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Secretary:

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

Dear Committee Members

This letter is a submission to the Committee's Child Custody Arrangements Inquiry.

The best interests and safety of the child should be (and must be) the paramount concern of the Family Court. This is currently the responsibility of Family Court Judges but, sadly, it is not always taken seriously. For example, in South Australia, a mother found that the father of her infant was HIV positive and had two convictions for sexual offences (rape) and he would not be eligible for employment with children in most Australian States. There is evidence that he practiced unsafe sex in that the child was conceived at a time when he had, according to medical experts, been HIV positive for about a decade.

The couple separated before the birth of the child. The mother did not agree with the Court's decision to give the father unsupervised residency and moved to Perth to protect her child. She was traced through Social Security. The young child was literally snatched from her in the street by Federal police and placed in emergency foster care then handed over to the father she didn't know. Such action was likely to cause severe trauma which, given the age of the child, could have resulted in brain damage. (See the research findings of Professor Bruce Perry, Professor Ron Lally, Douglas Bremner and others on the effects of trauma on the brains of children in the first three years of life. References can be found on the Internet). The father was granted custody of the child and the mother was given only restricted access under supervision given that she had defied the Court.

Four years later, the child is the primary caregiver to a man dying of AIDS. She swabs his sores and does not use surgical gloves given that they are not manufactured to fit young children. Our child protection service did not intervene because the Family Court

took responsibility for placing the child with the father. The Family Court Judge recently suggested to the father that he should consider making a will leaving his child to someone else. This indicated that the child is regarded as an item of property rather than a human being with specific needs. Not surprisingly, the child is now so disturbed that she attends a special education unit. There have been numerous reports to the statutory agency that this child has been sexually and physically abused and neglected by both the father and her half brother. I enclose the mother's statement made to delegates at an Institute of Criminology Conference on the need to reform the justice system on May 2nd. 2003 at the Novotel, Adelaide.

In a second case, a mother left her husband last year to live with her lover. He is the father of several children to other women but pays no child support because he is unemployed. The mother took their 2 year old child with her. There was no recourse to the Family Court as the father maintained a friendship with his wife and saw the child frequently. In February 2003, the mother gave birth to her new partner's child and then suicided. The father went to collect his daughter and was prevented from doing so by the deceased mother's partner. The father found that the man had already changed the child's name and kindergarten without the parent's permission and when the father contacted police for assistance, he was told, "This was the child's home for several months therefore it is a matter for the Family Court".

One might have expected a Family Court to return a child to her only parent but it didn't. A psychologist's report recommended that she be returned immediately but that recommendation seems to have been ignored. The Department did not send a social worker to ensure that the child was being cared for despite allegations of alcoholism and that the 3 year old was left child-minding the new baby. To the contrary, the deceased mother's de facto applied successfully for 100% Child Support from the father. He also received legal aid to take the case to trial. His only argument is that the 3 year old has "bonded" with the baby. The child wants to live with her father and there are emotional scenes whenever she has to return. So, having been traumatised by the death of her mother, the child is now traumatised further by being separated from her father to live with a man with whom she has no blood ties. The paternal grandfather has had to

withdraw his superannuation to pay for legal assistance to enable the father to retrieve his own child. The trial will take place in February by which time the child will have been living with this man for almost a year with no mother present. At the last court hearing, the father was granted 50% care but he still has to pay 100% support to his wife's former partner. Shared parenting is bizarre in these circumstances and no consideration seems to be given to the psychological damage that is being inflicted on the child.

I also enclose the paper of a lawyer formerly married to a GP who is a drug addict with a history of domestic violence .. now charged with rape. The father had shared parenting of their baby and has been admitted to hospital with a drug overdose on several occasions while he was responsible for the child. When police visited his home, they found used needles on the floor and evidence of neglect. I have photographic evidence that the child was head injured some 28 times in 15 months. There are human bite marks on her shoulder and she had vaginal and physical damage while in the care of her father. Her development is retarded. Again, the child protection service has not intervened because the case was in the Family Court and the father has retained his access to the child. Five trial dates have been set in the last year; on each occasion the father admits himself to hospital and the trial is postponed. The maternal grandparents have spent \$250 000 to date on legal fees to try to protect their grand daughter.

My concern is that if shared parenting is legislated, there will be even less chance of children's safety being given priority by the Family Court and, if parents do not live in the same neighbourhood, children's education will suffer.

