

I have joined three documents together to make my submission, all just as important as the other

Although it may appear like a lot please read all as my kids lives and futures are in jeopardy as a result of our experiences

First document

Hi

I am desperately pleading for your assistance to protect my children.

Our legal system particularly the family court system, is a complete farce and is causing children to be in despicable and dangerous situations just so judges and supposed professionals such as counsellors can satisfy their own agenda with complete disregard for children emotionally psychologically and physically.

Family courts frequently minimize the harmful impact of children witnessing violence between their parents and are reluctant to believe mothers, if the court ignores the history of violence as the context for the mother's behaviour in a custody evaluation; she may appear hostile, uncooperative or mentally unstable and be accused of alienating the children from the father.

The current legal system jeopardizes the mother and the children from being believed and taken seriously. It is absolutely astounding that the legal system bases its decisions on "experts" views which are inconsistent at the very least with human rights in our society. An "expert" counsellor or the like is able to speak to children alone without anyone else present effectively giving them authority to report with a bias towards whichever parent they like more with complete disregard towards what children actually say or do (police are unable to speak to kids without an adult present and even in an adult work situation you are entitled to have a witness present.) A supposed "expert" is given any previous reports to study in detail prior to any evaluation which means it is not an unbiased evaluation ( so even if they have a completely different opinion they won't give it because it may make them look incompetent if they don't agree with previous reports)

The judicial part of the system is just as ludicrous; one judge makes a decision on a child's life and future. Often wrapped up in their own prejudices, beliefs or misguided assumptions all too many judges are ignorant about the dynamics of family abuse and ignorant about the ways in which an abuser manipulates the courtroom as the arena where he can hand a woman who is a fantastic mother, (but a victim of the abuser) the final blow by taking her children away. Even more ludicrous is the process of a stay order application (which if successful prevents orders taking effect until after an appeal) whereby the stay application is heard by the judge who issued the orders, any approval of a stay order is consequently basically an admission of error on the judges behalf so a stay order is unlikely to be granted. The legal system also prevents a judge from being queried or exposed as incompetent, obviously judges make bad decisions and errors just like the rest of society but they are allowed to hide behind a judgement as being correct whether it is in fact or not. Judges seem to be in their own fantasy world and completely out of touch with what is happening in the real world.

In my situation custody litigation has become an avenue where the abuser has attempted and at this stage succeeded to extend and maintain control and power over me the victim consequently the children and I are being re-victimized by the justice system. The father is a facile manipulator and has presented himself as a caring cooperative parent, which is quite the opposite of the truth whilst casting me his victim as a conflict inciting, alienating and over protective parent. I have been accused of exaggerating and lying about the extent of the violence and abuse whilst the systems believe his multitude of lies and fabrications designed to denigrate me.

After a lengthy court custody battle as a result of their father holding them hostage( the courts don't like this word but he was holding them hostage as he had them locked in a room at his work while he worked and prevented them from attending school and sport or coming home for [REDACTED] - the courts prefer the word over held) and me needing to take legal action to recover the children , a judge has just taken my children away from me , when I have been their primary carer ,and their whole world for their whole lives and forced them to live with their father. Obviously the children and I are extremely distressed and I feel like I am a failure as a mother and a human being as I am

unable to protect my children from a violent, volatile, abusive , manipulating, threatening and controlling father.

I have been labelled as implacably hostile within the legal system because of my attempts to protect the children and myself from violence. The issue of the fathers violence and hostility has been completely disregarded by the courts and the professionals involved. Many of the effects of family violence are misunderstood by decision makers in the welfare and legal systems. It is the failure of these systems to prioritise the issue of domestic violence and to understand the importance in protecting children from ongoing harm from their father after separation. The judge has accused me of exaggerating the family violence and called me a liar. The abusive father tried to portray me as mentally unstable just because I dared to tell the truth about his domestic abuse and tried to protect my children

I will try to give you a brief outline of the situation

In [REDACTED] we met and lived together for [REDACTED] years before marrying in [REDACTED]

My daughter was born in [REDACTED] and my son in [REDACTED]

From the beginning of the relationship he was extremely controlling, manipulative and threatening although most of the physical violent abuse did not occur until after marriage. He caused me to lose my friends and distance my family.

