

Rally for Children's Safety Key Messages & Call for Endorsement

April 2011

Rally for Children's Safety

Key Messages

The current Family Law Act puts children and their carers in danger. The proposed Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 is a positive first step, but the amendments need to go further.

The Rally for Children's Safety alliance is calling for a Family Law Act that:

- 1. Puts children's safety first**
- 2. Assesses children's safety on a case-by-case basis**
- 3. Protects the safety of primary carers to make children safer**

The **Rally for Children's Safety** is an initiative of an alliance formed between the *NSW Women's Refuge Movement*, *The Benevolent Society*, *the National Council for Children Post-Separation* and *Justice for Children*.

The alliance recognizes that the 2006 amendments to the Family Law Act and the interpretation of these amendments by legal practitioners have posed serious problems for parents and children experiencing domestic and family violence. The alliance is calling for the Act to be amended in line with the findings and recommendations of several recent national reports that conclude the Act does not give sufficient protection to victims of family violence.

Overall, the direction of change detailed in the proposed Bill will better protect victims of family violence. These changes include: broadening the definition of 'family violence' to include elements of coercion and control; defining child abuse more broadly to include exposure to violence; removing disincentives to victims of violence reporting abuse such as the 'friendly parent' and 'false allegations costs provisions'; and repealing costs orders relating to false allegations or denials of violence.

However, the proposed amendments are just a first step. The alliance is calling for the following further changes to make the safety of children and carers a priority in family law:

Justice for Children
www.safetyfirstinfamilylaw.com

National Council for Children Post-Separation
www.nccps.org.au



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1. Putting children's safety first

The Family Law Amendment (Family Violence and Other Measures) Bill prioritises safety only in cases where the court considers there is 'an inconsistency' between achieving a safe outcome for a child and a child having an ongoing meaningful relationship with both of their parents. This is not enough.

A clear statement in legislation making children's safety and the safety of other family members a priority is required and needs to be 'backed up' by a legislative framework that supports safe outcomes. Children's emotional and physical safety and safety of other family members should be a priority in family law. Safe outcomes in families should not be jeopardised by other considerations.

2. Assessing children's safety case by case. There should be no presumptions in family law

The Act's presumption of equal shared parental responsibility, and the emphasis on shared parenting arrangements over and above other parenting outcomes, place children and other family members who have experienced family violence in danger. We all know that each family and each individual child in each family is unique and has different needs. This is especially true for children who have experienced violence and abuse. Yet, the proposed amendments fail to address the safety risks posed by the presumption of equal shared parental responsibility and the subsequent emphasis on shared parenting arrangements.

Parenting arrangements should be in the best interests of each child, worked out on a case-by-case basis. The safety and wellbeing of families is too important to not take the time to judge each case on its own merits, especially when issues of family violence and abuse are involved.

3. Protecting the safety of primary carers to make children safer

It defies logic that in legal practice 'a parent who is violent to their partner can be considered a bad partner but a good parent'. This must stop. It makes sense that if the primary carers of children are emotionally and physically safe from violence and abuse then this will improve the safety of their children.

When there is family violence, the legislation should recognize and support the significant role that primary carers have in protecting the lives and wellbeing of children.

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We are calling on the federal government to make changes that elevate the safety and wellbeing of children.

Call for Endorsement

The alliance invites organisational endorsement of the **Rally for Children's Safety and its Key Messages**

Please endorse these key messages of the Rally for Children's Safety alliance. Support from a diverse range of agencies concerned with the safety and wellbeing of children and families will be of great assistance in the campaign to make safety a priority in family law.

On 25 May 2011 (11am) the **Rally for Children's Safety** will be held on the federation lawn of Parliament House in Canberra. Following the rally, delegates from the alliance and associated organisations will present the endorsements of our key messages in a series of meetings with federal government. For more information on the rally visit www.safetyforchildrenalliance.org

Endorsement Instructions:

Organisations:

- If you work for, volunteer for, or are otherwise involved with an organisation, please encourage the organisation to endorse these key messages. Whenever possible, please sign on as an organisation instead of as an individual.

Please email the **name of the organisation** and **contact name** to wrrc@wrrc.org.au. In the email subject please include the text: **"I wish to endorse the Rally for Children's Safety Key Messages"**.

Please forward endorsements no later than 20 May 2011.

Individual endorsements are also welcome. You may also wish to include your title.

Please email **your full name** to wrrc@wrrc.org.au. In the email subject please include the text

"I wish to endorse the Rally for Children's Safety Key Messages".

Please forward endorsements no later than 20 May 2011.

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