I have accompanied protective fathers and mothers to the Family Court and acted as a professional witness in many cases. I find all too frequently that, even when sexual abuse is alleged, the case is regarded only as a dispute between the adults. There are several possible explanations for this.

First, the professionals in the Court system are experts in law, not child development or child abuse.

Second, in this State, children's separate legal representatives do not even talk to their young clients before advising the Judge on what is in the child's best interests. The explanation given (to me) is "It's because we're not trained to relate to children".

Thirdly, it is feared that paedophiles or their supporters have gained access to positions of influence in the Family Court eg as children's separate representatives, psychiatrists or psychologists.

Fourth, some Courts perpetuate the long-discredited Parent Alienation Syndrome theory of the late Richard Gardner and the myth that allegations of child abuse are concocted by vicious mothers merely to annoy their former partners. International and Australian research shows that between 9%-10% of allegations in the Family Court are unfounded and, furthermore, that the mothers in those cases had genuine reasons for believing that abuse had occurred.

Quite clearly, while shared parenting is desirable and often happens, other factors should be taken into account in deciding the respective time each parent should spend with their children post-separation. Some Family Court Judges have recently decreed that children should spend alternate weeks with each parent despite the fact that this necessitates the children attending two different schools on alternate weeks. This is clearly not in the children's best interests.

The safety and best interests of the child can only be paramount when each child is entitled to unique consideration of its interests and circumstances, rather than any presumed model of parental division of the child.

The Chief Justice is on record as stating that the Family Court is not the appropriate venue for cases involving allegations of child abuse. I agree. In the meantime however, the factors listed in Section 68F of the Family Law Act to define a child's best interests should be weighted towards safety as the threshold determinant of a child's best interests. The Government should establish a national child protection service for the family law system to assist the courts in the investigation of safety issues where violence or abuse is alleged. Where violence or abuse is established on the balance of probabilities, there

should be a rebuttable presumption of 'no contact' with the person who has used violence until they can demonstrate how contact would not pose a threat to the safety of the child, or other family members. The service should also be able to investigate and review the outcomes for children following orders which allegedly expose the child to risk of violence, abuse or other harm arising from the orders.

I am currently involved in cases where fathers who have previously shown no financial or other interest in seeing or supporting their children are now seeking 50-50% care. In the cases in question, the fathers have histories of violence against the mothers, drug abuse and crime. I sought the opinion of Distinguished Professor Laura Berk, State University of Illinois and author of the child development textbook used in universities throughout the English-speaking world. Her response is relevant to this inquiry:

"I have read the report. I certainly couldn't do a better job than you have done in comprehensively summarizing the research literature pertaining to this very dangerous situation—a criminal father who's already beaten up the mother wanting 50-50 care! This is outrageous, and it will ruin this little girl's life.

An additional tack you should take, given this demand for shared parenting time, is that the ONLY circumstances in which this (which we call "joint physical custody" in the U.S.) works is when separated/divorced parents have a cooperative relationship and are capable of engaging in "co-parenting"—a consistent style and set of practices, based on common values and agreement between them. The work of Robert Emery (2001) is relevant. If the other side brings up how "good" joint (physical) custody is for children, it's important for the attorneys to emphasize that it is good only under very restricted conditions. If the shared custody prolongs hostile interactions, it simply prolongs children's exposure to a hostile family atmosphere.

Further, paternal child support and paternal emotional investment in the child are linked (See Garfinkel & McLanahan, 1995).

Emery, R. E. (2001). "Interparental conflict and social policy". In J. H. Grych & F. D. Fincham (Eds.), *Interparental conflict and child development: Theory, research, and applications* (pp. 417-439). New York: Cambridge University Press.

Garfinkel, I., & McLanahan, S. (1995). "The effects of child support reform on child well-being". In P. L. Chase-Lansdale & J. Brooks-Gunn (Eds.), *Escape from poverty: What makes a difference for children?* (pp. 211-238). New York: Cambridge University Press.

