

8th April 2003

TO THE COMMITTEE SECRETARY

STANDING COMMITTEE ON FAMILY
AND COMMUNITY AFFAIRS
CHILD CUSTODY ARRANGEMENTS INQUIRY
DEPARTMENT OF THE HOUSE OF REPRESENTATIVES

PARLIAMENT HOUSE
CANBERRA ACT 2600
AUSTRALIA

House of Representatives Standing Committee on Family and Community Affairs	
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Secretary:	

Bound by the love for my Son, I am deeply compelled to forward to you this submission in the hope in doing so this may contribute towards positive advances for families beyond separation, our children and ultimately benefit the community holistically.

With a relatively limited education, I will do my best to be as concise as I can possibly muster. The following information I have comprised is admittedly heavily derived from my own personal experience in the compounding influences of which, has essentially molded my post separation relationship with my child. It is my belief, the same social anomalies that have contributed to my own personal deprivation, has also significantly been the determining factor for many other estranged parents.

Three and half years have passed since I have been close enough to so much as greet my only child Shawn. His coming in to this world is by far the most spectacular and special event of my lifetime. The dissolution of our short yet very well bonded relationship has been of the greatest turmoil and cataclysm of my existence to date.

This "dissolution" of my ability to be a Father to my son has certainly not come about due to a voluntary relinquishment. The present configuration of the Family Law is providing a sanctuary for malevolent residential parents in flagrantly ignoring what is the in the best interests of the child\ran and quite deliberately with baleful motives. alienating their former spouses from their children in what is a clearly callous and malicious act.

The ways and mean's to repel and oppress an estranged parent from retaining a relationship with children are many and collective. From profoundly erratic and abusive behavior, aggressive acts of hostility, to assault, to utter curtailing of contact, from the enlistment of the police service's, to the blackmailing of using the Child Support Agency as a ominous financial deterrent. Often the absence of the excluded parent can be calculatingly manipulated by explanations of fallacious portrayals such as abandonment and in some cases, fabricated allegations of violence with the application of Restraining Order's in the attempt to further hamper contact.

Though the intended victim is that of the absent parent, the adverse ramifications due to what is identified as Parental Alienation Syndrome is shown to be extensively baneful for the children, the targeted parent and extended family all branching from the primary obstruction of the child being denied the essential love and active involvement of an ostracized parent.

Statistic's define a greater exposure for children to manifest into various destructive life choices, behavioral problems, mental disorders, recidivism, all of which can plague individual's development throughout their entire lives, ultimately burdening not only their own prospects of a healthy and prosperous future, yet the negative ramifications may impair their family for generations to come.

With relatively little research material readily available from Australian studies, the following statistical information is based on American studies.

- **90% of homeless and runaway children are from fatherless homes.**
[U.S. D.H.H.S., Bureau of the Census.]
- **71% of pregnant teenagers lack a father.**
[US Dept. of Health & Human Services press release, Friday, March 26, 1999.]
- **63% of youth suicides are from fatherless homes.**
[US D.H.H.S., Bureau of the Census.]
- **85% of children who exhibit behavioural disorders come from fatherless homes.**
[Center for Disease Control.]
- **90% of adolescent repeat arsonists live with only their mother.**
[Wray Herbert, "Dousing the Kindlers," *Psychology Today*, January, 1985, p.28.]
- **71% of high school dropouts come from fatherless homes.**
[National Principals Association Report on the State of High Schools.]
- **75% of adolescent patients in chemical abuse canters come from fatherless homes.**
[Rainbows for all God's Children.]
- **70% of juveniles in state operated institutions have no father.**
[US Dept. of Justice, Special Report, Sept. 1988.]
- **85% of youths in prisons grew up in a fatherless home.**
[Fulton Co. Georgia jail populations, Texas Dept. of Corrections, 1992.]
- **75% of prisoners grew up without a father.**
Daniel Amneus, *The Garbage Generation*, Alhambra, CA: Primrose Press, 1990.
- **Fatherless boys and girls are: twice as likely to drop out of high school; twice as likely to end up in jail; four times more likely to need help for emotional or behavioral problems.**
[US D.H.H.S. news release, March 26, 1999.]
- **43% of US children live without their father.**
[US Department of Census.]
- **Two years after divorce, 51% of children in sole mother custody homes only see their father once or twice a year, or never.**
[Guidubaldi, 1989; Guidubaldi, 1988; Guidubaldi, Perry, & Nastasi, 1987.]
- **42% of fathers fail to see their children at all after divorce.**
[Frank F. Furstenberg, Jr. and Christine Winguist Nord, "Parenting Apart," *Journal of Marriage and the Family*, vol 47, no. 4, November, 1985.]

