

Submission -

Senate Legal and Constitutional Committees – Family Law Inquiry

Family Law Legislation Amendment

(Family Violence and Other Measures)

Bill 2011 [Provisions]

"Protecting children from losing a parent after separation".

The damage done to children's lives when one of their parents is alienated by an interim sole custody order (by way of severely limited and/or frustrated "Contact") by the court and IVOs / Intervention Orders urged by the solicitors, is incontrovertible. Given that AVOs and Intervention Orders are mostly fraudulent and or granted without there being risk of violence (a view confirmed by the legal fraternity) children need to be protected from the harm that false allegations cause.

The media mostly reflects the view promoted (at tax payers expense) by the vested interests of the divorce and Family Court industry (est. turn over 4B\$ pa.) that Family Violence is mostly perpetrated by men against women. We ask that proper consideration is given to the majority research finding that women are equally if not more likely to perpetrate Family Violence against their spouse or partner, so that children are not unfairly denied their fathers. If there are allegations of 'Family Violence' or 'abuse' when 3rd party change over arrangements can be made for children (at school etc.) to protect both parents and the children from losing one of them from their lives.

This harm caused by denying children their fathers is demonstrated by the following:

63% of youth suicides are from fatherless homes (Source: U.S. D.H.H.S., Bureau of the Census)

- 90% of all homeless and runaway children are from fatherless homes
- 85% of all children that exhibit behavioral disorders come from fatherless homes (Source: Center for Disease Control)
- 80% of rapists motivated with displaced anger come from fatherless homes (Source: Criminal Justice & Behavior, Vol 14, p. 403-26, 1978.)
- 71% of all high school dropouts come from fatherless homes (Source: National Principals Association Report on the State of High Schools.)
- 75% of all adolescent patients in chemical abuse centers come from fatherless homes (Source: Rainbows for all Gods Children.)
- 70% of juveniles in state-operated institutions come from fatherless homes (Source: U.S. Dept. of Justice, Special Report, Sept 1988)
- 85% of all youths sitting in prisons grew up in a fatherless home (Source: Fulton Co. Georgia jail populations, Texas Dept. of Corrections 1992)

Children from fatherless homes are:

- 5 times more likely to commit suicide
- 32 times more likely to run away
- 20 times more likely to have behavioral disorders
- 14 times more likely to commit rape
- 9 times more likely to drop out of high school
- 10 times more likely to abuse chemical substances
- 9 times more likely to end up in a state-operated institution

- 20 times more likely to end up in prison.

Please protect our children and their relationship with both their parents. The conflict that is created when one is pitted against the other in a fight for sole custody in the adversarial and mostly mutually exclusive court processes, incredibly, used by Courts as justification to exclude one parent.

The solutions that best avoid this conflict is the protection of children's shared parenting rights from the outset of any litigation (and consequent abuse allegations that play such a big part in most Family law litigation).

The simplest way to deliver this solution (and avoid conflict) is to facilitate the immediate recovery of 50/50 "Contact" (or less by agreement) when such contact has been unlawfully denied by one of the parents, in the interim while the Court considers a parent's application to exclude the other parent. Custody decisions can then be made by the court after it has considered the circumstances in the context of reduced conflict and happier children. The argument that the risk of abuse of children by an accused parent justifies their removal (predominantly or completely) needs to be considered in context that the child previously enjoyed unfettered contact with both parents and the reality that most biological parents would find it impossible to harm their children. Obviously in the unusual instance of one parent representing an imminent threat to their child's safety, the interim exclusion of one parent could be ordered by a court - not decided by the parent (or their lawyer) that is trying to exclude the other from their child/ren.

Regards,
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<http://www.familylawwebguide.com.au/video/index.php?page=galleries&wide=1&type=video&root=root&id=20>