

7<sup>th</sup> August, 2003

House of Representatives Standing Committee on Family and Community Affairs	
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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  
Australia.

Dear Committee,

My name is [REDACTED] and I am making this submission to the Parliamentary Committee Enquiry on the subject of Shared Parenting of children from broken relationships, on behalf of my partner and myself.

I am a separated Mother who "allows" the children of my previous marriage free access to their father whenever they want, with no recourse to the Family Court or the Child Support Agency. I am also the partner of a man who has never missed a single minute of "allowed, court ordered contact", either by phone or in person, with his two children of a previous marriage, and has endured continual court battles and emotional anguish, to fight (unrepresented) for the "right" to be a father to his children every second weekend and each Wednesday, and for his children's "right" to have their Father in their lives, because the ex wife continually tries to alienate (PAS – Parental Alienation Syndrome, see attached) him from his children's lives as a form of punishment for leaving her.

My partner is no longer, emotionally capable of bearing his soul to the system (Family Court, CSA, Centrelink) and being totally disregarded and stripped of any (self) worth as a parent/loving father/ or a person. In an attempt to try and stop the emotional abuse and forced guilt the ex wife is inflicting on the children for wanting to spend time with their father, my partner has agreed to her "latest" attempt to alienate him from his children's lives, which is, the termination of the Wednesday contact. This now reduces my partner to an "every second weekend" father. A "Visitor" in his children's lives. We are sure that in time, the ex wife will find more problems (only in her view) with the children spending time with their father, and make yet "another" application to the Family Court to reduce contact even more, and because she is the mother and because she is the "Custodial Parent" she will get what she wants, with absolutely no proof or any validation from the children. The custodial parent can claim whatever they want (in relation to the children and visitation) and demand the non-custodial parent is answerable to them, whereas the custodial parent is not answerable to anyone, and is free to subject the children to whatever they see fit.

I have watched my partner and his children being emotionally and mentally abused by the Custodial Parent over the last 2 years, with her continual vindictive games, lies to the Family Court, and continual need to strip my partner and his children from each others lives, because my partner must be punished. All without any regard for what the children want or what is in the "best interests of the children". Children need and want "both" their parents in their lives, it is their Right! You ask any child of a separation or divorce if they only want to see one of their parents every 2 weeks for 2 days, and the answer will be No. They need and want to be with both their parents equally, but their words are not heard and their rights are ignored. When my partners children make so much as a mention to their mother that they want to spend more time with their father they are threatened with the mother saying, "I will leave the country and go back to New Zealand, and you will never see me again", which scares the child into submission, or the subject is ignored completely and the child sent away.

Therefore we submit the following:-

1. That children of separation and/or divorce should be permitted to spend equal time with both parents immediately after and following separation. This should be the standard from which the Family Court hearings are established. Making this standard in the Family Court will ensure the Family Court is neutral and not biased towards one parent against the other. Both parents were totally involved in their childrens lives prior to separation therefore the routine should remain the same. This impartially then affords children the opportunity to love and be loved by both parents without the fear of guilt and/or reprisals.
2. There are obviously exceptions to this Shared Parenting Proposal, i.e. when a parent has proven to be unsuitable through neglect, violence, sexual abuse or mental health problems, then their shared parenting becomes subject to the scrutiny of the Family Court.

Should a parent have clear, concise evidence that can be proven, that would affect the care of a child, then that parent should be granted the opportunity to present these facts to the Family Court, The Family Court should then summarily make a decision regarding residence/contact based on the genuineness and legitimacy of any and all claims. Not just take the word of one parent as fact without any evidence or without a court reporter being appointed to assess the situation thoroughly. A Court Reporter should be the first stop in this type of situation and they should immediately assess the child/children in both parents homes and report back to the Family Court with their findings. The process should not lend itself to who can buy the better lawyer or who can get legal aid. Most Non Custodial parents who are paying Child Support and try to support themselves and maybe a second family at the same time, cannot afford legal representation of any type, and if the other party (as in our case) has legal aid before you do, then there is a conflict of interest and you are left with no legal representation and have to try and represent yourself, against a lawyer. A lot of these unrepresented, non custodial parents (mainly fathers) simply cannot cope with the emotional trauma of the Family Court, CSA and the thought of losing their children, and are left with no recourse but to give up. If an exception arises a Court

Reporter should be appointed immediately, to ensure that the custodial parent is not fabricating stories in an attempt to further alienate the children from the non-custodial parent. This alienation damages the relationship with children have with the non-custodial parent, many times to the point of destruction. Frequently by the time the Family Court orders contact to resume (because allegations were unfounded) children have been so alienated and brainwashed by the custodial parent, that the resumption of contact is hindered.

The Family Court should afford punishment for vexatious litigants who use the Family Court as a means of seeking vengeance against the other parent. More often than not the vexatious litigant or contravening party is the Mother/Custodial Parent, and the Family Court do not use their power in punishing these litigants. The Family Court should use their power and order extended contact/make up contact with the other parent/innocent party. If the Family Court sends a clear message to these vexatious litigants, the number of cases before the court would reduce the Courts case loads, freeing up the Courts to focus on genuine cases requiring urgent attention.

