



House of Representatives Standing Committee  
on Family and Community Affairs

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Secretary: The GUNEDOO Centre

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Dear Committee,

This letter is a submission to the Committees' Child Custody Arrangements Inquiry on behalf of the staff of the Gunedoo Centre. The Gunedoo Centre is a DoCS funded child protection agency offering therapeutic work to children, young people and their non offending parent where there are child protection concerns. This may be as a result of domestic violence or sexual assault of children. Our case load is about 20 families at any one time, the majority of whom would have at least experienced domestic violence, usually by the male towards his female partner, children and family pets. We also convene the local Child Protection Interest Group (CAPIG)

The 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. We are therefore opposed to any presumed division of children of separated parents.

**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 better links between local court systems, the Department of Community Services and 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.

As a child protection agency we hold the following concerns:-we see a number of women who are separated from male partners because of domestic violence which children may have witnessed or experienced and whose father's are given unsupervised weekend access. Women who fear for the safety of their children are obliged to breach access orders – or face lengthy and traumatic court battles to have these orders changed.

Our local DoCs office allocates approximately 6% of reports received via the Helpline ie investigates only cases where there is a life threatening situation for a baby. There is no local supervised access

**The GUNEDOO Centre**  
is a project of the  
Upper Blue Mountains Child Protection Service Inc.

point which could at least be utilised pending the outcome of court findings (we are currently investigating this as an agency project)

Current family law provision does enable grandparents to make applications with respect to grandchildren when they cannot make agreements without court intervention, therefore the provisions do not have to be changed. Access to paternal grandparents also need to take into account attitudes towards a son's violent behaviour.

Yours truly,

Chris Wolfe  
Co-ordinator