

To: Kay Hull
Family Law Review
Parliament House
Canberra

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16th July 2003

My submission

The sad saga that has gone on since my separation from the now ex-spouse in November 1995 re our children would make a book. The relevant children were 11 and 9 at the time and are now 18 and 16 - and have grown up without their mother (ultimately after the painful road of alienation and influencing against me etc) having no input into their lives at all, them never residing with me, not even for school holidays etc. Unless we count the letters from me (quite infrequent by now) that disappear into black holes and the occasional gifts - like the winter pajamas. My eldest daughter who was 17 at the time of separation has also been alienated from me for years, and although there is some connection now (she is married and has just had her first baby) it is a hard road for it to be very "natural".

I never ever expected to be divorced or for the family to be broken neither did I think that the children's father would go the way he did if we did separate or for Australia's "systems" to be as shockingly biased or unjust not to mention unsupportive and non-advocative of an individual's rights, dignity and equality to any other individual - I am talking mediators, Family Law system, lawyers, religious and secular "counselling" people, school personnel, mental health workers, DHS personnel. I am completely disillusioned. I was also very naive at the beginning and as shock after shock came my way the years have not been happy ones for me.

Even in the early days of my "shock" I mustered up the naive hope that if I wrote to my politician expressing my horror that the separated party WAS NOT TALKING to me or working out post-separation co-operative parenting with me that perhaps something could change. Nothing ever budged him from the selfish and inconsiderate path he set out on - inconsiderate to the children and to me. I will try and find a copy of that letter to the politician to attach. Later there were letters to ombudsman and DHS, the mental health worker who saw my son (but never me) etc (not to mention to ex) but it all availed me nothing.

I will therefore confine myself to how the Family Court contributed to this state of affairs which have ripples for years after. I started the proceedings since I wasn't happy obviously with the arrangement that my father sorted out with the children's father (which was not ever going to "work" on a long term basis). It takes months to get to the court room.

House of Representatives Standing Committee
on Family and Community Affairs

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Secretary

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Although I could read some things from the other party's affidavit that the registrar would not have understood I am prepared to say that my affidavit and his were both fair descriptions of our previous family life. To this day I could scream WHY WHY WHY then did the registrar not make a ruling for equal time (it never occurred to me to be as greedy as to ask for majority time with the father having "access" - I had no gripes against him as a father neither did I disrespect HIM as a human being). That registrar actually SAID (I assume this is in the records since some court official was busy typing a transcript) Nothing against you as a mother (and for 3 wildly hopeful seconds I believed in the justice if not compassion of the family law system) but he then went on to rule that the status quo would remain (I didn't know about status quos then but I quickly learnt the terminology). This being, as I said, a regime that was never going to work - the Family Law literature itself has it all - we had far too many times of transition. Also one could say that the children must be very typical children as they eventually displayed all the symptoms of their age groups (anger against one of the parents being one of them) that the family law literature lists - I wonder then why the family law continues to perpetuate rulings that are going to bring them about. An ordered parenting plan may have been helpful to get my ex to not annihilate me out of the picture which he has continued to this day.

Our story went on to further dark and messy depths - and all quite unnecessary really. Years of pain, grief and loss for me and who knows what effects to many others - the children, the wider family, one's acquaintances etc. It's like thanks very much for nothing Australia.

Oh I forgot to say that amazingly I did see my son first after school that court day. I had not told him about court - amazingly I kept hoping that I would be able to look him in the eyes one day and say "Your father and I have agreed that so and so will happen re us both parenting him" so this was another example of the father talking to them (influencing?) but never to me because almost as soon as he came in from school he said "What happened at court?" I was obviously saddened but said quietly "It will stay the way it is" and that boy (who later made suicidal remarks which somehow became MY fault - how, for wanting to be his mother?) looked me in the eyes and said "Mummy that's not fair". I really think that he gave up on any adults (including the systems) being able to help him with his crashed world, and things just went on with me sensing them slipping away from me; disrespecting me (for being unmarried to their father perhaps? I'll never know as it was all behind my back; for just not having normal parent-child time with them which could have happened if we had week and week about - I am sure that they could have learnt to live with THAT but not the messy arrangement we did have.) If we had been able to get on with a sensible arrangement (painful as it was to communicate with the father I am sure that we could have at least done so about issues to do with the kids - we did actually start this eg getting my daughter to drama classes each week and that we'd share costs but it all shattered and became a non-event as the father just took over the control of them in every way, shape and form (and obviously thinks that he is a great asset to Australian manhood for doing so). I cannot imagine that he is really very happy about himself but then again I am also disillusioned about human nature. Or just more awake to the nastier elements of it. Judgmentalism and power trips seem to be part of it - especially if some people are in certain positions in society - but that is another story.

