Domestic Abuse

We want to talk about Judges in the Family Court and what they are saying. It means dealing with a Federal Act of Parliament, which is adversely affecting children all around Australia, children, who's voices are not being heard in Federal Parliament, the only place where their concerns can be addressed.

In essence children are being trapped for many years living mostly with one parent, and not necessarily the parent the child is happiest with, and not necessarily the parent best able to meet the Childs needs. The assignment of who gets more, and why equal time can never be considered under the Family Law Act, is based on attachment theory, by Dr. Jennifer McIntosh, which when you boil it down means residency is allotted based on who ever gets the child first. (if they are not *too* abusive, and they don't chose to share contact equal, don't communicate or co-operate on reasonable matter's)

And unfortunately not enough professionals are speaking up about the issue, either publicly or to the Attorney Generals office. and while this remains the case it is unlikely that, the Attorney General will amend the Act of Parliament, unlikely Judges in the circuit court will change, and unlikely that Attachment theory based on Dr. Jennifer McIntosh will ever be corrected in relation to children's residency on separation.

We should begin with a few terms:

Domestic violence is often separated from domestic abuse; this is relevant because domestic violence implies extreme while domestic abuse implies lower levels. In relation to the Family Law Act the word 'best interest' allow judges to suggest abuse is ok compared to anything, while violence is not. It also has the flow on problem that domestic abuse can be mistakenly subconsciously seen as a lesser problem and more often in the domain of females and needs to be looked at less closely than extreme violence which must be dealt with and is more often in the domain of males.

This leads to another concept that needs to be expressed that there are in our experience two types of domestic altercation.

That which is often planned as almost a controlling behaviour often by males and that which is reactive. The important nature of this is often missed because we often try to treat both the same way. If a perpetrator is attaching for control the perpetrator needs extreme measures, you can't blame the victim. If the perpetrator is reacting to stress the response also needs to be extreme and you also can't blame the victim but often the victim has contributed to the elevation of the situation due to either innocent poor social communication skills or in the case of the family Law Act, because in increases the level of residency the first parent to get the child ends up with. In such an instance while not blaming the victim and dealing strongly with the perpetrator it may also benefit everyone to address the behaviour of the victim at the same time.

Pre existing and post court abusive behaviour: it needs to be recognised that often many case of domestic abuse in court are present only after one parent has run of with the child and set in place limitations to contact, which the courts use to award more care to who ever got the child first.

Yes there is higher reports of substantiated abuse in court, but there is also a higher rate of unsubstantiated reports in court and a higher case of substantiated abusive behaviour as a result of the pressure of restricted contact with children under the assumptions of attachment theory and false reports of domestic abuse to establish primary parent attachment while it is investigated.

Primary parent; this term has two meanings with a correlation defined by attachment theory research by Dr. Jennifer McIntosh and co authors such as Maine and Hesse, and prof. Chisholm.

Primary parent emotional is the main attachment; primary parent care giver is the person in greatest possession of the child's time. Then follows a list of assumptions by the research which are deemed facts.

1. Parent with the most time produces the strongest attachment, based on English orphans, and the reports of primary parents who say they lose the ability to read their children's body language if they have as little as one day less than they want to have with the child. (but consider children who are more attached to a working parent instead of the stay at home parent and we see this is not an accurate assumption or finding, also a child losing both parents is not the same a s a child going from one parent they love to another parent they love who does not lose the ability to read the child's body language)
2. Those children are only capable of one person preventing the brain to develop, which is who ever got the child first. And that they are incapable of shifting the primary attachment, which again if you ask adopted children is not always the case. (they can if the primary care is changes before you go to court, so child abduction is only called child abduction only sets in cement primary attachment after interim orders are put in place)
3. That the level of trauma caused by visiting mum or dad is the same as the level of child abuse that triggers neuro science's trauma induced failure to develop.

From looking at the Family Law Act we can gain insight into how the Family law Act is creating and/or making domestic abuse worse once the parent who got the child first does not want to share equally.

However actual abuse victims have their own problems on separation such as not having access to safe shelters, and police not knowing how to contact safe shelters in emergencies. Or how you cant get a police officer to serve restrain orders so you either need to know someone tougher and scarier than the abuser or you need an addition $80 to pay a private server.