Here are the circumstances regarding divorce law in the state of New York: Father (an actor by profession) walks out on mother to have an affair and live with his leading lady. Mother takes care of their preschool son, with father having periodic visits. Mother can't make ends meet in New York anymore, moves with child to her parents' home in Normal, Illinois. The child has access to loving grandparents, good schools, calm middle-income home, safe neighborhood. The mother takes the child back to NY periodically so he can visit the father. The father then petitions NY court to make mother move back to NY city, where (because of her financial state) she would live in a run-down one-room apartment and the boy would attend poor, violence-ridden inner-city

schools. The Court doesn't care how the divorce came about and isn't interested in the irresponsibility of the father. It cares only about the 50-50 split. Mother is now hiring a very expensive NY custody attorney to fight this, but her chances are uncertain because of the NY law".

The child's best interests should always come first. Those interests should be determined by listening to the child, taking account of the child's stage of development and needs, the relationship of the parents and how shared parenting will affect the child.

Yours faithfully

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Chief Justice Alistair Nicholson is on record as saying that child abuse cases should not be heard in the Family Court.

I have to agree. The Court is ill equipped to make decisions about children's safety. Judges are experts in law: not in child abuse or child psychology. Lawyers likewise.

It is laid down that the primary concern of the Family Court Judge has to be the best interests of the child. From the dozens of cases I have seen while waiting in the Family Court, I can tell you that they've lost the plot. Child protection isn't happening.

Unfortunately, I can't identify myself or my child because of the secrecy surrounding Family Court cases.. secrecy that can hide bizarre decisions from the public. Secrecy that enables Judges to hand children to their abusers knowing that they can't be sued for their mistakes or the damage

they might cause. If they had to be accountable, how different things might be!

I was a very vulnerable divorcee with two children ..when I met the father of my youngest child. We lived together for only six months because of domestic violence.

My partner was sick but he refused to follow doctor's advice to have blood tests. Later, I discovered that his refusal related to the fact that he was concealing HIV/AIDS. My partner was irresponsible with his disease, proof of which lies in the fact that I became pregnant and gave birth to our daughter in 1995. I subsequently learned that my partner had 26 criminal convictions, 2 of which were for sexual assault – commuted from rape. He also admitted to his doctor that he was bi-sexual and in 1997, when his sero converted to AIDS, it was estimated that he had been

HIV positive for up to 10 years and had a life expectancy of only 7 years.

Although my partner had not lived with us and had little contact with our baby daughter, he applied to the Family Court for unsupervised access. He gained sympathy and I was perceived as the bad person who was discriminating against an AIDS victim. Concerned about the safety of my child, I moved away, taking her with me. Three months later, I was tracked down by Federal Police who literally snatched my young daughter from me and took her into foster care. I had no idea where she was. Police notified her father of her whereabouts. He collected her and took her to his home where she's been ever since. The father was granted continuous access and, subsequently custody of the child. Given his medical and criminal history, one can only assume that I was being punished for trying to protect my

daughter by removing her without the permission of the Court. Interestingly, the Judge described his sex offending as “trivial” and irrelevant.

The abduction of my daughter was the most horrendous experience of my life. She was only three years old, had never lived with her dad or anyone else but me. It’s widely known that trauma of this kind can cause brain damage to children of this age. What can be more traumatic than being physically torn from your mother, delivered into the hands of strangers, put into a strange bed in a strange house then handed to a very sick man you scarcely know. She never knew whether she would see me again and feared I was gone forever. In other words, my child was psychologically abused by the very system designed to protect her.

Police told me that I would get my daughter back within a month if I returned to the Adelaide Family Court. Four years later, at the age of seven, she is the primary caregiver to a man dying of AIDS. This is with the full knowledge and approval of Family Court Judges and Family and Youth Services. Her education is disrupted. She exhibits severe behaviour problems at school. She can't socialise as other children socialise. In the interim period, there have been numerous reports to the Child Abuse Helpline that my daughter has been physically, sexually and emotionally abused and neglected by her father and sexually abused by her half-brother. FAYS will not act because the case is in the Family Court. My child is one of the many who have fallen into the gap between Federal and State Governments. My contact with my daughter is restricted to three six-hour sessions a month or 9 days a year. International research

shows that children lose their relationship with their parent if they don't see them for 50% of the year.

Because I took my child away four years ago, I am considered to be the dangerous parent and our meetings have to be supervised.

Each Christmas, I have to apply to the Family Court for her to spend time with her maternal relatives and step-siblings.

In 2002 I was granted from 9am-12 noon. I have to travel 75 kilometres to my ex partner's home, have no car and, of course, on Christmas Day there is no rural public transport.

Last year, I again applied for Christmas access and was told that my application would be heard on January

6th...ensuring that no Christmas contact took place.