- 90% of father disengagement is caused by obstruction of access by a custodial parent anxious to break the father-child ties.

[Kruk, 1992, cited by Prof. John Guidubaldi in his Minority Report and Policy Recommendations of the US Commission on Child & Family Welfare, US Code Citation: 42 USC 12301, 1996. Same cause identified by Braver, Wolchik, & Sandler, 1985, without incidence values.]

As an alienated parent, the personal toll this cruel unofficially recognized form of Domestic Violence has impacted upon my personal well being is nothing short of being a soul shattering experience. My own physical health took an atrocious dive in the initial six months proceeding the separation, fierce anxiety attacks, emotional despair, weight loss, eating disorder's and most grave, the mental disorder of depression had created such immediate issue's for me to address, including my unemployed status, the concept of taking on Self Representation in the Family Courts was simply unrealistic.

There is little doubt in my mind the severe anxiety and escalating pessimism I experienced in these very testing times was exacerbated by not only the hostile actions of my former spouse, yet predominately, the absence of any legislation protecting the rights of my child and our relationship. In quite the contrast, I found myself isolated from any social support services and the more I researched my alternatives, the greater my depression grew as I soon learnt my position of being severed from my only child is not only ignored by legislation but this most unsavory of situations is simply looked upon as an opportunity for commercial exploitation by the legal fraternity.

After a number of short consultations with different solicitors, it became evident to me the cost of obtaining the most basic access orders to see my child on strictly rationed intermittent bases, could and often does run into the tens of thousands of dollars. My inquest into the application for Joint Custody was met with great skepticism by all of these solicitors I met, each stating the cost involved with such a high risk venture is extensive, the likely hood of becoming depleted of all financial resources without the securing of orders sorted is quite probable.

From this time forth, the past three year's has held a great many developments however the relationship between myself and my son remains unresolved and confined to the pages of a diary I have kept for him since the day of our parting, the [REDACTED] December of 1999.

I must at this point make mention of the complete lack of Community Support Services or programmes to aid times of such destitution. I read recently the National Mens Help line attends to 1500 calls a month, most of which are heavily related to Family and relationship issues. Unfortunately I on several occasions fell into the category of the 10,000 calls of which continue to remain unanswered each month. It is with this in mind I would be most interested in the results of a study into the comparative percentages for the mortality rate of those parents of who reside with their children as opposed to those who do not for if it wasn't for a network of family and friends at this time of great adversity, this could well of been ultimately too over whelming for me to contend with.

The media releases covering the Chief Justice of the Family Court Alastair Nicholson, make no secret of his interpretation of those statistics of which are indicative of the scales of justice, sadly though, much to the detriment of many post separated families the 95% of separated couples who do not use the Family Courts to settle, are not all coming to amicable arrangements with the child's best at heart, there remains a great number of unresolved fractured families neglected by the Courts due to the cardinal commercial interests of the legal industry.

The embattled emotional toll from pursuing the legal avenue can quite easily become insurmountable with continual obstructive and uncooperative behavior from the former partner prolonging the legal procession of negotiations at the end of which, there is simply no assurances or significant deterrents encouraging compliance to those Court Orders.

I strongly urge this committee to direct investigations towards the cost, expediency and accessibility of the Courts for the larger community. There is an intentional financial deterrent for parties to settle negotiations out side of the Courts, it is my belief this ideal is a considerable agent compromising and as is with my son, denying a large number of children from retaining a healthy relationship with the non-residing parents.