The last three Attorney General's, inclusive of Senator George Brandis, indicating that they cannot make amendments to family law because to do so they would have to investigate individual cases. The need to have separation of the three bodies of government. (governance , legal, and legislative) means nobody in Australia, perhaps no organisation in Australia can make the needed amendments to the Family Law Act in order to achieve the "best interests of children". We know that Senator Andrew Wilkie sort action in the senate around this issue in the Family Law Act and the Impact it has on the child support legislation, upon which he received resounding support by the senate, but it was over ruled by the then attorney general and the Prime Minister at the time, Julia Gillard

And that the Attorney General's office cannot give comment on this issue.

The issue now is how the impossibility of meeting the best interest of the child under the Family Law Act both brings about extreme abusive behaviour in secondary parent, and builds up on already existing abusive behaviour, even in this non adversarial system. (non adversarial has produced the concept that a secondary parent is wrong to seek extra contact in court unless the first parent is extremely abusive to the child, so long as you have the minimum contact needed for a meaningful relationship, because secondary parents have nothing of additional value to offer a child so no best interest is possible by increasing secondary parent contact)

In family law each case is assessed on a case by case basis, unfortunately each individual case is determined through the twin lenses of the Family Law Act and attachment theory, primarily Australian research by people like Dr. Jennifer McIntosh, professor Chisholm etc, both of whom have the endorsement of the Attorney General's office.

Recently we attended the DOORS screening tool which they are using in Relationships Australia, an organization associated with the Attorney Generals office, so again endorsed by the Attorney General's office. And we note the author of this document Dr Claire Ralfs is deputy Manager of Relationships Australia, and she collaborated with Dr Jennifer McIntosh in the research and production of the DOORS screening tool, particularly domain 6 to do with psychological risk factors for children.

In her presentation she was saying that in all other fields of healthcare self reporting is a valid and accepted method of evaluation and data gathering but for some reason not in family law. I can perhaps add some thoughts on that. In therapy there is the advantage of receiving better assistance in self reporting, in family law there is and added element. In family law self reporting has the added benefit of increasing the amount of child residency your child has with you. What does this means? It means there will be more allegations of child abuse raised in this area than almost any other in Australia, a higher number of substantiated claims will result, and a higher number of false allegations. – the family court never calls it a false claim of child sexual assault leaving the victim of false allegation with a long lasting social stigma. - how it works under the Family Law Act, is so long as the person who run of with the child before going to court, admits there is no longer a risk of child abuse at the time of trial, to demonstrate a good attitude towards the secondary parent, then the primary parent will be advised to switch to a new risk factor.After keeping the child away for evaluation of child abuse they change to say because the child was kept away from the secondary parent by the primary parent during the investigation the child is now primarily attached to the one who made the accusation, and will suffer a failure to develop psychologically due to the resulting establishment of primary parent separation anxiety.

Unfortunately self reporting by primary parents of their inability to comfort children is the principal tool focused on by Judges for determining residency levels. But this high level of both substantiated and false allegations in post separation and it's benefit to ending up with greater child residency, means self reporting especially around child anxiety symptoms, or domestic abuse, domestic violence and sexual abuse,(include in this organisations connected to separation, such as mediation services and men's and women's shelters) must be handled carefully.

It has been brought to our attention that Dr. McIntosh has responded to radio that the things she has said in her research findings are being miss understood.

It is possible this is the case but how is it that a professional researcher writes her findings so poorly that she is miss understood in so many ways, by so many organisation?

We have looked at some of the findings that Dr McIntosh has put down in her journal article which are referred to in court by Judges (as well as other attachment theory researchers interviewed by Dr. McIntosh, especially from those journal articles judges refer to in their decision making)

We feel that just saying this on TV or radio is not going to help future children, the only way to fix this would be for Dr McIntosh to submit to the legal journals that judges are using, a “clarification of findings” article.

If Dr McIntosh likes how her research findings are being quoted then she need do nothing.

However if Dr McIntosh feels her reputation is being incorrectly smudged by the Attorney General’s office and the family court judges then hopefully Dr McIntosh will take steps to help the children. (those children already with court orders are trapped now and can never be helped as any amendment to the Act always carries the rider that a change in legislation does not constitute a significant change on circumstances, but hopefully future children can be spared this)

because as the Judges and the Attorney General are all pointing the fingers at Dr. McIntosh and blaming her she is the only person in Australia who can clarify this, the only one who can help the children, if she wants to.

The following is an explanation of how the Family Law Act directs judges to apply what Dr. McIntosh has said in determining the residency for children that is in the children’s best interest. I will endeavour to place markers at key statements judges say are directly related to what Dr. McIntosh has said in her research findings.