People ask, "Why is your child living with her father? You must have done something wrong"

My crime was to try to protect my child from a man whose criminal history would preclude him from working in any service with children. My crime was to return to the Family Court again and again without legal aid while my partner was always represented. On one occasion recently, the Judge said that I needed to get professional help to deal with my inability to accept that the Family Court is fulfilling its duty to act in my child's best interests. Time after time, when I go to Court, the discussion revolves around the system: completing appropriate forms, having permission to make an application... lots of legal jargon which has nothing to do with the dangers to or the needs of the child. Often, she isn't even mentioned. The focus is on the rights of adults, not the safety of children. One Family Court Judge banned me from making applications without her permission.. and she refused permission.

Why didn't I appeal against the Court's decision?

The child's father was legally represented; I was not.

I'm an invalid pensioner. Had I lost the case, I would have had to pay his costs.. thousands of dollars. I would have had to pay for 15 copies of the court transcript .. costing \$5000.

My concern right now is that my child lives with a dying man and nobody gives a damn. There are no plans for her protection when he is too sick to care for her. And I am assured by FAYS that when he dies, there is no guarantee that the Family Court will return her to me.. her mother.

She could go into foster care causing further psychological damage.

It seems that, for having the effrontery to challenge the system, the Family Court can and may punish me for the duration of my daughter's childhood and adolescence.

And by that time, it could well be too late.

If this is the best that Australia can do to protect our children.. may God help them.. because no-one else will.

I have called my paper “Through the Family Law Maze” and would like to start out with a quote from Mark Twain:

“I have been through some terrible things in my life, some of which actually happened”.

I am a lawyer who, until recently, was married to a medical professional. Despite my legal background, I had no understanding whatsoever of the difficulties parents face when they try to protect a child from abuse and gross neglect using the State’s so-called child protection system and the Family Court.

At the outset I need to explain that when I use the term abuse: I am referring to alleged child sexual abuse, physical abuse and gross neglect. I use the word ‘alleged’ because the victim was a baby, is still only 2 years old and the Courts have not yet had the opportunity to find the perpetrator guilty of violent offences.

My husband and I separated because of domestic violence. Assuming that his aggression was only directed at me and not wishing to deprive him of the opportunity to bond with our baby, I agreed to a 50-50 residence arrangement, alternating on a five -day basis.

As a lawyer, I was aware of child protection and Family Court legislation. What I was not prepared for was the appalling failure of both the State Child Protection Services (FAYS) and the Australian Family Court to fulfil their prescribed duties to protect a baby from gross negligence, multiple bruising

and head injuries suffered weekly while in the care of her father. For 2 years I've tried to bring these matters to their attention... to little avail.

In 2001?? , FAYS' intervention was sought by the Family Court pursuant to section 9B(1) of the Family Court Act (Cth). This request was declined by FAYS whose officers took three months to respond.

FAYS were also informed when my former husband was detained on 4 separate occasions under the Mental Health Act while our baby was in his care. He abuses drugs (including injecting) and police reports show that he leaves needles and other dangerous substances around the house when our child is living with him. Four times, he has OD'd and been hospitalised while our daughter was in his care. The doctors reported this to FAYS but no investigations took place.

When the Residence Order was made in Mach 2002, I noticed within a couple of weeks that our daughter appeared to be losing weight while in the care of her father. She also came home with severe ulcerated nappy rash and apparent damage to the vaginal and anal openings.. something that I'd never seen before.

I began to document what was happening and sought legal advice when I a consistent pattern emerged. I was advised to photograph and record her physical condition before and immediately after contact with her father, ensuring that there was a reliable independent witness present. I began this laborious task just two years ago with the help of concerned staff at a pharmacy. Photographic records clearly show that she suffered head and other injuries whenever she was residing with her father and that she recovered in my care. She consistently lost up to 300 grams on her 5 day

visits to him. She was only 9 months old. The bruises could not be explained as accidental falls because she wasn't walking.

On one occasion, our medical practitioner referred my baby to the Adelaide Women and Children's Hospital because of gross neglect whilst in her father's care. Unfortunately, this referral was allocated to the Child Development Unit, not the Child Protection Unit and the doctor not only refused to examine the photographic and pharmacists' evidence, he made contact with the accused abuser and told him of the referral.

