

INQUIRY INTO CHILD CUSTODY ARRANGEMENT IN THE EVENT OF FAMILY SEPARATION

House of Representatives Standing Committee
on Family and Community Affairs

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1. FAMILY LAW ORDERS

I do not know how you could possibly make decisions on this topic when the family law process has so many holes in it.

I had a family report done after my ex had kidnapped our then 3 year old daughter after the separation of a 20 year marriage. During this process my ex admitted violence with the children using corporal punishment. My three year old told the report writer that Daddy hit her and drank beer, (he was and still is an alcoholic) I was accused of brainwashing. My then 11 year old also told of the violence, she was ignored saying that her elder sister and mother may have influenced her. My eighteen year old who had received the most of this violent treatment for many years was not allowed to be interviewed, however my ex's girlfriend of approximately 6 months was allowed to be interviewed and said what a wonderful person he was. The report writer never once asked me about my ex's violence and seemed to be purposely avoiding the subject and I had to add some instances when allowed. As a result it is very clear in the report the defensiveness of this writer towards my ex, whether this had anything to do with her coming from South Africa and the difference in culture I don't know. I had to submit and allow my ex to have unsupervised access and sign agreement out of court because of the report and my solicitor's lack of faith in the law system. Since then my ex has been violent with both children and now so does his partner with no recourse process available to me without risking him have more access.

I tried to appeal the report but I was told that there was now avenue to do this, so a report writer gets this so terribly wrong and there is no process of review. This is a joke and certainly not in the best interest of the children considering my ex already has a criminal history.

I very nearly went to the media and am still tempted to do so especially after his partner whipped my girls with an electrical cord and I have no avenue to protect them.

2. MY RESPONSE TO (a) (i)

Warning!!!! Mothers Australia wide are sitting back and waiting for the first politician to stick his neck out with this proposal, when they do, the mothers of Australia will pounce and pounce hard, including myself and every single mother I know. Any party that supports this proposal will be voted out immediately and I shall endeavour to tell you why.

The saying goes there is no love stronger than a mother's love. We are all aware that a mother has naturally protective instincts, but not all fathers do. We don't know why this is but we put it down to mothers being programmed to ensure that our offspring are healthy and survive. I don't know what the stats are but I know this is why the majority of mothers have residential custody of their children because they have done it all along anyway.

History has seen that mothers care for and usually take on full responsibility of this care because it is instinctive and ensures children are protected. If you take this instinctive duty, this sense of protective responsibility away, mothers will not be able to cope. Especially if you take away a child who is seen to be defenceless to a mother, a young child. If you provided me with statistics to say that even when the family was together Dad took on the major proportion of responsibility and care then I would make an exception but I already know the outcome of those stats and it is the majority of mothers who do this with some exceptions and I am talking about consistency, not just when Dad gets on with them through certain stages of life or when they are babies but their whole lives as mothers tend to.

The world is already aware of the mother and child bonding process. Interfere in this and the outcomes will be negative.

- The child will not bond as it should with its naturally protective parent.
- The naturally protective parent will not bond as close to the children and this I know will put the child at risk, this is hereditary and is called out casting and every other species on the planet does it if there is interference in the family domain.
- You will definitely increase maternal suicide because it is usually having the responsibility of caring for the children that keeps these mothers alive.
- Child suicide will increase because you have broken this bond, children always turn to the mother for advice, support and protection. If you limit that the child will suffer.
- Mothers will take their children and try and escape rather than loose their child.
- Schooling- how would you propose to do this:-
 - Send the child for ½ yearly stays and have to change schools during the year; or
 - do you expect parents to drive from one end of the city to the other to deliver the child to school or to schools.

Yes I agree there may be some very good Dads out there but to me this is about the majority and not the minority and the best interests of the children.

I suggest you do a poll on this proposal before it is even considered.

3. MY RESPONSE TO (a)(ii)

First of all most cases of access one parent has residential custody and the other parent has the children alternate weekends. Don't count the weeks for parents who work full time, these weeks are full of travelling, cleaning, homework and preparation for the next day. So even the custodial parent really only has the weekend to spend quality time with the children the same as the non-custodial parent. Are you going to take time out of this precious time to arrange for other persons to have contact? Why don't you just put the child in a home and then everyone can go visit rather than ripping the children from a stable safe environment to ensure everyone has their 2 cents worth. I believe it should be up to the parent to arrange for this access remembering that there are some people out there whether parents or grandparent that shouldn't be allowed near the children.