I suffered thru over [REDACTED] years of his domestic violence whilst being utterly ashamed and embarrassed that I had let myself get into such a situation consequently it was hidden from everybody and not reported to police or doctors etc. Eventually with his threats to kill I obtained an intervention order to protect my kids and me and the police evicted him from the home.

This then became a custody battle for the children and with little assistance or advice or knowledge and inappropriate legal services, the children and I were forced to continue suffering from this man's battering and emotional and psychological and financial abuse, with the kids being forced to spend 5 nights per fortnight with him even after numerous examples of irresponsible and inadequate care of the children.

As I became stronger and regained some form of dignity and self-confidence and the kids were becoming older he was losing more and more control but the abuse, intimidation and manipulation still continued. Every day was like walking on eggshells, what would he try today- what devious plan had he thought up this time. He did not pay child support and tried every which way he could to avoid paying, even claiming not to be working whilst being paid cash so he had no income, Consequently child support set his income based on his capacity to earn for 5 years( I was unaware at the time but apparently these cases were normally only set for 12- 18 months so obviously child support were well aware of the type of person he was) He refused to pay school fees or contribute to any costs of the children for school uniforms or sporting activities etc. For much of the time I was forced to work 2 jobs to provide everything for the children with him frequently keeping their belongings.

In [REDACTED] he hit me again outside [REDACTED] and then tried to turn it around and say I hit him, so tried to obtain an intervention order against me, obviously there was a counter application from me as I was the one hit so both were disregarded by the courts.

As the children developed there were major issues with him not taking them to sporting activities and lack of appropriate care etc. During [REDACTED] and the beginning of [REDACTED] the kids made their own decisions and rarely saw him. As my children are in a difficult situation and are extremely smart kids, they need their sport and friends as a form of release from the pressures and fears of their world.

With this loss of control of the children his vindictive behaviour became worse and when child support tracked him down and informed him they were going to start garnisheeing his pay by approx. \$ [REDACTED] per week in [REDACTED], to cover the arrears and current payments, he lost control and held the children hostage for [REDACTED] which was a manipulation of the whole legal system as I was forced to seek an urgent recovery order to recover the children. Unable to wait for a recovery order application to be heard by the courts the children were recovered by a police intervention order and returned home( my daughter had already missed the last fun times of grade 6 and all her secondary school orientations by this stage). Obviously the children were traumatised and distressed still less than a week later when they were forced to see a court

counsellor, the counsellor spoke to my daughter for 30 mins and my son 10mins and then wrote a report coinciding with the lies the father had told her, conveniently she left out of her report and her notes that when she was speaking to my daughter she had made her so angry by trying to manipulate her and force her to say particular things that my daughter threw a pen at her.

These court proceedings then became another custody battle lasting over a year with continuing threats and manipulation and control by the father. As part of the process it was necessary to see a family court report writer ( I suspect there was some professional coercion involved between professionals as the father also [REDACTED] but I have no proof of this) who again wrote a biased and misleading report claiming that the children want to live with the father – the children were adamant to me that they did not want to live with the father and were upset that nobody would listen to them and wanted to know who they could tell that would listen .

Children are frightened to be alone with a father who they have seen use violence towards their mother but are unable to express or show their fear due to fear of repercussions to their mothers or themselves. A child's primary attachment figure is more important to the wellbeing of the child than the other parent. Furthermore although research supports the belief that children benefit from having both parents in their lives, this is not true if one parent is abusive. Inadequate understandings by professionals often cite the fact the child do not seem afraid of the alleged abuser when they observed them and that the mothers allegations of abuse from the father are false. The children understand what the "experts " don't, that the abuser is not going to hurt them in front of others and in fact they may be punished if they demonstrate fear in public.

