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08 JUL 2005

BY: LAEA

The Family Law Amendment Bill 2005

Submission No. 7.
Date Received

Catholic Womens' League Tas. Inc. wants children to have a meaningful relationship with both parents to the greatest extent possible, and is pleased that the court considers the views expressed by children.

The CWL agrees with the objects of the Family Law amendment Bill 2005

- (a) to ensure that children receive adequate and proper parenting to help them achieve their full potential: and
- (b) to ensure that parents fulfil their duties, and meet their responsibilities, concerning the care, welfare and development of their children: and
- (c) to ensure that children have the benefit of both their parents having a meaningful involvement in their lives, to the maximum extent consistent with the best interests of the child - except when it is or would be contrary to a child's best interests.

CWL has reservations about the Family Law Amendment Bill 2005 because,

- it contains little to assist families to avoid separation and divorce.
- it oversimplifies the level of conflict between separated parents
- and assumes that all parents desire a continuing relationship with their children.
- we do not know how the child's best interests are to be determined.

*Every picture tells a story*, tabled on 29<sup>th</sup> December 2003 has a strong focus on the need to reduce the conflict in separation and divorce. Make no mistake about it couples who separate pending divorce are at war.

**In Stephen Spielberg's "War of the Worlds" it takes an invasion from outer space to bring about commitment and equalise the children's regard for both their parents.**

If mediation is to be the starting point of a family separation, then clear strategic measures must be implemented to ensure the Centres do not risk further violence and abuse to staff and clients. Priority must be given to safety issues.

A separated family has had everything stable in their life shattered. Rejection and insult are blended with pain and remorse. Security and confidence have given way to fear, anxiety and panic. The future has lost its significance and at least one party feels utterly disdained and unlovable. It takes time to drain these wounds. It behoves workers to tread gently through this minefield. The situation would challenge the wisdom of any profound 'Solomon of Psychology'.

CWL has the following concerns about the proposed **65 community-based Family Relationship Centres** because it may not have considered the willingness and ability of each of the child's parents to facilitate and encourage a close relationship between the child and the other parent. The required face-to-face meetings have the potential to reopen deep wounds and provide further opportunities for violence. The "Safe at Home

program" now operating in Tasmania that allows for arrest and imprisonment on the word of a complainant is not conducive to reasoned discussion.

- despite prior counselling, conflict resolution techniques are unlikely to suffice in mediating between deeply hurt and angry couples.
- what kind of training and experience will mediators have?
- who is to train the staff of Family Relationship Centres?
- will the staff be trained to accept the family's religious and cultural values?
- will FRC's be staffed by mature age people who have experienced marriage?
- what professional services will be employed to screen violence and risk?

Marital conflict always involves an interaction between two imperfect human beings who share the responsibility to one degree or another. Every counselling program now in existence is designed to bring together two people who can at least agree to discuss their problem. The presence of the frightening word *divorce* will not automatically make a couple agreeable and willing to discuss their problems with strangers and may not be in the best interests of the child (over whom the fight is often raged), who must return to the broken home.

Preserving marriage through Pre and Post Marriage Family Education programs, in a non-threatening environment, is in the best interest of children. Studies show that children desire above all else to be with both their parents in the one family home.