

House of Representatives Standing Committee  
on Family and Community Affairs

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Secretary: .....

**Forbes, Bev (REPS)**

**From:** Committee (REPS)  
**Sent:** Thursday, 9 October 2003 4:42 PM  
**To:** Committee, FCA (REPS)  
**Subject:** FW: supplementary information

-----Original Message-----

**From:** dawn house [mailto:.....]  
**Sent:** Thursday, 9 October 2003 3:05 PM  
**To:** Committee (REPS)  
**Subject:** supplementary information

Dear committee members

Attached is supplementary information as presented to the committee at the inquiry into Shared Parenting in Darwin on 25 September 2003.

At the inquiry I agreed to provide further information as requested by members of the committee.

**Question about data relating to vindictive women making false allegations of domestic violence:**  
Research has shown that there is very little fictional domestic violence, but that magistrates believe women apply for restraining orders to stop contact with children by their former partners. 95% of applications for contravention orders are made by the *non-resident* (usually male) partner, and 69% of these were discovered to be unfounded (See the Magellan Project)

Other information will be forwarded once hansard is available to confirm the content of the questions asked.

Sincerely  
Sue Brownlee  
Coordinator  
Dawn House

Phone: .....

Given the specialist area in which I work, I am proposing to the committee that the welfare of children with regard to child residency and contact matters, be considered in conjunction with an analysis of violence against women and children.

I am sure the committee is aware of the recent events in Wilberforce that saw the rape of a woman and the slaughter of her children and father. This story deeply touched many people, but sadly, it is not an uncommon one in our society.

Dawn House is opposed to the presumption that children will spend equal time with each parent. At first glance, such a presumption sounds 'fair'. However, beyond practical considerations of housing, schooling, and work commitments, if there is a history of domestic violence, such a presumption places women and children at increased risk.

The 18 months following separation are the most dangerous for women and children. An arrangement that imposes equal time with each parent will increase the number of contact changeovers, and provide more opportunities for threats and violence. The recent Kay, Stubbs & Tolmie research revealed that 86% of resident mothers surveyed described violence during contact changeover or contact visits.

There is one supervised contact/changeover service in Darwin, and due to limited resources it has restricted operating hours. Without a car, accessing the centre can be problematic, especially on weekends when public transport services are reduced.

The establishment of a presumption that children will spend equal time with each parent will influence social assumptions that this is right, or the norm. Most couples do make residence and contact arrangements without court intervention. However, a proportion of these are the result of coercion, and a social norm that assumes 50/50 contact will be used as a weapon by abusive men to continue to control their former partners.

Shared parenting is currently an option available to separated couples. The Family Court assesses the best interests of the child on a case by case basis and should continue to do so. However, the court is presently unable to determine matters of fact when making interim orders, so allegations of violence or abuse are not investigated. This occurs when final orders are being determined, but can be up to 18 months later.

Witnessing violence toward a person with whom a child has a domestic relationship is a form of psychological abuse. The perpetrator has not only failed to protect the child from abuse, but has in fact exposed them to it, and is therefore relevant to the perpetrator's capacity to parent.

Dawn House recommends to the committee that:

- a national specialist Child Protection Service for the Family Law system be established and funded to investigate allegations of violence or abuse at interim hearings and that the findings be taken into account when determining orders
- where violence is established, there should be a presumption of 'no contact' requiring the perpetrator to demonstrate how contact would not pose a threat to the safety of the child, or other family members
- the service should be able to investigate and review the outcomes for children following orders that expose the child to risk of violence, abuse or other harm arising from the orders
- a mandated statutory risk assessment be incorporated in Family Court Reports to evaluate the likelihood of further violence and potential threat to the child or the child's primary caregiver
- in the interests of justice and to prevent further abuse by a violent partner, no litigant in a family court case should be permitted to represent her or himself
- contact and changeover arrangements be safe

In conclusion, I wish to say that, although it runs counter to dearly held beliefs in our culture about families and parenting, the harsh reality is that some parents are dangerous and damaging to their children. When this is the case, a presumption that children, post separation, will spend equal time with each parent is absolutely not in the best interests of the child.