In family law judges apply attachment theory (based, attachment theorists say, on neuroscience. However this is a bit of a subconscious mind game. By leaning on neuroscience it gives the impression to the average person that the same high standards of research applied to neuroscience has been applied to attachment theory research as well. Or that because neuroscience research is sound, the idea that a night away from one parent the child loves spent with another parent the child loves produces the levels of trauma that neuroscience says prevents neurological development in young people) when you determine residency of children.

We wish to stress here attachment theory, Dr McIntosh, and the Family Law judges say it is in the best interests of children for more time to go to the primary parent not more time to mum, Maternal qualities ie gender are no longer the legal psychological issue addressed under the Family Law Act. (We realize under the act you can contest this theory and Dr. McIntosh’s reported findings, but I have never found a case where this was successfully, even psychologists appointed to be single expert witnesses can't refute this successfully in court. And every single case requires this to be attempted by solicitors because every single case where domestic abuse is unsubstantiated is based on Dr. Macintosh’s findings around attachment theory)

I boils down to, if the primary parent can't or wont communicate or co-operate (unless they are too severely abusive such as poisoning a child's mind against the secondary parent) then because the child has only ever known having more time with the parent who grabbed the child first (because

the first parent with court help never allowed the child to try equal time) they made the child so dependent on the parent who first grab the child, that it's now in the best interests of the child to remain significantly more with the parent who grabbed the child first for the rest of their childhood years. Or the child won't develop psychologically as demonstrated by the primary parent saying they can't reassure the child with 8 nights a fortnight despite the secondary parent being able to reassure the child with as little as 1 to 5 nights a fortnight. (keep in mind apparently having greater possession of the child's time over the other parent is supposed to make the child better able to regulate the parent who got them first in order to safe, secure, not the other way around, according to what Dr. McIntosh says in her findings on attachment theory.)

However statistically of the secondary parents who seek full involvement with their children, more often than not it is male who did not restrict the childs access to the other patent.

These Males tend to fall into 5 broad categories.

Ones that leave the house to the mother set themselves up and come back a week later to collect the children for a visit the children and are refused by the now primary parent.

Ones that leave the child under maternal quality consideration such as breast feeding, and religious ideology they come back in a year or two and are refused.

Those that say they were self absorbed at the time, but later feel they themselves grew up and come back wanting to give more to the children, but are refused.

.Those that are so grateful to finally be allowed a weekend only contact knowing the courts views around attachment theory and what Dr McIntosh reported bow down to pressure by relationship mediators and accept the contact level set by the primary parent

(an interesting legal point is if a parent takes a child away from another parent after interim orders are put in place get recorded in the statistics as engaging in child abduction, which according to attachment theory results in neurological damage to children, but if a parent takes a child away from a parent before the other parent gets to court even if the child is more attached to the parent frozen out, it is not recorded as child abduction and according to attachment theory does no harm to children’s neurological development. Maybe the experts think children under 3 years of age can tell the difference between being taken from a primary parent before court and after court, so know to only stop developing neurologically when separated from the primary attachment figure after interim orders)

Also you have to keep the child away for about three months to destroy the child’s resilience and create primary parent attachment disorders in the child. Three months is about the time needed for the sexual assault services to investigate a child under allegations of sexual abuse, and about the time it takes for the intake process at a contact centre when the first person to grab the child makes allegations of the now secondary parent having done other forms of domestic abuse.

Also when looking at the parent who leaves the family home, statistically they say mothers are more likely to leave the house with the children. (this is supposed to evidence that women are abused by men, but again how many of those cases are to begin with greater possession of the child

to use primary parent separation anxiety to win significantly greater residency in court? Men's shelters do not allow children to go in with their fathers)

For these reasons more women (when there is no evidence of secondary parents abusing children) end up as primary parents leading into the application for interim orders, so attachment theory statistically favours women, but only on the behavioural difference between the genders, not because of a theoretical gender preference.

The evidence of trauma (based on the current theory of attachment) is a series of reports made by the primary parents (who gain extra residency under the Family Law Act if the child has anxiety or if there is parents in conflict), that the first person to get the child loses the ability to comfort the child or loses the ability to teach the child. Symptom reported by primary parents, which occur only, or mostly, while the child is in the care of the primary parents are, children cry, bed wet, night mares, and developments delay, basically anxiety symptoms.

Keep in mind the primary parent gains greater residency if they can't comfort the child in their presence. (and at the same time in family court, secondary parents can always prove they can comfort a child because allegations of child abuse forces long periods of observation and evaluation, we are not talking about cases where secondary parents can't comfort children, or where secondary parents have engaged in either domestic abuse or domestic violence)

(an important side note here is that many men who engage in domestic abuse during separation, are one of offenders who's actions happened during the separation process, as a result of the other parent limiting contact with the children. While no form of abuse is acceptable this aspect needs to be explored.