3a. SECURITY CHECKS FOR PARTNERS:

There is legislation in place to ensure that anyone who works with children have security checks yet the courts of Australia provide access to parents who's partners have never been checked. What guarantee is there that partners are not criminals or worse child abusers? Send the lambs to the slaughter. This is certainly in the best interest of the children.

4. CHILD SUPPORT AGENCY

4.1 ABUSE OF THE PRIVACY ACT:

I have had many issues with this agency and most bad.

My case was seen to be a problem case as my ex caused many problems in this area. While he was busy causing trauma and disruption to mine and our children's lives nobody at the agency would tell me what was going on, not even that he had put in applications for this and that. I had no rights at all and no knowledge of anything.

Staff consistently say they can't tell you anything because of the privacy act even if I am personally involved, even if my name is used, even if I am involved. I had to resort to FOI application where they sent me a letter saying they were going to charge me an extreme amount to get any information. I dropped my application. Still know nothing

4.2 CASE MANAGERS:

You are dropped from being under the care of a case manager with no notice at all. Case Managers manage both parents, conflict of interest don't you think?

4.3 UNEXPERIENCED STAFF :

This is the most concerning part. My ex has been in arrears of child support for over 12 months. He put in a letter of hardship, which was accepted. I was not notified of this and when I rang up desperate for these arrears to be paid I was told everything from:-

I need to manage my money better;

I need to manage my expectations;

If I don't like the service I can make arrangements privately;

No one is concerned if you are struggling;

And the ex told me personally that the child support agency said that he was legally responsible for providing for his partners children (I have this taped);

I am sure this has all been documented in my case history and I am not impressed as I myself am a Government worker of nearly 20 years highly aware of legislation, policy and process but most of all client satisfaction (ha). I still cannot believe how much I have had to put up with. Even the last tax return period I asked why they did not take his tax cheque and they told me that he was doing it hard and he threatened them with a solicitor. They relented and myself and the children (his too) went without. I struggled without this money while he bought new furniture and a motorbike and an engagement ring and went to Great Keppel Island on holidays which I provided evidence of to the agency. Big deal they didn't care and he is still in arrears-second year.

Even though the courts do not see child support arrears as a parenting issue it does however tell you about their character. If a parent is not responsible for the financial support of his children I would conclude that he does **NOT** have the protective instinct I have been talking about to ensure their mental and physical well being.

My ex says he pays child support and that is all he is legally responsible for yet the custodial parent also has to pay all the extras.

- Mortgage or rent (which the non-custodial parent would have to contribute to if they were still a family)
- Extra costs at school
- Sporting activities
- Personals for adolescents
- Memberships
- Pet Costs
- Travelling

I could go on and on.

5. CONCLUSION

My story is not unusual in fact this is not my whole story and you would be shocked to hear it all; in fact very similar to most single mothers I have spoken to. The Government services have holes in all its processes and the law is a joke. We as mothers are left to protect our children the best ways we can after the failure of these systems. In fact it is only because of us mothers that so many children are protected while going through the separation process. I would also like to mention finally that the Government has promoted the services of Mental Health. I personally utilised this service to assist me in being able to be strong for my children. I volunteered a 3 day stay to really take time out so that I could cope with my guilt of letting my ex physically abuse my children and pets for so long. This was a big mistake, the report writer also bought this up and I thought there were supposed to be NO consequences to acquiring this service. I can also never get a gun licence as I did think about doing this for sport as promoted at the Olympic Games. And my Ex continually uses it against me. I now advise never to use this service no matter what.

I suggest in the best interests of the children that you clean up these systems before you worry about access weighting. Leave the children with their mothers unless the mother is also a lost cause and cannot be rehabilitated. Look at all those children who have died by their parents hands and I will just about guarantee that the broken Government systems drove them to it. You need to be able to see a light at the end of the tunnel so that you can go forward. People are harsh and say that parents are mentally ill to do this and maybe so but would you let a monster at your child and have to sit and watch it happen every other weekend. The system of a protective mother will never break.
