

[REDACTED]

Tele:

[REDACTED]

Committee Secretary
Standing Committee on Family & Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
CANBERRA ACT 2600

House of Representatives Standing Committee On Family and Community Affairs
Submission No: 1199
Date Received: 8-8-03
Secretary:

Dear Secretary

I write this submission from the heart as the grandmother of a beautiful 4-year-old boy and on behalf of my son who is his father. I have been a resident of Darwin for 47 years, married for 39 years and have 3 grown children. I am also a public servant of 25 years. My husband was a public servant for 38 years until [REDACTED] retired, and has been a Justice of the Peace for over 20 years.

My family, with the exception of myself, are indigenous and are of Aboriginal/Torres Strait Islander descent.

In approximately 1997, my son entered into a defacto relationship with the person who is the mother of his 4-year-old son. This baby was born with a medical condition [REDACTED] and this required surgery when he was 12 months old.

In February 2002 my son's relationship with his defacto ceased due to his being the victim of domestic violence in front of his child. Hard as this may seem to digest, he was the one who suffered physical abuse for the past 4 plus years. There are other issues also that resulted in the breakdown however at this stage are irrelevant.

Initially had my son relied on the solicitor representing him from the Top End indigenous peoples legal aid service at the Family Court, and if he had continued with this service he would have ended up with what most fathers end up with – 4 hours per week or fortnight.

We then needed to engage a family law solicitor, the cost of which was considerable, for my son to have what should have been his God given right – contact with his son. The reason the relationship ceased with his defacto had nothing whatsoever to do with his relationship with his son. He is probably one of the lucky fathers because he has his son every second weekend and on the alternate weekend he picks him up from Kindergarten and returns him back to it the next day. He also has him for half all school holidays. This is due to our having excellent representation at the Family Court by a competent family law solicitor.

Since March last year we have been going through the Family Law Court for contact. Believe me, that is an education process that we would never want to go through again. Perhaps history may have shown that fathers have not had a good record in the past with regard to being in children's lives, and maybe that is the reason the Family Court is still gender biased towards the mothers, despite any failures they may have, and the fathers are shown very little compassion.

These days there are many fathers who want more contact with their children. It is hard, say for example, for my son because he has to pay a mortgage and child support, therefore he has to work full time. The mother, of course, has always been on a pension, which in fact means that she has more spending power and concessions than my son who works long and hard.

Throughout the process both my son and all our family have had to contend with trying to maintain a normal lifestyle for our grandson (who is in the care of his mother) and trying to deal with a person (the mother) who has continued on a path that could only be described as a 'vendetta'.

As to the Family Court, it is very hard to comprehend that one person, that is the Family Law Judge, has so much power. Let us be realistic about this, we had to endure the most malicious, untrue lies written about all our family in affidavits that the mother placed her hand on the bible in court and swore were true. I guess it all boils down to how the person in power judges who is right and who is telling lies? He decides at a hearing what is in the best interests of a child and yet he doesn't know one parent from the other with regard to who is best for the child. He isn't able to ask a child what he wants and in all honesty no one would want a child to be placed in that situation of choosing.

I know that there would be circumstances that would make the 50/50 contact unworkable and unsafe for some children. In cases where this is not so why does it take such a struggle to get contact.

My son has always been the Dad and now he is treated like 'the visitor'. The hard part is that when he returns his child back to his mother, the little boy cries his heart out and yet when the mother drops him off he doesn't cry. One of the most heart rending issues I have had to deal with occurred on the second last day of the school holidays when driving my grandson in my car and he said to me "Nanna this is the last day isn't it"? I told him yes but it would only be a couple of sleeps before he saw his Dad again. He replied "But I want to see my Dad more times, I'll visit my Mum". The struggle to maintain composure was very hard and it has been difficult for all the family. This little boy should be able to see his Dad whenever but due to the mother being difficult and using this child as a weapon in her vendetta it has been difficult.

There is no contact etc between the mother and father, both having DVO out on each other. Drop off occurs either at a designated drop off centre, which we are happy with, but on the public holidays it occurs at the nearest police station. This is all at the mother's say so and she refuses in any way to make compensations for the well being of the child. Therefore, we have to go along with all that she decrees.

During the course of the family law hearings, the mother demanded that an assessment be done on my grandson as she was saying that he was being violent, using bad language etc and we were alleged to have taught him all this. Interestingly, the child assessment came out in my son's favour, as he was honest and told the facts. The assessor could not see any problems either with the little boy or how the family was and in fact suggested that contact with the father was very important. This was prior to the final Family Court Hearing and during this time my son's only had limited contact. This little boy at one stage did not see his father for 2 months because of the mother being difficult and we could do nothing about it until we went to Court. Of interest, in that report, was the fact that the mother had stated that she did not see any benefits in this child having a relationship with his father and that she did not see any advantages in him having contact with any of the family. This however, did not apply to her side as she had her mother (whom she had not seen for 8 years) and her nephew (who had been removed from his mother as a result of her lifestyle and who had ADHD) living with her. In an effort to discredit my son and our family, and keep us all out of this child's life, she has on several occasions approached Children's Services telling them the all

sorts of untruths and innuendoes. After being subjected to investigation, they were unfounded and untrue. This is just one of the issues that a lot of fathers have to deal with and it is very stressful and harmful for the child. Some people will go to any length to make life difficult for their ex-partners.

It is well documented that children need both parents in their lives. There is ample evidence to support this.

My son pays his child support payments each month. He actually has his son for a third of the year and yet is not entitled to anything but she still gets child support.

Throughout this we have maintained a stance of not reacting because we believe that this child's well being is best served by maintaining a normal life. We make visits as loving, happy and exciting as possible. All the family, which includes my other grown children, cousins, nephews, aunts, uncles and nieces are involved in his life and he reacts as a normal loving 4-year-old. He loves going to the beach, collecting shells and taking them home to his "Dad's Place". He loves his grandad (my husband) but we have written evidence that states that if the mother had her choice there would be no grandad in his life or any of our family and this includes his 10 year old cousin. My husband is the only grandad he knows as the mother's father has never taken an seen this child and never acknowledged him.

My son and all our family dearly love and cherish this little man with all our hearts and souls, and all that was ever wanted was the have a loving relationship between his Dad and himself and the rest of our family, without interference. We just want to provide him with a normal as possible upbringing. It must be hard enough for him to see his mum and dad not together. I try to explain to him that he is very lucky because he has 2 houses, one with mum and the other with dad, and nanna only has one house. Family Courts should understand that fathers are a very important part of their children's lives, and that the causes of relationship breakups or divorces are not as a result of a parent's relationship with their child. My son would love to have more time, 50/50 custody and even full custody. I only hope that this Inquiry get it right for all the fathers who have missed out on seeing their children. It is heartbreaking to know how my son feels and to see my grandson cry each time they part.

I thank you for the opportunity to provide comments. I also apologise for being long winded but this is only a part of the story. Should further paperwork be required, ie family report, affidavits etc, my contact address and telephone numbers have been provided at the top of this paper.

Yours sincerely