It has been argued that where there is no communication between parents that Shared Parenting could not work. This can be overcome by a Communication Book, to be kept with the child/children which can go back and forth between each parent to pass on information regarding the child/children. In our situation we live 10 minutes (by car) from the Mothers residence and there would be no disruption to the childrens lives, or any need to change schools etc.

The Family Court system/process hands a loaded gun (being the children) to the Custodial Parent, which gives them all the power over the Non Custodial Parent (especially when continually funded by the legal aid system) which only antagonizes the situation and exacerbates the problems, because the Non Custodial parent has no say and has to explain every single nonsensical issue brought to the court by the Custodial Parent.

3. In a shared parenting situation, where each parent spends 50% of the time with the child/children, making each parent responsible for the care, development, and support of the child/children, then each parent should be responsible for the financial support of the child/children whilst in their care. Major expenses, such as school excursions, dentists, school fees etc can be shared equally between each parent, but Child Support as we know it would not exist. When each parent is financially responsible for his/her 50% time with the child/children then the Child Support Agency would be out of a job. This would also allow "current" non custodial parents (majority are fathers) the chance to manage their financial responsibilities independent of the Child Support Agency. There are many non-custodial parents (mainly Fathers) that are "trying" to support 2 families, which the Child Support Agency does not take into consideration. They also do not take into consideration circumstances that financially affect the non custodial parent, for example, major medical expenses, compulsory medication for the non custodial parent or the purchase of a vehicle (to get to work, to pay Child Support) when an old

one has died, they simply state "that is your problem, you still are required to pay XXX". There are other non-custodial parents that must pay child support but are refused contact with their children. Contact/ visitation and no court proceedings with/or regarding children should be a stipulation of Child Support Payments, or it should be withheld. This would also help stop vexatious litigants from continually taking non-custodial parents back to court on frivolous claims.

4. Custodial Parents should also, not be permitted to remove children from their residing state, or country, purely to further alienate the other parent from the childrens lives. Any submission for relocation should involve the children's wishes and if the children do not want to relocate should be given the option of residing with the other parent. In the event that relocation is a wish of the child/children because the custodial parent is insistent, then the Non Custodial parent should immediately be given contact for the bulk of all school holidays and Easter breaks. Any Child Support payments from the non custodial parent should be held in trust for the travel expenses required to facilitate school holiday contact during the course of the year.

In closing, It is only the courageous, desperate, fed-up and furious who will write submissions and of course there are thousands unable to explain their feelings, and desperate situations on paper. Some can no longer even speak of the depth of their sadness and frustration and are destined to become further statistics in the ever increasing (daily) rate of "alienated father" suicides. I believe that the submissions you receive will only represent the tip of the iceberg.



### **Parental Alienation Syndrome (PAS)**

A severe emotional and psychological disorder in children brought on by highly contested custody battles in our Family Court System.

Parental Alienation Syndrome (PAS) is best defined by the well known child psychologist, Dr. Richard Gardner, as "a disturbance in which children are obsessively preoccupied with deprecation and/or criticism of a parent, denigration that is unjustified and/or exaggerated." Children of PAS show negative parental reactions and perceptions which can be grossly exaggerated and entirely lack any ambivalence. Put simply, they profess rejection and hatred of a previously loved parent, most often in the context of divorce and child custody conflicts.

Parental alienation has become an increasingly common element in the "battlefield" of divorce and custody litigation. In the 60's, the accusation most often used between embittered spouses was infidelity; in the 70's, homosexuality; in the 80's we saw allegations of sexual abuse used to "eliminate" the other parent entirely, a situation which has become epidemic in the 90's.

Now the final frontier has been reached. In PAS, children's psyches are manipulated to make them hate and reject a person they need and love, their mother or their father.

Parental alienation is a form of psychological kidnapping which has a devastatingly destructive effect on a parent-child relationship.

Frequently PAS is found in cases of allegations of physical or sexual abuse and is a major factor in child abduction.

"The most important factor which produces Parental Alienation Syndrome in a child is fear; fear, not of the parent for whom the child professes hatred, but fear of the so-called 'loved' parent, the 'hostage taker.'"

The psychological process of alienation resembles that observed in hostage-takings, where the captive identifies with the aggressor to the point of rejecting all outside influences—the "Stockholm Syndrome," best known in North America in the Patty Hearst case. Cult control methods also produce a similar pathology.

The process of alienation is complex, but the symptoms are remarkably easy to distinguish, although each case has its own particular psychological and legal dynamics. One factor is common to all, however, and that is the destructive effects on both child and parent.

Because of more egalitarian family laws, custody is no longer the presumed right of one parent, (usually the mother) resulting in a huge increase in custody litigation. Although our laws are designed to protect children's rights and best interests, the opposite is happening more and more. Parental Alienation is being used to distort our family court system's role and duty to protect both children and

parents.

Actually the legal process, with its concomitant evaluations, interventions and delays, may aggravate the pathology, or even create it, the so-called "Iatrogenic Phenomenon."