Try to step into their shoes, they are good parents, involved parents, non abusive, loving parents, but they did not grab the child and run at the first sign of marriage or de-facto break down, now they are told by the court and family dispute resolution services that because the other parent has successfully kept more sleeps away from you, it is now in the best interest of the child for the other parent to keep more sleeps than you until high school, and if you get upset or angry about this, then you just proved you have the capacity to be abusive like the other parent has accused you of being, so you had better not buckle under the pressure of loosing significant amounts of contact with this child you love for the rest of their child hood.

Instead your told you have to be a happy parent because the courts and the now primary parent want you to have equal shared parental decision just not equal shared access, as lots of time is only important to the bond between the child and first person to get the child.

The idea is to convince every body that very little time is important to the bond between child and secondary parents and secondary parents should be happy with just a meaningful relationship. But primary parents are allowed to see time as important because attachment theory according to Dr. McIntosh, says children need the first parent to get the child, to have both significantly more time an a stronger meaningful relationship if they, can't comfort the child, can't or wont communicate, or just don't want to share.

The child anxiety and the developmental issue is particularly distressing according to the children we encounter. They feel they can't show any emotion.

If they show love of the secondary parent they can't see more of the secondary because they now have a meaningful relationship.

If they have a sad day at the secondary parents they are told they must be needing the primary parent more as the primary then according to attachment theory are preferred for offering comfort.

If they show love of the primary parent attachment theory says the child must have more time with the primary parent,

if they get angry at the primary parent for being unfair, attachment theory says this is a strong emotional attachment even a negative one so they need more time with the primary.

They raise similar concerns regarding neurological development, wanting extra help for school work because if they do poorly at school in any area, attachment theory says this is evidence of not spending enough nights with primary parent, so the primary parent gets more nights.

#1# Next Dr. McIntosh research says at about age 4 when children can talk clearly no evidence of separation anxiety can be found. But Dr Jennifer McIntosh advises judges to play it safe and act as if it still manifests beyond the age of four.

#2# Further more, up to the age of 2 years attachment theory advise no overnight contact with a secondary parent because the dark is scary, even though primary parents report night mares and secondary parents prove no night mare in their care, and secondary parents can prove the child sleeps easily at their house.

but because the primary parent reports they can't get a child to fall asleep the primary has a stronger attachment, so should end up keeping more nights.

#3# From age 2-4 a child is to have only 1 night a week if the primary parent does not support greater contact. Because a) even as little as one night away from the first parent to get the child after separation is traumatic and b) this trauma will prevent neurological development. Or 1) the conflict caused by the secondary parent trying to get more time for the child to see them or 2) the poor communication between the parent, as the primary refuses to communicate, will prevent child neurological development.

#4# From age 5 the child should have no more than significant 5 nights a fortnight contact with a secondary parent because it is of no additional value to the child. To a child significant 5 nights feels the same as near equal 6 nights, the same as equal 7 nights. (and presumably the same as reversal of primary care giver 8, and 9 nights with the secondary parent, though the judges preferred argument is if 6 and 7 nights with a secondary parent is not in the best interest of a child how can reversal of care be.) even in cases of extreme child abuse by the primary you still can't consider equal or near equal or reversal with near equal because in these cases the primary parent contact needs to be much less)

Remember Judges also use under the family law Act, once the starting level of contact has been determined by the primary parent as greater than equal contact with the other parent, and the primary parent is not too abusive, and the primary parent won't communicate or co-operate no part of the Family Law Act directs judges to consider near equal residency so you immediately gain

significantly (9 nights a fortnight) more contact than the other parent who the child is limited to having only substantial contact. (5 nights a fortnight)

#5# Now if a child goes to trial age 4 they can not go back to court when old enough to be allowed more contact under attachment theory because the family law says a child growing up is not a significant change of circumstances.

(this is also an issue with cultural competence, many cultures feel it is in the best interests of a child to spend more time with a breast feeding mum like the Muslim religion, unfortunately under our Family Law Act, if this happens and at a later age usually around 2 yrs old when the secondary asks for more time, if the primary decides they like the extra residence they have, the secondary can't get back to court.)

#6# Now if a secondary parent applies for orders staging increase in line with attachment theory because attachment theory says you should only have 1 night a week at the childs current age, the family law says no, because it is unconstitutional to make orders for additional contact any more than 6 months into the future because you can never see that far into the future needs of a child. (And attachment theory says you must not increase contact to fast, so any faster than 1 additional night per year is grounds under family law to reduce a child's level of care with a secondary parent. This means no equal time applications can be court ordered until high school age.)

