they take his side and rebel against their mother. The children themselves become the perpetrators of Domestic Violence and inflict physical, verbal, emotional and other abuse against their mother. The cycle of abuse

continues. Unless these issues are dealt with appropriately through the Family Law Courts, these children themselves will grow up to be dysfunctional and most probably will inflict Domestic Violence on their own families.

Phone contact with the children is another area of abuse that is used by perpetrators to manipulate, intimidate and abuse their ex-partners. It is seen as "the father's right" to have phone contact with his children, but for the perpetrator it is seen as an open invitation to call up and harass his ex-partner all hours of the day and night. Most perpetrators of Domestic Violence do not restrain their abusive behaviour, even when there are Apprehended Violence Orders and clear cut Contact Orders in place.

I would like to conclude this letter by stating my grave concerns for all the children out there that have been subjected to Domestic Violence and would be at serious risk of harm, if shared-custody is made Law. The Family Law system needs to treat each family individually and be especially sensitive to the families that have suffered Domestic Violence. These innocent children deserve the right to be protected from the cycle of abuse. They have the right to live in a safe environment and receive the appropriate support, so they can heal and move on. If a perpetrator desires to have contact with his children, he should be required to attend extensive counselling and be under the authority of a professional trained in Domestic Violence, before any contact can take place. As I have stated with my own history, even though I have been out of the marriage for five years now, my children and I are still being subjected to and are living with Domestic Violence.

Please feel free to contact me and discuss any of these issues further. My aim is to help all women and children who have experienced Domestic Violence, to not see themselves as victims, but as victors of Domestic Violence. I hope that through our Domestic Violence support group that we can help many women and children in our community to find closure and heal from this horrendous crime. Thank you for your time.

Yours sincerely,

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