In short, in my innocence, in 1996 I would have thought that the Family Law would operate on the presumption of innocence for both parents to be worthy of equal physical custody - if it had so ordered in our interim orders - I venture to say that this family's whole life story would have been very different and a whole lot healthier. (It would likely have had difficulties also but hey that's what life is about)

Although writing this has caused tears to surface I am prepared to be contacted and reveal more information; be part of a public submission if this will contribute anything to the sorely needed changes required in the Family Law Court. Even though too late for me, I yearn for (and feel acutely for non-residential parents) Australia to give a fair go to human rights right here within our own shores.

Our society has highly under-utilized me as a contributing member, as a parent and as an employee for the past 7 years - I have never got off the dole since the separation (although sometimes able to diminish it because of part-time sources of income) - it is very difficult for a demeaned parent to have self-esteem (and this includes many fathers - I'm sure that you have the suicide figures) - I don't know what Australia is thinking of DIMINISHING people in this way - as I have put, putting impossible mountains in front of us and then jeering "Go on lady you can do it!" And then curling your lips at us if we do things like drink alcohol; go a bit crazy and behave rather crazy; get depressed or whatever because our esteem that we are loved and can give love to our children at least has been wrenched from us. (As if losing our major love relationship in life - marriage - is not enough to deal with)

I was absolutely stunned to have my lawyer say to me in foyer of the court once "You are putting your needs in front of the children's"!!!! (The children need to not have a mother perhaps?) With that sort of misunderstanding of human dynamics and needs by the legal system you can see that I am VERY wary of any meaningful change resulting from this inquiry although one could wish.

Yours sincerely,

[REDACTED]

Mr Phil Barresi
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Dear Mr Barresi,

I find it difficult to start this letter because I do not want to appear to be whinging but several things have been happening in my life which bring up several concerns for me about the sanity and justice of society's organizations. I note from The Deakin Report, no. 3 Dec. 1996 that you are on the Parliamentary Legal and Constitutional Committee which is currently investigating aspects of family services including factors contributing to marriage and relationship breakdown. This prompts me to start my saga of complaints/concerns.

MARRIAGE BREAKDOWN

I am separated from my husband. In a year my husband has not come to a negotiating or counselling table to share in a non-defensive way why we are in this situation. I have felt let down by Christian church people who do not seem to challenge him or minister to him in such a way that he is prepared to look at "truth" - his own internal map of reality which he has not shared with me or the church is not prepared to stick up for the obvious Biblical teachings re marriage and divorce. I also have not been able to share my map of reality. All this is pretty hellish for me - in fact, I have been shattered but it is all compounded by him influencing the children and taking them away with him. So, basically, I have no idea why he has stretched away - I am having to make some assumptions. If he thinks he is being "kind" - excuse me, the pain I have lived through could not be made much worse by knowing his "truth" - I might at least then be able to "know" that he's not worth grieving over. We have had sessions of the worst sort of negotiating in public - in front of mediators, my parents, sister, minister of religion, family therapy session. I have written 3 "real" letters to him where I have opened up to him (one of them after my 9 year old son devastated me by telling me that Daddy had said that my children were not safe with me so they would have to move away - it has taken months for that influencing remark to be negated) - they disappeared into a black hole and were never acknowledged.

One factor that I assume has contributed to the marriage breakdown (however, only to a certain percentage - there are other typical man-woman things, all of which can be understood and worked through with a competent counsellor) is the effects of past sexual abuse in my life. It has been absolutely hopeless trying to get to competent sensible help with this. I wish to say that any counsellor training must have this as a component of the training - there is a crying need for it. I have been to counsellors who are prepared to read, for eg. The Wounded Heart book which a 10 week course I did this year at

Mt Evelyn Christian Centre is based on, but this is not good enough. I don't want to be going to someone who hasn't read the books already and had experience in this area - I can hardly function and face up to it as it is - yet in the end I feel I am left to therapy myself as I have all my life without knowing that was what I was doing. Also, need therapists who will deal with the couple. Also, need hundreds more groups for survivors of past sexual abuse and for partners of survivors. Since we have lived in Melbourne (the past 4 years) my husband did go to some information night at Box Hill and put his name down for a group - nothing ever happened; our lives might be different if these groups were available. After a year I am still not "in a process" with a therapist who I trust and know is competent in this area - also I'm not made of money and neither would most people be who need this support.