(but not the first year of high school, or the first year of primary school for that matter, because a new school is a stress for a child and seeing less of the primary parent attachment theory says is a stress for the child, school by law you have to attend, but a child doesn't have to see more of a secondary parent so long as the child has a meaningful relationship, therefore it's in the best interest of a child under attachment theory and the Family Law Act to not allow contact increases with a secondary parent in the first year of primary school or high school)

#7# Now you might mistakenly believe the Family Law Act obligates judges to consider equal time. This is wrong. Judges say the Act tells them to consider equal time only to the maximum extent that is in the best interest of a child. As Dr McIntosh says 5 nights with a secondary parent is the same to a child as near equal time, 5 nights and the same as equal time, 7 nights. Judges say legally this means as it does not improve the child's circumstance, increasing contact is the same, so can not be defined as the best interest for any child. (Despite the legal every individual child's story is different this trauma applies to all children because according to Dr. McIntosh, attachment theory says it is neurologically hard wired.)

In short the Family Law Act directs judges to not consider equal time due to what Dr. McIntosh has said in her journal articles, when the primary parent wants more time than they want the other parent to have, because the conflict the secondary parent then has to engage in, to increase contact harms the child by preventing neurological development.

This is the problem with the Judges defining, starting consideration of equal time, as meaning to begin explaining why equal time is not in the childs best interest, rather than defining the Family Law Acts, begin, as meaning, if equal time was the first possibility.

instead of beginning from what ever arbitrary, unilaterally imposed contact the first parent to get the child is willing to allow.

#8# To simplify, the Family Law Act only discusses equal time first. But it begins consideration at the level of contact allowed by the first parent to get the child (Usually less than what Dr. McIntosh says is the minimum contact per age group to have a meaningful relationship with a secondary parent). Then assuming only non life threatening levels of abuse by the primary parent, the Family Law Act has to determine if it's in the best interest of the child to change the level of contact. To do this it looks at meaningful relationship does it exist? Dr Jennifer McIntosh has said, according to age group, what the minimum levels of contact are, to demonstrate that a meaningful relationships exists and can be sustained, above which there is no additional benefit to the child. So the level of contact set by the primary parent is shifted to the level recommend my Dr. McIntosh which is less than equal, 7 nights and less than near equal, 6 nights and locked in place.

#9# Many people mistakenly think the Family Law Act says after awarding shared parental responsibility "first" consider equal contact to the maximum extent that is in the best interest of a child. Wrong. Judges say first consider means explain first not give greater value to equal or near equal contact as a starting level for consideration. (So explaining first why near equal or equal time is never in the best interest of a child if the secondary parent has to fight for more time satisfies the Family Law Act around first consider in their reasons for judgment). Therefor the Family Law Act instructs judges to begin consideration from the level of contact allowed by the parent who got the child first. This legal understanding is vital when considering the word best, when used in the Family Law Act. (because if we began consideration at equal contact, a ruling of no additional value based on what Dr. McIntosh has reported from her research findings, would result in no shift from equal time instead of no shift from what is allowed by the parent who got the child first, or no shift from the level of contact per age group the Dr. McIntosh reported allows a meaningful, relationship, as it does currently)

#10# Now legally if a secondary parent seeks more than the minimum level of contact required for a meaningful relationship, according to what Dr. McIntosh has reported from her research findings, then this judges say means

#11# a. The secondary parent's lack insight into the needs of their children and

#12# b. Secondary parents must be acting for their own best interest because they are asking for what is of no additional value to the child according to Dr. McIntosh research findings into attachment theory. (The only legal thing of value a secondary parent has to offer a child which warrants increased contact is a meaningful relationships. Once the child loves the secondary parent, the secondary now has nothing of value to offer the child to justify further contact increases, and indeed nothing left to justify retaining any additional contact the primary parent has allowed you to have above what Dr. McIntosh recommends.

Consider now, cases of spousal abuse which is carried over past separation if the spousal abuser was quick enough to grab the child first. Often such a primary will allow additional contact if, and only if the secondary obeys the primary, if the secondary refuse they create conflict and in the best interest of the child to prevent neurological trauma contact with the secondary is reduced by judges).

A common example is the secondary parent may see the child more if the secondary save the primary parent money by being their baby sitter, and be available on demand, failure to do so in

family law means the secondary did not take every opportunity to see their child, regardless of if the secondary was at work or in school.

