

Marian Villa - Society of St Vincent De Paul

FOR WOMEN AND CHILDREN

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

Submission No: **556**

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Secretary:

Dear Committee

Marian Villa Women's Refuge takes this opportunity to state its concerns to the Standing Committee on Family and Community Affairs in regard to the bill on Joint Residency Arrangements in the event of Family Separation. Marian Villa Women's Refuge has concerns in regards to this bill due to numerous families they have accommodated and the psychological and physical effects perpetrators of violence have had on the children.

What we believe is the best outcome is for the child to have its best interests met. Joint custody does not mean a happy child. There have been cases where the father of the child is restricted from seeing his child due to the extent of the violence the child has witnessed and experienced by them. This bill appears to be looking after the best interests of the father no matter what the reasons were which led to the family breakdown.

Shared residency usually works where both parents have committed to put aside their differences and look for the best interests of the child. Both parents need to be equal, willing and cooperative and need to sacrifice their living situation to make a good home for the children. If there has been a history of domestic violence, there is no equality, and there is a threat of violence between parents and between the perpetrator and child.

From our experience, cases that have Family Law involvement regarding residency does not go smoothly given our target client group are fleeing domestic violence. There are problems with all issues, including trivial issues that can cause further aggression and tension. The children will be caught in the middle of it all and continue to feel unsafe about themselves and their mother. The developmental effects on the children are in many cases critical to all aspects of their individual development.

It is our experience that most children who come to Marian Villa Women's Refuge are fearful that their father will find them and hurt their mother. Children have expressed their fears in a variety of ways: through play setting the scene of domestic violence in the home corner, violence in drama and imaginary play, discussing their desire to end the threat of violence in their life.

We find that children take on the responsibility of the safety and security of their mother. An example of this is 6 year old Peter, who said he didn't want to go to school because he was worried who was going to "keep mummy safe" while he was at school. 9 year old Fred had panic attacks when he left his mother for school after witnessing years of physical domestic violence. We have accommodated many children who have reported the domestic violence to the police. The perpetrators have often isolated that child and threatened to kill or harm them because they have sought help from the authorities. This shows the imbalance of responsibility children live with in domestic violence.

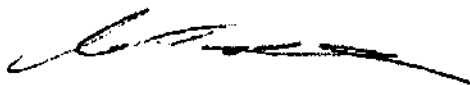
Many children talk about their dreams of taking matters into their own hands to resolve the domestic violence. 6 year old Bobby would tell staff that he wanted to be a policeman when he grew up, so he could shoot his father. 8 year old Kylie told a staff member that she had a scary dream. The staff member told her to change the ending of the dream to a happy ending. Kylie said that to make it a happy ending, she would dream that Superman would come and kill her father. Kylie has not seen her father for eight months and still experiences nightmares on a daily basis, despite positive input from her mother, staff at Marian Villa, teachers and school counsellor. Kylie's father deliberately burnt the family home and himself and destroyed the family's possessions after the family left.

We have accommodated children who have tried to injure and kill themselves. 8 year old Jack ran out in front of a car after school one day, because he wanted to kill himself. Staff at Marian Villa have witnessed children participating in risk taking behaviours, such as climbing roofs, running ahead of adults, crossing the road without looking, jumping into a pool of water without judging the depth first.

Due to living in a home with threats of violence and tension, children do not learn how to appropriately cope with anxiety, are often hypervigilant and appear in a persistent stress-response state. This makes the child more responsive ('flight or fight') in a violent situation, however this response is negative in other environments such as school and social settings. Often these children have learning difficulties and cannot easily process information from school. Staff have recognised it is a long process before children become less vigilant with their anxiety, and learn to respond to their environment with less stress and anxiety.

As you can see, staff at Marian Villa has first hand experience of the way domestic violence affects children. We understand that there are good fathers who want the best for their children, but there are also fathers who are perpetrators of domestic violence to the mother and children. We plead that each case is considered on an individual basis rather than introduce a blanket rule on joint residency and that the rights of the child are upheld and the risk of further abuse is limited.

Yours sincerely



Monica Tadros
COORDINATOR



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CHILD SUPPORT WORKER