When at the police station reporting breaches of intervention order by the father I asked the police if they had any suggestions of who the children could speak to, the police offered to listen to the children if I took them to the station. The kids were happy with this idea and so of their own accord told the police of their fears of their father and his threats (the father was frequently threatening the kids that if they didn't go to see him or didn't do and say what

he said he would hurt me, as they had witnessed his violence and abuse towards me for so long this was a very real threat to my kids) and lack of care. The police recorded the children's concerns in the form of a police statement

His family violence continued at every opportunity, although there was a current intervention order in place which was temporarily suspended at the times the children were forced to spend with him. Breaches of intervention order are extremely hard for the police to process and charge as often it is the victim's word against the abuser and they have limited resources. Although there were many discussions about breaches with the police they were only able to pursue ■ charges, ■ of which were eventually dropped because they were unable to provide enough evidence and ■ of which he was charged with. Although the magistrate wanted to give him a community corrections order, he was constantly having excuses and being unavailable and so was fined \$ ■ instead.

During this time there were also many threats of after court you will never see the kids alive again etc. which he denies.

There was a court trial in ■ which lasted ■ days. His evidence was complete lies and part of it being lies was proven in ■ when new evidence was attended, the judge and his barrister were extremely rude and denigrating to the police who gave evidence regarding the kids concerns, and fears of their father. In ■ the judge based on the family report of which was full of comments and thoughts which sounded much more like the father's responses than the kids— maybe due to the father having his own 2<sup>nd</sup> appointment with the report writer after the report was being prepared (the kids are adamant they did not say they ever wanted to live with the father to anyone) has ordered that the kids have to live permanently with the father and rarely see me the mother of whom they have lived for their whole lives. The judge has completely disregarded the family violence and threats and danger to the children, she completely disregarded the police evidence, the lies of the father which should have meant that none of his evidence was credible and the safety and wellbeing of the children.

Obviously extremely distressed and angry the children are now forced to live in a dangerous situation where his irresponsibility and lack of care combined with

his narcissistic attitudes and behaviour and his volatile temper when he cannot cope and loses control put not just their emotional and mental health in jeopardy but their lives and futures in jeopardy.

An inadequate and farcical legal system has once again put children, my children in a dangerous situation where they are likely to become the next family violence statistic thru no fault of their own. It would appear that the legal system is not concerned about prevention before consequence but just of having its own agenda irrelevant of the consequences to human lives.

It has been suggested and would even appear that as a result of so many abusive fathers killing or injuring their children after family court decisions that the legal system has taken an opposite stance and has tried to protect its image by giving custody to the abusive father with complete disregard for children's lives and futures. It would appear that the legal system has taken the stance that by forcing children to live with abusive fathers its reputation will look better because there are less fathers killing their children , but these children will end up as family violence statistics or in the legal system as adults due to the consequences of environments and situations they are forced to endure in the supposed care of the abusive fathers.

Our legal system needs to be changed urgently to protect other victims of domestic violence and their children from a similar situation.

Ultimately I am pleading for your assistance and potential influence to protect my children and have the judge's decision overturned at appeal or before and the children returned home unharmed and still alive with the minimum emotional, psychological and physical injury to enable them to have a happy sustained life

Please take a walk in my family's shoes and help me fight for and protect my children as if they were your own.

I have been advised by my lawyers that in contacting the media or politicians I may be in breach of section 121 of the Family court act and I may face jail if found guilty but I cannot sit by and do nothing to protect my children whilst we await appeal so obviously I would appreciate any assistance or influence you have but names etc cannot be mentioned at this stage

Thank you



It would be great if we could meet to discuss options please

## Document 2

Obviously my situation is not one you have personally experienced, so I will try to explain

I know exactly how the kids are feeling and how frightened they are

I spent nearly [REDACTED] years with [REDACTED] using violence, manipulation, threats, abuse, intimidation to gain power and control