Now there are two exceptions. First the Family Law Act, prioritizes safety, as the best interest of the child. This means if a secondary parent engages in any form of domestic abuse you reduce contact to limit exposure to the abuser, the degree of reduction determined by the severity of abuse and trying to maintain a meaningful relationship. (this makes sense to most people)

#13# But if a primary parent abuses a child, the best interest of the child principle legally changes, it does not mean the same as it did when the secondary engaged in the behaviour, now it means you measure the level of harm to the child caused by the primary parent harming the child against the level of harm attachment theory says primary parent separation anxiety will cause the child's impeded neurological development in the future, or the primary parent's reports of child anxiety symptoms while in the care of the primary parent. Dr McIntosh research says the level of harm of primary parent separation anxiety is as damaging as -most- forms of child abuse. So again if the level of trauma between primary parental abuse and primary separation anxiety is the same there is no benefit to allowing increase in secondary parent contact under the Family Law Act, and you leave the child with a child abuser if it's the first parent to get the child engaging in abuse, and the child abuse is not to severe.(regardless of how well the secondary looks after the child and keeps them safe) Only things like severe beatings,poisoning the Childs mind against the other parent, sexual abuse or starvation level neglect would increase secondary parent residency above what Dr. McIntosh has said is appropriate for each age group according to her research into attachment theory. In such a case of extreme primary parent child abuse this would warrant a reversal of residency not near equal or equal time. (an example of a non life threatening form of abuse a primary parent is allowed to engage in would be pretending a doctor has prescribed a medication for an illness, instead of giving the medication the doctor actually prescribed to make the child better, in order to extend the childs sickness for longer)

This is a good point to define the difference between primary parental attachment and secondary parental attachment.

#14# the secondary parental attachment is very important to children and is influenced mostly of quality of parental engagement. Dr. McIntosh has said grandparents with no overnight contact at all establish strong secondary attachments from children. Furthermore these secondary attachments can be formed any time in the child's future.

(but remember age is not a significant change in circumstances so secondary parents and children for many years can't correct the court orders)

#15# primary parent attachment is not just important like secondary attachments, but primary parent attachments are essential to the neurological development of children. The word primary denotes there can be only one, so only the person who got the child first can provided what is needed for this development.

#16# unlike secondary parent attachment, primary parent attachment is significantly associated with quantity of time or dependent on retaining significantly more contact than you allow the child to spend with the other parent. Dr. McIntosh said as little as one night a week, away from the first

parent to get the child under 4 years, will produce sufficient trauma to cause neurological failure to develop in the future. Similar with reports of child anxiety symptoms, in every case before the courts primary parents report that despite parenting courses, and despite this magical bond they have with the children as a result of keeping the child more with them than allowing the other parent to have, primary parents consistently report they cannot comfort a child who has contact with a secondary parent, and they report anxiety symptoms. This is supported by judges because Dr. McIntosh said primary parent separation anxiety can occur only in the presence of the primary caregiver. The primary parent anxiety symptoms don't have to manifest when separating from the primary parent as expected, but often primary parent separation anxiety symptoms manifest only when in contact with the primary parent, or only when alone with the primary parent. This means a child happier when with the secondary parent or a child only suffering when with the primary parent means the child is more attached to the first parent to get the child, and that must be the primary attachment figure so it's in the best interest of the child under this situation for the first parent to get the child and retain significantly (9 nights a fort night) more residency than the other parent.

Remember how the level of contact of a secondary parent with substantiated risk of severe domestic abuse has contact limited but the limit is curtailed by the need under the Family Law Act of a meaningful relationship, well unfortunately this is one area where the law leaves children wide open to abuse from both primary and secondary parents because it still appears to place this need for some level of contact to high over the substantiated abuse. (keep in mind there are many parents who were not in anyway abusive until the now primary parent sort to place them under emotional pressure to provoke the reaction or cases where the courts implemented attachment theory)

#17# The other exception to the rule is primary parent consent. If the primary parent wants you to have the child more. then the child biologically can cope. If the primary does not want you to have more contact, the conflict or poor communication caused by the secondary parent seeking contact increases, distracts the primary parent according to attachment theory, who then is unable to fill the duties that a child needs from the now primary attachment under neuroscience. (This leads to mediators and solicitors telling secondary parents not to harm their children by disagreeing with what the primary parent wants despite the courts awarding shared parental responsibility, pay particular notice here of Dr. Ralfs DOORS (Detection Of Overall Risk Screen) which is being used now by Relationships Australia, commissioned or endorsed by the Commonwealth Attorney General's Department. This causes problems in mediation, the primary parent may be encourage to not look at mediation as legal, but never forget how child anxiety or poor communication strengthens primary parent's argument to retain significantly more residency if the secondary parent won't, can't or shouldn't as a responsible parent accept the demands of the primary parent. This child anxiety symptoms reported in the DOORS tool by either the primary or secondary parent creates a significant power in balance at mediation.