Two years ago, my solicitor deemed that there was enough evidence to bring a Form 8 Application and supporting Affidavit material before the Court to seek the reduction of the unsupervised contact time my former husband had with our daughter. Photographs of the injuries and weight certificates were annexed in support of the application.

In May 2001, two FAYS social workers visited my home, They saw that my daughter was currently healing from severe nappy rash. They inspected my documentation and I authorised them to contact my child's GP and paediatrician. FAYS concluded in writing that child abuse and neglect was not confirmed and "this matter is best dealt with in the Australian Family Court given that FAYS do not consider there to be any child protection issues... at this point in time": Thus the State passed the buck to the Federal Court notwithstanding that FAYS is supposed to have the expertise in this field. Of greatest concern however was FAYS' written statement that, in reaching their decision, they had consulted with our GP and the paediatrician who had treated my child. This was untrue. The paediatrician

wrote to FAYS drawing attention to the lie and inform them of new unexplained bruising, weight loss and ulcerated buttocks. The vaginal area was now causing concerns and a Staph Aureus vaginal infection was diagnosed.

FAYS did nothing.

I know the letter is in their files.

I accessed it under the Freedom of Information Act.

On August 1st 2001, our baby was returned by her father in a horrendous condition. I was referred to the Intake Worker at the hospital child protection unit who, in turn, referred me to the Emergency Department. The doctor reported child abuse to the Child Abuse Helpline and advised me to do the same. I did but there was no response from our child protection service. The father maintained his right to unsupervised residence and the child's suffering continued.

From April to August my child suffered bruises to the cheek, eye sockets, forehead and temples. In addition, finger bruises were clearly discernible on her shins and thighs. In August, she presented with the worst sets of fingerprint bruises I'd ever seen. This time, they were to her rib cage.

Prior to August 2001, she was babbling as a normal child, mouthing simple words such as mum and dad. From the end of August, speech ceased.

I brought a further Form 8 application before the Family Court. Annexed were photographic records of weekly injuries and weight loss, test results of vaginal swabs and the paediatrician's report confirming abuse and neglect.

The Application was unsuccessful because the Court continued to rely on FAYS' earlier decision that abuse was not confirmed.

A few weeks later, my mother received an alarming call from my former husband. Although our daughter was in his care, he was clearly under the influence of drugs and/or alcohol. He said he'd tested the child's bowel movements and they came out mildly positive. He had undertaken a check of her anal area to see if there was a scratch. He wanted to know if she'd been fed on raw meat and explained that he was calling because he didn't want to miss the signs of Anthrax in the first instance. The call was recorded. Needless to say, we were very concerned that this man was examining a toddler's anus while apparently under the influence of substance abuse.

In November 2001, a report from a child psychologist appointed by the child's separate legal representative was filed in the Family Court. The Report recommended that our daughter should live with me and have only limited contact with her father. While the psychologist failed to address the weekly physical injuries, she recommended that the recording of injuries should cease, suggesting that this constituted child abuse. My Counsel insisted that I followed this advice. Thus the attention was redirected from the real perpetrator to me.

I instructed a Senior Council to seek a review and this came before the Family Court at the beginning of December 2001. I was awarded residence but the father was to have unsupervised contact on three days of the week. The Judge, in her reasoning, said, "It couldn't be as bad as the wife says".

Why was it so difficult to believe? Could it be that the image of a child abuser doesn't sit comfortably with a judge's perception of a medical professional?..

Of course the abuse and neglect continued. Nothing had happened to curtail it. And early last year I had to seek professional help for my daughter's retarded speech development. At the age of two, she had only two words: Mum and bear. She was referred to a speech pathologist who subsequently worked with her on a weekly basis. Tests showed that my child's comprehension and hearing were above average and the speech pathologist concluded that her lack of speech was probably due to trauma.

The injuries and neglect worsened and, on legal advice, I re-commenced the record keeping. Our toddler returned home in filthy clothes, exhausted, mute, hoarse and red eyed (I assume from crying).

At this point my former husband began stalking me, making abusive telephone calls in the middle of the night, often with our daughter's voice in the background...long after she should have been in bed. I taped the calls and videod the stalking. I also took out a Restraining Order but soon realised that it wasn't worth the paper it was written on.