It is terrifying,:

he controls who you can speak to and when ( taking kids phones and listening to their phone calls, making the school block my email from [REDACTED])

threatens to hurt you if you don't do or say what he wants ( he has been doing this to the kids for years with his threats to hurt me and them)

he uses threats and manipulation to make you do things you don't want to do even when you know it's wrong ([REDACTED] tantrum at [REDACTED] not taking [REDACTED] to school, telling kids to lie )

he makes you believe what he believes no matter how wrong it is (him telling [REDACTED] " when I abused or hit your mum it was because she deserved it)

he distances your family( preventing kids from speaking and talking to me and grandma etc)

you lose all self confidence and respect( it is obvious from her behaviour [REDACTED] has already lost all of her self respect and her show off behaviour is her trying to keep her confidence

he manipulates, threatens and controls you so much you are forced to rely on him

if he doesn't like you doing something he finds a way to stop you doing it ( not providing [REDACTED] with a guitar is his way of forcing her to stop playing)

you are terrified not to do what he says for fear of retribution so just go along with what he says you have to do ([REDACTED] Sport)



you are only allowed to do what he wants you to do and when he says ( he has no books or games etc and no bikes or sports equip, wont take the kids to the beach which they both adore and rarely takes them to a park, so the only thing for kids especiaaly [REDACTED] to do is to play electronic games such as x box etc or watch TV- the kids have always told me they have to watch what he wants to watch on tv

you lose all your friends([REDACTED] is not being allowed to play any of his sport with his friends and his friends parents dont want to have anything to do with [REDACTED])

he controls your every movement-[REDACTED] says his father is constantly watching what he is doing( it is really hard for [REDACTED] to ring or text me even when his father hasnt taken his phone because he is always being watched, [REDACTED] has told me when he did have his phone he could only text by hiding under the doona)

he uses intimidation to prevent friendships and normal behaviour([REDACTED] is picked up from the classroom or the school gate to make sure he cannot just walk home, this would be very embarrassing for [REDACTED] when at his age most of his friends walk to and from school , meeting up etc on the way

he determines what you wear and when([REDACTED] is being forced to wear clothes which are too small and make him look like a little version of [REDACTED] [REDACTED] is being forced to wear completely inappropriate clothes and clothes which are too small, being an attractive girl this is very disturbing, i have seen her in clothes that make her look like the prostitutes in st kilda because they are so inappropriate and a few sizes too small)

he tells you what to say to who( like counsellors etc)

your behaviour is expressed in anger as a release to anyone who you speak to ([REDACTED] spoke angrily to the police on sun and even the police lady said to her , dont speak to me like that)

All of this is compounded for the children because they know what he is capable of because they have seen him treat me like this all their lives so is even more frightening\_ to them ,if he did that to mum what will he do to us , we are only little compared to her , this combined with his threats to hurt me make the whole situation very real and terrifying to my kids

the kids are also forced to rely on him to pay for school and sport etc so if he doesnt want to let them do something , if he doesnt pay , they just cant do it

It gets to a point where you really dont know what is the normal way to act and behave because you are forced, manipulated, threatened and intimidated into doing what he says and wants ,so you lose all sense of reality

The way he is treating the kids is just a repeat of the way he treated me for so long and is just so in his mind he can have ultimate control and power,with complete disregard for how it affects you now and in the future, this treatment of the kids has the added bonus of hurting me and is easier for him because in some ways they have to rely on him “ as in to get food, money etc

The fear of him and the inferred, received and obvious repercussions make each day more frightening and easier for him to control you

### Document 3

It has occurred to me that everybody really needs to understand the reality of our situation.

As the kids and I , being his ex-wife and children are the victims of [REDACTED] volatile temper and anger, violence , intimidation , control , manipulation , threats and abuse it is called family violence and in many ways is disregarded and not taken seriously.

This is completely farcical and is a violation of human rights.

If instead for example you were his victim, he would have been charged and jailed for a combination of the following violent behaviour crimes:

Assault- on numerous instances

Threats to kill/threats to inflict serious injury

Threatening to harm someone

Being physically intimidating and standing over someone

Affray

Causing injury or serious injury

Burglary

Breaking and entering

Kidnapping/holding hostage

Child neglect

Even just a combination of some of these charges would have landed him in jail and he wouldn't have been allowed near my kids at all, instead as it is only deemed family violence a clueless judge has ordered them to live in danger and be forced to live with him.

This is ludicrous and a complete breach of human rights, especially the kids human rights.

"my lawyer's name" please understand I am in no way directing my frustration at the unacceptable legal system at you, " my barristers names" but maybe you can pass this onto

them because this is the difference between me and the kids being his victims and someone else being his victims- quite astounding isn't it when thought about logically.