

## REVIEWS UNDERWAY BUT COURT ORDERED CHILD ABUSE CONTINUES

While several reviews of the Family Law Act are underway, the National Council for Children Post-Separation (NCCPS) is seeking the implementation of urgent interim measures following a spate of overwhelming pleas from parents who are seeing their children ordered into high risk situations by the Family Courts of Australia.

One mother has been ordered to take her daughter to a two hour contact visit with the father who is known a drug dealer and uses schoolies week as an opportunity to prey on young girls. The mother has good reasons to fear that the father has perverse intentions towards their small daughter. The visit involves getting up at 3am to travel by bus into another State and not returning back home until 11pm. She cannot afford the fares each week, which total \$130 as her only income is a pension, and if she doesn't deliver her child, then the Court has stated that her child will be taken from her and she will be imprisoned.

In another case the 14 year old girl has run away from her abusive father (who has residency of the child) and returned to her mother refusing to leave. Despite the fact that the girl can articulate her reasons for not wishing to live with her father, the court is not listening and is forcing the child to go back to her abuser. This of course, is contrary to the UN Convention on the Rights of the Child which stipulates that children should have a voice and should be heard.

No one would also truly believe that it was in a 3 year olds best interest to have to fly alone between Sydney and Dubai once a month, nor in a newborn's best interest to be on a 2 day-about roster with the father. Nor would it be considered in the best interests of a child to be placed in the care of fathers with criminal convictions for sex offences, one awaiting sentencing and yet there are two such cases in South Australia.

The NCCPS is calling for all parties involved in custody disputes, where there are sexual abuse allegations, to be required to each see a separate therapist, experienced in treatment of child sexual abuse. This will provide extensive and meaningful information to the Court, making it less likely to 'get it wrong'.

According to the Family Court's own statistics, parents the Court itself has deemed violent and abusive are being awarded contact with their children.

Charles Pragnell, an expert in child protection issues, states, "The Family Courts are failing abysmally in taking into careful consideration the needs, wishes, and rights of children at their respective developmental stages and in recognizing that some parents are a toxic influence and dangerous to their own children. Children's safety and even their lives are being put at serious risk because of Family Court decisions".

In a third of all cases fathers were awarded less than 30 percent care. In 29 percent of those cases, the main reason for refusing 50/50 shared care was 'abuse and family violence ([http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/Business/Statistics/FCOA\\_stats\\_SPR](http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/Business/Statistics/FCOA_stats_SPR))

Mothers were awarded less than 30 percent care in 9 percent of cases, and abuse and family violence was the reason given in 16 percent of cases. This means in almost 10 percent of cases, violent and abusive parents were given some access to their children.

Based on these figures, the NCCPS estimates that more than 15,000 children are being forced to have access visits with parents the Court sees as violent. Add to this the parents Chief Justice

Diana Bryant has said are being discouraged from raising allegations of violence and abuse, and the figure could be more than double that.

This amounts to an entire generation of children growing up with controlling and abusive role models and protective parents, who escaped the relationship because of violence, are powerless to protect their children.

A study from Monash University by Prof Thea Brown joins many others in saying that more than 90 percent of abuse allegations are true.

The Chief Justice has written to the Attorney General saying 'urgent' changes are needed and NCCPS unreservedly concurs with this view.