Then, just as I was thinking that nobody gave a damn about child abuse in this State, I stumbled on child development Professor Freda Briggs' excellent book, *Child Protection- A Guide for Teachers* and made contact with her. She, in turn, introduced me to Senior South Australian of the Year, child psychologist Dr. Marie O'Neill and, for the first time in two years, I

found professionals who were prepared to listen. I cannot express enough gratitude to these two women for the help they have given to my daughter. They carefully examined the records and conducted observations of my child, concluding that I was not just a crazy, over-protective mother: my concerns were justified.

In July 2002, my daughter was again referred to the hospital child protection unit. Given that she was not examined for four days after her return to me, she was already healing. The examining doctor refused to look at either the photographic record of her weekly injuries and weight charts certified by pharmacists. By this time I was beginning to suspect that the medical profession was only interested in protecting its own members.

A FAYS social worker was more positive, advising me to make contact whenever my child returned from her father with bruises. I was assured that she would then be seen by CPS workers. After she returned home with bruises, I phoned FAYS as instructed. There was no response.. then or later.

My parents were so concerned by what was happening to their grandchild that they wrote to their local MP who is now Minister for Social Justice with responsibility for child protection. Police investigated the matter and took my Council's brief, including the photographic record. Dr. Terry Donald, head of the CPU, provided a report confirming the fingerprint bruises to cheeks, shins, back, the inside of her thighs, a clearly defined adult bite mark to the shoulder, bruised forehead and an unusual rash on the front and back of her upper torso. Dr Donald recommended a cessation of contact with the father during the investigation.

Despite all of this, police said there was insufficient evidence to prosecute. In November last year, a second report from a Court appointed child psychologist was released. This recommended that my daughter should reside with me 7 nights a week and this change should take place immediately.

I again brought a Form 8 Application before the Family Court. The child's separate legal representative.. who has no expertise whatsoever in the field of child development... disagreed with both the recommendation and submission and the father continued to have contact on two days a week.

Then, it came to light that he had been detained for a third time under the Mental Health Act. He had again overdosed on narcotics ..with needle marks clearly visible. He was caring for my daughter at the time. The hospital doctors notified FAYS who again did nothing.

At Christmas, I brought a further Form 8 Application and the Court found that my daughter was at risk in the care of her father. Overnight contact ceased.

In January of this year, my former husband was detained for the 4th time under the Mental Health Act. The trial was to commence in February. We are currently only part heard. The father continues to have daytime access but it's supervised. He is challenging that.

My experiences have taught me a lot about the child protection system. First, children are falling in a gap between State funded child protection services and the federally funded Family Court. This problem has long been recognised but its yet to be addressed in South Australia. FAYS is not investigating reports when cases are in the Family Court and I wonder how long it will be before a child is killed by a violent parent because our statutory child protection service turned its back. Insufficient funding and impossible case-loads probably account for the inappropriate delays in the Family Court and FAYS' unwillingness to thoroughly investigate cases where children are abused by a parent after separation.

Second, children's separate legal representatives advise Judges on the child's best interests despite the absence of qualifications and expertise in child development. In my case, the Judge accepted that advice although it was contrary to the recommendations of a child psychologist.

The Family Court relies on FAYS to assess allegations of child abuse and neglect although the judiciary should have realised by now that FAYS avoids doing this when cases are in their domain.

Another concern is the lack of sufficient time to properly canvas Form 8 applications. The average hearing lasts half an hour and in most cases, no direct evidence is heard. In other words, there is no opportunity for cross-examination. The highly emotive nature of these proceedings puts the Presiding Judicial officer in a difficult position of locating where the truth lies when no direct evidence is called.

Yet another concern is the comparative ease with which child abusers can use the Child Protection Legislation to benefit their own cause.

Finally, where FAYS conducts an investigation and makes an incorrect finding for whatever reason, there is no recourse before the Family Court.

For 18 months, a baby ..now toddler.. was abused and neglected in the care of a father whose rights have consistently been supported by the Department responsible for her care and protection. .. despite his long history of drug addiction, mental instability and overdosing while responsible for her care. What I ask myself is this. If someone in my position ... a lawyer.. cannot protect my child what hope is there for others? If it were not for my parents' generosity I could not have continued this fight. To date, my legal expenses have exceeded \$150 000 and my daughter's safety is still far from assured.

The world knows that head injuries and trauma can cause brain damage in the first three years of life. American and Australian experts have been saying this at Australian child protection conferences for the last six years. So why are FAYS and the Family Court allowing the bashing to continue? Can anyone here give me the answer?