

Submission No. 141

Date Received: 1-8-03

Secretary:

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

Dear Committee Secretary,

I would like my experience with child contact arrangements to be shared with the committee so its final findings may be representational of the community and all of the members of a family.

My husband and I separated in January 2001. Initially our 3 children [redacted] 10 at the time, [redacted] 8 and [redacted] 2 spent 3 days with their father and 4 days with me per week. This arrangement ran into difficulty in January 2002 after the children's father rang and demanded I take the children, as he couldn't manage anymore. I took the children back to my residence as requested and they have remained with me. [redacted] and [redacted] asked that they remain living with me, as they were frightened to return to their father's care. They revealed to me that he had often been drinking alcohol whilst they were in his care, they also described incidence of violent outbursts, some physical abuse and expressed genuine fear at returning to his care. Their father had not worked for several years as he was diagnosed with Bipolar Affective Disorder.

Over the next few months my husband began harassing me with phonecalls up to 15 times a day, he would threaten violence and often turn up at my house drunk and abusive. In this time he did not ask to have the children stay with him again. On several occasions he asked the children to attend a picnic with him but they refused. I never influenced the children's decision but I was anxious about his deteriorating mental state. I sought advice from a counselor at Relationships Australia and as a result of this, I saw a lawyer, successfully obtained a restraining order as by then my husband had broken into my house. The children attended an 8-week Season's for Growth program and then they were put in contact with a family therapist from WRISC.

I asked my lawyer to offer the contact centre to my husband so the children could be supervised in his care and they could build up some trust again with their Dad. I obtained an independent report from a family therapist who indicated it was dangerous for the children to be placed back into overnight care with their father. My husband refused to attend the contact centre to see his children. He is now stating he wants weekend contact for 2 nights a week with the children.

I was ordered by the family court to have a psychologist interview all of us at a cost of \$1000. This report clearly stated the children were very frightened of their father and they had no wish to see him. It also indicated it would be detrimental for the children to see him. The report specifically made note that I did not persuade the children and in fact I had many times offered to attempt some way the children could see their father and still feel safe. Our situation is still trying to be resolved with much angst on behalf of the

children. They express concern at the fact they have on 4 occasions expressed their wishes to adults (the court psychologists, their court representative, WRISC counselor, and a family therapist) and nothing is yet being done about it. They are experiencing systems abuse as they repeatedly have to tell their story. They feel powerless and scared that a court may rule they have to have contact with their father. Despite all of this we will eventually reach a conclusion to our problem but it is very complicated and has taken several years so far!

My concern is what would happen to our children if there were a blanket rule that they had to have contact with their father? He is obviously incapable of caring for himself at this stage so how could he manage 3 children, assisting them with their schoolwork, after school activities, preparing meals and providing them with a safe environment? He has even refused to remain alcohol free prior to seeing his children yet maintains he will be able to more than adequately provide the necessary care for his children. His violent behavior continues and he has recently been charged with assault, resisting arrest and drink driving.

Children need to be given the best protection and care and this cannot be guaranteed if Mr. [redacted] decides that a father will automatically have access to his children.

Decisions can't be black and white each case must be heard on its own merit. We need to know that our children are given the best outcome for them, ensuring they are safe and happy. As a primary carer of my children our financial situation is less than appealing yet, I can provide our children with love, support and security. Now this isn't the ideal situation for everyone but it is certainly is the best solution for our case. I am not bitter by my experience but I believe it necessary for the committee to hear of real experiences and develop strategies to deal with it. Yes, if possible children should be allowed access to both parents but in reality this may not always be the correct choice. [redacted] and [redacted] father has failed them so please make sure as committee members you don't forget their story when you make your report on this Child Contact Inquiry.

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