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House of Representatives Standing Committee
on Family and Community Affairs

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Secretary:

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Standing Committee on Family and Community Affairs,
Child Custody Arrangements Inquiry,
House of Representatives,
Parliament House,
Canberra ACT 2600

Dear Sir or Madam:

Re: Best interests of the Child,

I am a survivor of Domestic Violence, and deal with many other women and children who have been and still are affected by this kind of horrendous abuse that is a crime. Citylife offers various women's support groups and I am currently involved in the only long term Domestic Violence support group. I was unable to find such a group elsewhere to deal with the many ongoing issues associated with Domestic Violence. I would like to take this opportunity to share with you some of the information I have concerning the silent witnesses of domestic violence, our children. I feel that they have already suffered so much injustice that it would be an injustice to them once again if I did not take this opportunity to speak for them. I am also justified to speak as I am also one of those "silent witnesses". In my own upbringing, it was a role reversal, my mother being the perpetrator. My father finally gathered up the courage and left when I was 10 years old leaving behind my younger sister and I to deal with my mother's immature, unrelenting abuse. I survived that to find myself married to someone just like my mother. Having survived that to try to rebuild my own family with somewhat devastating results, as I am powerless to keep these two perpetrators out of my children's lives.

Many of us women believe we have been provided with inadequate parenting orders by the family law courts that we are expected to police ourselves that often overlook the best interests of the child, especially their safety. Unfortunately, many children are born into these dysfunctional families and often dysfunctional extended families and I believe are denied their legal right of protection. Domestic violence is the complete breakdown of communication, which leads to the complete breakdown of the family unit. The courts presume that if a parenting order is put in place that all parties will live in peace. Due to the many complex issues involved this is neither practical nor possible. Obviously, when domestic violence has taken place, one of the parties is a law breaker (thinks themselves above the law) and quite often a repeat offender. How then does the law expect that repeat offender who often has a total disregard for the law, to then abide by the law?

Domestic Violence is often about power and control. There are no boundaries and it is not always physical. It includes emotional, sexual, financial, spiritual and mental abuse and often extends to the children. When the victim decides to leave the perpetrator, the violence often escalates and the children are the unprotected casualties. Too often the children are used as pawns and are in a constant state of post-traumatic stress, amongst other things. Not only do they have to deal with the grief of the family breakdown but the continual grief of being manipulated and coerced into divulging details concerning the victim, and used as emotional support by the perpetrator. Perpetrators are often immature, irrational and irresponsible to say the least.

The Family Law Court granted me sole custody and allowed my ex-husband access of four days a month. One of those days were to be by mutual agreement which in hindsight was ridiculous, as how can you have a mutual agreement with an irrational, violent person? The other three days were according to his roster that he never abided. There were always excuses for his not turning

up, as he would not commit to any agreement because he refuses to be responsible. He would often arrive unannounced and demand his access visits, playing on the children's emotions whilst causing us continual inconvenience.

My ex-husband continually undermined my authority and purposely rolemodelled inappropriate defiant behaviours as a way to pay me back for refusing to allow him to be part of my life. He also used his "access visits" to coach and coax the boys to adopt his immoral lifestyle of crime and drug abuse, amongst other things. Whenever our sons returned from spending time with their father, they would have his attitude and be fired up like missiles, directing their aggression at me. They always needed "de-programming" and then it would be time to visit with dad again.

I realised my sons continual exposure to their fathers influence would be detrimental to their well-being. I wanted to break them free from this cycle of abuse. I tried to end all contact between my sons and their father. We attended counselling through the Family Law Court to try to resolve these issues. The counsellor was a decent and pleasant man so I thought we were off to a good start. After attempting to engage my ex-husband in some sensible adult conversation he realised his efforts were futile, as it was plain to see that he had no interest in what was best for the children. The Family Law Court counsellor suggested that I pack up the kids and we move interstate and change our identities. He stated that trying to reason with my ex-husband "was like p**sing in the wind".

I contacted Department of Community Services to seek advise and to inform them that my children were being emotionally and mentally abused by their father whenever he had contact with them. I was informed that unless it was sexual abuse I would not be able to stop access visits. He was their father and apparently, it was his "right" to see his children. It did not matter that my children had rights and their "rights" were continually being violated.

To cut a long story short, my eldest son who is now 17 chooses to reside in Queensland and has no intentions of returning. Preferring to distance himself from his father who continues to reside nearby. Unfortunately, it also means that he has distanced himself (literally) from his brothers and me, who miss him terribly. My 15-year-old is currently incarcerated for putting his younger brothers and my life at risk by his dangerous behaviour that mimics that of his father. He is now mentally ill and drug dependant and I have his father, grandmother and the "System" to thank for that. This is a result of all the brainwashing and mind games followed by the constant supply of excessive money and illegal drugs and endless praise and rewards for antisocial behaviour. My eight year old has had suicidal thoughts since he was the ripe old age of three, and recent suicide attempts. Like his brother before him, he is attending a unit for "emotionally disturbed" children to receive his schooling.

To add to this, my manipulating mother has done her best to undermine my authority to the point of standing united with my ex-husband. She continues to inflict abuse at what remains of my family. I get to pick up the pieces and deal with my beautiful boys who are still affected and hurting from the aftermath. It is not easy and almost impossible to move on as you are still in the past relationship, but now the perpetrator is multiplied by three and they are your own children. The ones you tried to protect.

I believe that parents who have the best interests of their children at heart will not put them through a tug of war and am able to reach a suitable compromise with support and minimal legal intervention. What concerns me is the "others" that are not able to reach a suitable compromise. Women, who have been battered by their husbands, then battered by the System and unfortunately in time are battered by those same children that were neglected by the System. One of my clients received the ultimate consequences when her bitter, spiteful ex-husband murdered their two children. Obviously, her pleas fell on deaf ears, she had a parenting order, he had a history, and no one took her seriously. How many more statistics will there be till the courts start dealing with these issues appropriately?

The courts need to recognise these particular families and intervene in the best interest of the child. I believe if you investigate further, you will no doubt discover a history of abuse. Once identified, that party needs to be held accountable and forgo their rights to the child so the child has an opportunity to recover, receive appropriate treatment, and ideally, have closure and be able to

move on. I believe the Family Law Courts need specially trained Magistrates that will deal appropriately with such cases as Domestic Violence. It would be a positive step towards breaking the children free from the cycle of abuse.

Furthermore, I would like to suggest that the government set up a Child Support Register that is mandatory for all employers to check their employees names against the Register for automatic link up to Child Support Payments. It appears that the government relies on the payees honesty and goodwill to volunteer payments. I have not been able to feed my children on goodwill. Obviously, these non paying parents are not concerned for the best interests of their children and I believe we need to get back to good old law enforced "accountability"

I am more than happy to make myself available if you are interested in discussing any other related matters. I have only touched on a few brief issues and due to my continuing contact within the community, I am more than willing to give hope to those who feel that all hope has eluded them. Together, we can make a difference in a hurting world. It takes a community to raise a child.

Sincerely,

Judy Johnston
Womens Network Co-ordinator
Citylife Women
to this letter, use the Window menu.

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Judy Johnston
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