### **REINTEGRATION**

While the courts tend to hand down judgments favorable to the "hated" parent, the latter is often powerless to implement these because of (a) the alienating parent's sabotage, (b) the children's extreme hostility and disregard for any form of authority (another classic symptom of PAS), and (c) the draconian measures that have to be taken to implement any court ruled measures. Successful reintegration is rarely addressed by our legal system and social services.

After a judgment is rendered, the parent is left alone to pick up the pieces of a shattered bond, often dealing with hostile or severely disturbed children.

### **WHO ALIENATES MORE, FATHERS OR MOTHERS?**

Contrary to information from some other sources, our files show a fairly even balance of fathers and mothers who act as "alienators."

Fathers may alienate children from their mother for vengeance or control, or to retain the family residence, or to avoid paying child support. It is seen in various degrees of severity in 90% of cases of conjugal violence. Conversely, women are profoundly threatened by the possible loss of custody of their children, and may go to any lengths to keep them, in both a psychological and biological reaction. Women may be motivated by vengeance or financial issues as well.

Parental Alienation Syndrome, whether induced by a mother or father, produces the same symptoms in a child, but early results of clinical research show important differences in the factors which motivate men and women to alienate their children.

The long-term effects of PAS on a child are extremely serious. Research is currently fragmented among psychiatric institutions and individual specialists. Information tends to support the prognosis that PAS, if not overcome before adolescence, usually becomes permanent.

The effects of parental alienation include long-term depression, inability to function in a normal psycho-social framework, ego and identify dysfunction, despair, uncontrollable guilt, isolation, hostility, disorganization, personality "splitting" and even suicide. Research also shows that adult children of alienation are prone to alcoholism, drug abuse and other symptoms of internal distress. The effects on the rejected parent are equally devastating and permanent if the parent-child bond remains broken, and should be given due attention in our legal and social systems.

## **TREATMENT OF PAS**

Methods are still experimental and professional opinions often vary. Study of the most severe cases shows that successful reintegration can be achieved only by complete separation from the alienating parent, and this for a substantial period (minimum of six months to as much as two years). In many cases recently, re-integration was successfully achieved in severe cases through "implosion" or "immersion" therapy and complete separation from the alienating parent indefinitely. Moderate and mild cases may not require such drastic measures. Much depends on the age of the child, whether pre-adolescent, adolescent or adult, the factor which determines what legal or therapeutic steps can be undertaken.

## **STRUCTURED REHABILITATION**

There is a very urgent need for structured rehabilitation, not normally provided by social services of psychiatric institutions. A parent who succeeds in regaining custody of a hostile, alienated child needs practical and professional support, particularly during the preliminary re-integration period. Traditional therapy is useless in severe cases. What is needed is a 24-hour supervised nurturing environment, supportive to both parent and child and meeting BOTH their needs.

## **HOW TO SPOT CASES OF SEVERE PAS**

The very first thing to look for in severe cases of PAS is irrational behavior in a child who for no good or properly explained reasons, tells you they want nothing further to do with one of their parents. This is the number one tip-off that this child is in severe emotional trouble and is definitely suffering from a well advanced case of extreme PAS.

The second most easily identifiable symptom of PAS is when a child shows no ambivalence whatsoever toward their parents, stating that one parent is all good and the other parent is all bad. This portends something we all know is not right with the child because a lack of ambivalence is unnatural behavior in human beings. No one of any basic intelligence, maturity or emotional stability can support the notion that one thing or one person is all good and the other all bad - we all must have ambivalent feelings or else we couldn't survive in this world.

And, finally, the third most easily recognized symptom of severe PAS is when the child also displays their unjustified and open hostility, anger and hatred to all of the other members of the so-called "hated" parent's extended family, also for no good or properly explained reasons. It's as if both the so-called "hated" parent and their entire extended family were made completely non-existent and rendered totally unimportant in the syndrome induced child's life. Grandparents, siblings, aunts, uncles, cousins, nephews, nieces all seem to suddenly disappear from the child's life never to be heard from, spoken to or seen again.

The key to all of this totally unnatural and extreme behavior is this. When such a child who is suffering from a severe case of PAS cannot and will not provide you with a good and plausible and logically intelligent reason why they are behaving in this fashion, then you will know exactly what is going on. A trained psychologist doesn't have to tell you - plain, good old-fashioned common sense and logic will tell you that you have a severely emotionally disturbed child on your hands who needs help.

Child abuse, which PAS children are definitely victims of, is a very serious matter. Adult victims of child abuse, later on in life, will tell you that they were very good at hiding their abuse, both from others and from themselves. They were able to put on a happy face and put up a good front on the outside, while they died a thousand deaths of extreme anxiety, guilt, emotional turmoil and fear on the inside. It is important, then, that you not allow yourself to be fooled by a child suffering from severe PAS who will tell you everything is just wonderful and happy in their life, but you know from the symptoms I just described that this is just flat out not true. If you should ever encounter such a child, I would urge you to call us for more information and do everything in your power to direct them to some very skilled and professional counseling. You very well might just be saving their life by doing so.