FAMILY LAW

I have gone down the track of going to law about the children. There is a new family law which people in the system don't seem to understand and consider. It is no longer custody and access yet I heard someone - an information person - tell a room full of people that the residence and contact bizzo is the same as. No, it is not. My whole being screams inside at this man living out that these children are his possessions to be kept away from poisonous me; never being honest enough to talk to me where he's coming from inside, etc.

It is supposed to be joint responsibility. So how come when we eventually got to court did the judicial registrar just seem to operate on premise that existing arrangements - the status quo - should remain. The damage of this family breakdown has happened - my husband has quite inappropriately done what he's done yet he seems to get a pat on the back - I have the 2 youngest children (now 12 and 10) sleep over 3 nights of a fortnight and see them after school 4 - 6.15 9 weekdays of a fortnight. This keeps me a prisoner for the next umpteen years - what happens if, let's hope, I eventually crack a job - what, I just don't see them or have any input into their lives? It also means that oh yes, I can be the big bad hodgey hassling them about homework etc. but don't get much "peace" relaxed time like preparing dinner, having them bathe, watching an hour of TV or something; I always have the tenseness of my husband coming by the house each day to interrupt us and take them off. I don't feel I can be out the front of my own house because I don't know when he's going to come by. So I think that the whole law system is rather out of sync with reality. Also, I applied for Legal Aid, was refused, appealed and was refused again. I live on JobSearch, and now that I am back in house I have 3 boarders. I did have 10 weeks of part-time work this year but that's it. I have just had to pay for the legal costs myself. In fact I am panicking because I go into this year with \$2,000 - \$3,000 worth of debt to the lawyers. What am I supposed to do. I don't mind living humbly but this is ridiculous. I try and get work but nothing happens - and then as I said, I don't want work that interferes with my contact time.

FINANCES

Talking about finances, I am getting really cheesed off at the financial institutions. I pay the mortgage for the house out of Jobsearch now, but when I apply to refinance my mortgage adding the \$2,000 or so to get me out of this bind the banks, credit unions, etc. don't want to know me. The mortgage is \$52,000 and the house is worth \$160,000. I make the payments now and if I ever didn't make them they could sell the house from under me but this doesn't seem good enough for them. I have met a couple of sympathetic front people but by the time it goes to the decision people I'm always knocked back. I am trying to be "legal" and be upfront and honest but where does it get me. I have the impression that if I take in the legal papers that show that as part of the property settlement the house is mine and my husband is certainly not the financial "backstop" for payments anymore that the present bank that I am with would hum and ha and tell me I can't have a mortgage with them. At present while I'm making the payments they just go along with it (with my husband's name still on the documents in their file!) Even if I got a job tomorrow I don't know what difference that should make to their decision-making since no-one these days can guarantee that their job is secure. Hopefully my income can only improve in the future but I live with the mortgage commitment now, and the bills etc. and am merely trying to regularise the whole thing.

~~This etc. and am merely typing~~
I am a librarian, and library technician by profession and am getting rather frustrated that in 7 years I am not getting work in my area. What on earth are economists etc. doing - cutting back, the work is there to be done.

I have 2 thoughts - that someone, and why not me should do a treatise, "package", something about effects of sexual abuse for counsellors, lawyers, and any other interested parties to get a handle on.

And, two, it is deplorable that as I go from place to place I am given out-of-date referrals to other people and places. For eg, I was referred by mental health people to a psychiatrist. I especially went out of my way to get to his offices to find that the building was vacant. Just as well I wasn't suicidal. There seems to be a lot of fobbing off - I know people with worse stories than mine, and I really wonder how we, as a society, are meeting anyone's needs. As a librarian I think a good use of some of the money that I am pleased to see the government seems to be allocating for marriage and relationship issues could go towards setting up, and maintaining a data base of where all the counsellors, courses, groups, books etc. are. It is mundane, it is tedious; it is crucial for the population of Australia to have access to such information.

Also, it would be really good to have a lot more retreats for stressed families, individuals to get to when their lives are shattered by - well, by lots of things. These could even be homes in the community where the occupants are prepared to have a mother and children with them for time out; a man, etc. Having been out on the streets virtually ^{I see that.} this too is a need for many.

Thank you for attending to this screed.

Yours sincerely,





27/12/96