Constructive legislation protecting the rights of Children and promoting their welfare to know and be cared for by both parents is in the essential interests of our children. The proposed Presumption of Shared Parenting is a model in which I believe this ideology can be in captured. The issue for solid deterrents to be developed for the intentional malicious contravention of adapted and present legislation is vital in ensuring compliance, corrective directions need to be dealt with swiftly and assertively by the Courts. A case assigned Court Councilor may prove to be advantageous to monitor and record the behavior of negotiating party's.

The discrimination of being a working parent is considerably forbearing in the application of Family Court Orders. The issue of initially being rejected from the family home and prevented in performing parental responsibilities immediately for simply not being the primary care giver at the time of a separation is stereotyping the administration of child's best interest's always lay with that of the primary caregiver despite what mitigating factor's may surround the rift between conflicting parents. In my particular situation, my ex-partner was suffering from a sever relapse of bipolar disease accompanied by alcoholism at the time of our separation. The fact She had rejected all forms of support from all family members and social services at such a volatile time, contributed to the reservations and deep concern I held for our child's welfare.

The disadvantage of residing in a regional area is an issue of significant importance when approaching the decision of initiating Family Court proceedings. There is a substantial lack of readily available resources and facilities in outer regional communities in comparison to metropolitan areas of which inevitably contributes to the vanquishing of non-residential parents.

The current limited allotment of contact for estranged parents with their children is a prominent topic in the debate in the evaluation of presumption of Shared Parenting. The challenge of providing and securing a solid role as a parent on a once a fortnight bases can extend well beyond distressing, the relevance a child perceives a parent they have contact with on this intermittent arrangement can prove to be a dissolving factor within the child/parent relationship itself.

I ask for the members of the committee to investigate Parental Alienation as an intentional course of abuse of which desperately needs official recognition as an act of Domestic Violence. A helpful site to research and observe studies into Parental Alienation Syndrome can be found at <http://www.rgardner.com/refs/> Family and domestic violence can be defined as any form of abuse of power within relationships of trust and or dependency, which causes the victim to live in fear of the actions of an abuser or abusers. Forms of abuse can range from physical or sexual assault, to psychological and emotional abuse, social isolation, neglect to financial deprivation and exploitation. There can be little contention to the fact the present arrangement's of the Courts endorsing one parent to be granted substantially greater power over another in the raising of children is providing a means of abuse of that power invested.

The scenario of leaving an abusive and hostile partner only to remain subjected and exposed to continued abuse through the use of the children is by and large the greatest determining factor, which has deterred me from pursuing arrangements through the Family Courts. Only once there is an official registry of the incidence of PAS, can there be effective strategies developed through corresponding Domestic Violence Prevention Programmes to combat this destructive adversity to the community.

Measure's from the Courts beyond the endorsement alone of what's defined to be the liberal right's of a child is omitted by current legislation. The act of these rights being violated beyond the best interests of a child can be interpreted as a deprivation of their liberty and effectively contrary to the child's welfare. The failing to establish provisions in targeting the act of Parental Alienation, is largely responsible, for the proliferation of what is a prevalent issue in much of today's communities.

In my observations as member of North West coast lines work force for over nine years, there is no more socially destructive governmental institution then that of the Child Support Agency. The prospects of being financially extorted by the conservative concept: the estranged parent (most often then not, the greater financial contributor) be the sole target for financial, surveillance and payment's, having vast implications in many facets of life, has evoked those few to their ends and many other's a weekly struggle. There are so few concessions in this compliance or crush approach. The financial position of the residing parent and any incoming partner is completely disregarded while the targeted parent must incur what is an exorbitant cost to their prospects of recovering for a healthy future.

In summary, I believe the presumption of Shared Parenting will align the family mould forward into the age of equal opportunity, while addressing many negative products resulting from contemporary policy.

A far cry from being professional presentation, I do hope the context comprised is of assistance to you I thank you for you time and wish you well in your endeavors.

Should you have any enquires or I can be of further assistance, please contact me.