

<b>Issues</b>	
<i>Please indicate which issues from the committee's Terms of Reference are relevant to your submission</i>	
a. ongoing issues and further improvements relating to the interaction and information sharing between the family law system and state and territory child protection systems, and family and domestic violence jurisdictions, including: <ul style="list-style-type: none"> <li>i. the process, and evidential and legal standards and onuses of proof, in relation to the granting of domestic violence orders and apprehended violence orders, and</li> <li>ii. the visibility of, and consideration given to, domestic violence orders and apprehended violence orders in family law proceedings;</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. the appropriateness of family court powers to ensure parties in family law proceedings provide truthful and complete evidence, and the ability of the court to make orders for non-compliance and the efficacy of the enforcement of such orders;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. beyond the proposed merger of the Family Court and the Federal Circuit Court any other reform that may be needed to the family law and the current structure of the Family Court and the Federal Circuit Court;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. the financial costs to families of family law proceedings, and options to reduce the financial impact, with particular focus on those instances where legal fees incurred by parties are disproportionate to the total property pool in dispute or are disproportionate to the objective level of complexity of parenting issues, and with consideration being given amongst other things to banning 'disappointment fees', and: <ul style="list-style-type: none"> <li>i. capping total fees by reference to the total pool of assets in dispute, or any other regulatory option to prevent disproportionate legal fees being charged in family law matters, and</li> <li>ii. any mechanisms to improve the timely, efficient and effective resolution of property disputes in family law proceedings;</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. the effectiveness of the delivery of family law support services and family dispute resolution processes;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. the impacts of family law proceedings on the health, safety and wellbeing of children and families involved in those proceedings;	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. any issues arising for grandparent carers in family law matters and family law court proceedings;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. any further avenues to improve the performance and monitoring of professionals involved in family law proceedings and the resolution of disputes, including agencies, family law practitioners, family law experts and report writers, the staff and judicial officers of the courts, and family dispute resolution practitioners;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. any improvements to the interaction between the family law system and the child support system;	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
j. the potential usage of pre-nuptial agreements and their enforceability to minimise future property disputes; and	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
k. any related matters	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## Your submission

Like thousands of other adults in Australia, I was a victim of the unfair and inaptly named "family law" system as a child. Now any psychologist can affirm that divorce harms children. These children, like me, have grown up with mental scarring and wounded hearts, and we carry these burdens into our adult lives. Why then are there no mental health services dedicated to caring for those of us harmed by multi-generational parental alienation, custody disputes, and the overall institutional denial of every child's internationally recognised right to be raised by a father and a mother (as recorded in the Convention on the Rights of the Child, most particularly Articles 7, 9, and 18)? The enduring impact of family law proceedings on the mental health of children, like myself, who have since grown into adults continues to be entirely ignored by governments. When will the government create and/or fund support services for people like us?

Now in regards to other related matters, beginning with child support, historically child support was originally introduced because an unwed mother could seldom obtain work as a result of social prejudices against her. Consequently, those mothers needed some means to support their children. But today, those prejudices no longer exist. Therefore, the only logical solution is that the child support system should be abolished. For when the original reason for why a system exists ceases to be, there is no basis for that system to continue existing. (As I've no children myself, I've nothing to either gain or lose from tabling this most rational proposal.) Implementing this recommendation would entirely eliminate all issues in regards to interactions between the family law system and the child support system, for then there would be no further interaction as the latter would not exist to be interacted with.

Let each and every parent spend his or her own money on his or her own children in his or her own time with each child. This would reverse the current situation where one parent is incentivised to abuse the child (by denying the child's aforementioned internationally recognised right to be raised also by the other parent) for financial gain. Now everyone knows there are some irresponsible parents who would still shirk their duty to care for their children in spite of being encouraged to spend more time and money on them than the current legal system generally permits. Such irresponsible people would continue to place an undue burden on the responsible parent even as they already do. However, this is still objectively a much fairer arrangement for the parents, and it would generally benefit most children by ending the systemic incentives to alienate a child from that child's other parent. After all, studies show that the vast majority of parents do indeed wish to spend more time with their children, if only the system allowed them to. Indeed, many parents are falling victim to depression and suicide (which are obviously health and safety related matters) as a result of the current system which unfairly denies them the ability to actively love their children in deed.