Next you look at evidence handling under the Family Law Act.

Under the Family Law Act judges can remove any evidence that does not help their decision making. (so if it won't change their mind that its in the best interest for a child to remain mostly with the parent who got the child first, they remove it, or allow it to be removed by the primary parent, or

based on what Dr. McIntosh has written in her journal articles, they assigned favorable or non favorable meaning to events, depending on who got the child first)

This is hard to explain so I am going to share from actual separations here, to try and clarify this issue.

Example

Primary parents often make allegations of risk of harm by secondary parent abuse, then despite building evidence disproving this hold onto the claim to justify keeping contact below 5 nights a fortnight for as long as possible. Then walking into the trial with massive pages in their affidavits of abuse to continue justification of reduced secondary parent contact.

But under the Family Law Act parental attitude is a residency factor so primary parents drop the allegations in trial, and switch harm from secondary parent for harm from primary parent separation anxiety now they have successfully kept the child away for so long.

The judge now has no evidence that the primary parent has a poor attitude towards the secondary parent. This legally means because there is no evidence before the judge of primary parent poor creditability, Judges can now rule the primary parent is the more credible witness, and their evidence reports of primary parent separation anxiety only in the primary parent's presence gains strength.

(just a tangent here but this greatly concerns us at Tas Family Compassion in another way, because of the cases where growing evidence in the case points to secondary parent abuse but the primary drops the allegations. In this case a primary parent who can genuinely demonstrate risk of harm from the secondary parent never gets a determination in trial so never gets substantiated. In this situation primary parents report the hard decision stick to the assured 9 nights a fortnight according to attachment theory expert Dr McIntosh, where the child risk is limited to abuse over 5 nights a fortnight, or risk a finding of poor attitude and have primary residency reversed and have the child at risk of abuse for 9 nights a fortnight.)

Another example

If a single expert psychologist, or family consultant says the child should remain more with the parent who got the child first they say how fortunate they were to have the expertise of the expert in informing them of the best interests of the child.

But

If the expert says residency should increase above the minimum needed for a meaningful relationship under attachment theory as reported by Dr. McIntosh, they say Judges make court orders not experts.

#18# Another example, and take note here to be fair, judges never say they won't consider equal time could be in the best interest of a child, even if the parents are in conflict. The closest they will come is to say the secondary parent's solicitor or independent children's lawyer is going to have to work very hard to convince them it is. They then proceed to the following evaluation of possible location of anxiety symptoms reported by the primary parent. (note how in the following cases every

situation means it's not in the best interest of the child to increase contact if the primary does not want to give up the privilege of time with the child)

#19# If a child screams (or any anxiety symptom) in the care of both parents they say the child has two disordered attachments, and needs to just have one strong attachment. Of course that strong attachment must be with the parent that got the child first,

#20# If the child screams -only- at the secondary parents this they say means the child is missing the primary parent and you increase primary parent contact.

#21# If the child really is screaming only at the primary parents, according to the primary parents reports Dr. McIntosh studies show this is because they were away from the primary parent, as its a symptom of primary parent separation anxiety so you increase primary parent residency.

#22# If by some miracle a secondary parent can prove the child is not screaming behind closed doors at the primary parents home the judges say the child is then happy at both parents, each house is the same and same has no increase benefit so you can't say its in the best interest of the child to increase contact with the secondary parent.

Note: This argument wins your case regardless of the source of anxiety, so primary parents often mimic disorders in their children which have anxiety as a possible symptom. Such as food allergy by giving tablets that produce stomach upsets, or employ methods to slow speech development for autism diagnosis, or delayed educational capacity.

Example

#23# If a child cries only once at the secondary parents place over a 4 year period. Judges remove the four year time frame and say the incident proves the child is not coping with that amount of contact away from the primary parent, or that this shows the primary parent is a more creditable witness in reporting primary parent separation anxiety symptoms.

Example

If a secondary parent changes home, or the child's school, but does not tell the primary parent who takes this to court, the secondary has acted poorly.