Further, in regards to custody arrangements, it has always been obvious to me since I was in kindergarten (when my parents parted ways) that the only fair solution is for a child to spend alternate weeks at each parent's house. Having experienced the common scenario of going to the non-custodial parent's house each fortnight for the weekend myself as a child, and being one adverse to change myself, I can assure the Committee that spending every other week at a different house would be no more disruptive for a child than spending a night or so at a different house. For children in situations like mine, where the custodial parent's house was less stable than the non-custodial parent's house, it may well even provide much needed relief for the child. If a child should forget some essential item and leave it at one house, the child should be permitted to call his or her parent (from school if necessary) to ask for the item to be dropped off (at school if necessary). This is not too difficult a situation to resolve and the vast majority of children would be able to handle this, even if young children may require a teacher's assistance. Now what day of the week each parent's custody begins on could be determined on a case by case basis, but I would suggest beginning it with the child going to the other parent's house on a Friday after school, as this would be a sensible and practical arrangement.

However all of the above are attempts to treat the symptoms rather than the cause of the overarching problem of family breakdowns. The perhaps unpopular but necessary solution to this matter is to require relationship counselling for an extended period (of at least 2 years) prior to divorce being permitted. An exception could be made for cases involving a criminal conviction for a violent offence but the conviction should have to be recorded before the divorce could be processed in order to avoid abuse of the intent of this proposal. As the primary purpose of marriage has always been to

legally unite a man and a woman so as to provide the basis for a stable environment in which to raise children, for the sake of children, so-called "no fault" divorce should be outlawed. Additionally, education regarding conflict resolution and other information about how to foster a successful marriage should be offered to couples; indeed couples intending to marry should be required to enrol in such classes before a marriage certificate can be issued. While this recommendation would not address all cases, it would help to ensure that more marriages are successful and thus ease the burden on the family courts.

Thank you for taking the time to read and consider this submission and I look forward to seeing what positive actions are taken in regards to these matters.

**Proposed solutions**

*Please indicate any proposed solutions you may have that correspond to the committee's Terms of Reference*

- a. ongoing issues and further improvements relating to the interaction and information sharing between the family law system and state and territory child protection systems, and family and domestic violence jurisdictions, including:
  - i. the process, and evidential and legal standards and onuses of proof, in relation to the granting of domestic violence orders and apprehended violence orders, and*
  - ii. the visibility of, and consideration given to, domestic violence orders and apprehended violence orders in family law proceedings;**
- b. the appropriateness of family court powers to ensure parties in family law proceedings provide truthful and complete evidence, and the ability of the court to make orders for non-compliance and the efficacy of the enforcement of such orders;*
- c. beyond the proposed merger of the Family Court and the Federal Circuit Court any other reform that may be needed to the family law and the current structure of the Family Court and the Federal Circuit Court;*
- d. the financial costs to families of family law proceedings, and options to reduce the financial impact, with particular focus on those instances where legal fees incurred by parties are disproportionate to the total property pool in dispute or are disproportionate to the objective level of complexity of parenting issues, and with consideration being given amongst other things to banning 'disappointment fees', and:
  - i. capping total fees by reference to the total pool of assets in dispute, or any other regulatory option to prevent disproportionate legal fees being charged in family law matters, and*
  - ii. any mechanisms to improve the timely, efficient and effective resolution of property disputes in family law proceedings;**
- e. the effectiveness of the delivery of family law support services and family dispute resolution processes;*

*f. the impacts of family law proceedings on the health, safety and wellbeing of children and families involved in those proceedings;*

*g. any issues arising for grandparent carers in family law matters and family law court proceedings;*

*h. any further avenues to improve the performance and monitoring of professionals involved in family law proceedings and the resolution of disputes, including agencies, family law practitioners, family law experts and report writers, the staff and judicial officers of the courts, and family dispute resolution practitioners;*

*i. any improvements to the interaction between the family law system and the child support system;*

*j. the potential usage of pre-nuptial agreements and their enforceability to minimise future property disputes;  
and*

*k. any related matters*