But if the primary parent does moves house or school without notifying the secondary parent. When the secondary notifies court the judges says a. They are making a mountain out of a mole hill and

#23# b. The primary parent is in conflict and communication is poor so the primary parent in the best interest of the child needs to have more residency. As according to Dr. McIntosh the poor communication or parental conflict interferes with the primary parent's capacity to engage with the child which is like separating the child physically from the primary parent.

Ok so if a secondary parent raises concerns of improper conduct they are told the legal system has a safe guard of an appeal in front of three judges.

But

- these judges are doing the same thing in first instance trials

- under the act legal aid will not fund appeals if you can not win. Despite your evidence or the merit of complaint.

- if you lose at appeal you pay the winners legal fees

If you pay a solicitor be prepared for about $50,000 debt to them.(appeals are technically more difficult than first instant trials so self litigation is not as viable in appeals)

(Before appeal you have 1 month to purchase transcripts at $1800 a day, a trial is between 4 to 8 days long, and pay for professionally bound appeal books.)

I always find it interesting that judges say family law has to be about the Childs best interests which the judges go on to say means there is no room in family law for parental rights.

But anything the primary parent does not like causes neurological harm to the child.

And morally or ethically any act of parliament should state that all people should have a legal right to, fair evaluation of evidence and non biased judgment.

#24# Oh and to apply for a judge under family law to be dismissed you must prove to the judge that he should dismiss himself because a stranger in the back of the room would see him as biased. Good luck getting a judge to admit that about themselves. Especially as Judges can present in trial the journal papers writing by Dr. McIntosh and what she has said in her findings, that the judges are doing what a medical expert says is in the best interests of children.

Some people say the courts favour woman. We feel the laws view on this needs to be clarified.

Judges do not say secondary parents or dads are not important. They say these parents are very important to children hence the Family Law Act's section supporting meaningful relationship with significant others.

But

#25# As a result of Dr. McIntosh, Judges meet this need without equal, near equal contact (nowhere in the Family Law Act are judges directed to consider near equal time, 6 nights after rejecting equal time, so you jump straight to significant time 5 nights a fort night. And even if the Act did include consideration of near equal contact, judges are ready to dismiss near equal as Dr. Jennifer McIntosh says near equal causes the same level of harm to a child as equal time) or reversal of residency because.

- Attachment theory says according to the research conducted by the psychologist appointed by the attorney generals office Dr. Jennifer McIntosh.

1. Grand parents with no overnight contact have meaningful relationships with children this proves meaningful secondary attachments are not a product of quantity of contact. (indeed facebook or skype and phone calls is all you need)

2. #26# Primary parent relationship is solely or predominantly dependent on retaining greater residency than the other parent. And has a direct association which means increase separation to two nights increases the trauma and neurological impairment in development in an increasing

nature. And as little as one night away from the primary parent is significantly harmful neurologically due to trauma,

#27# and made worse by repeating this every fortnight. So if the maximum length of each separation is 1 night for children under 4 years, according to Dr. McIntosh having a second visit later that week increases the trauma and neurological impairment.

#28# Similarly if the minimum contact according to Dr. McIntosh needed for a meaningful secondary parent attachment is 5 nights a fortnight resulting in court order for a five nights in one week, it is not in the best interests of a child under attachment theory to have 2 additional nights in week two to make up to equal contact. As during the extra visit change over, the primary parent might not be able to stop her anxiety leaking onto the child a second time during that fortnight, or the multiple repeat separation will multiply the anxiety from separation trauma. Both of which will prevent the child developing neurologically.

#29# And according to Dr. McIntosh, only the support of the first parent to get the child can prevent a failure to develop neurologically.

#30# In terms of the Family Law Act, best interest of the child. It is self evident according to attachment theory that it's harder for a child to have to learn about two parents and regulate two parents, much easier for a child to only have to know 1 parent so its in the best interest of a child not to force them to have to know and understand two parents.

Remember attachment theory only applies if the secondary parent causes conflict by not agreeing to the primary parents terms and conditions or level of contact. (i.e. they are in court)

It's hard to explain all this because the Family Law Act uses such beautiful words like, best interest, consider equal time if...., even the courts are careful to only record statistics on men and woman, an obsolete issue and refuse to keep statistics on who started with more time to who got ordered more time at determination, or after being told this at mediation. (They also refuse to record near equal and equal time separately claiming equal time when in fact it’s a lot of 8/6 splits)

These beautiful words used in the Family Law Act behave like a type of shield or disguise which protect judges from being looked at too closely.

Independent children’s lawyers put appearing neutrality to high. This causes them to advocate a level of contact between the equal time requested by secondary parents and the significant time requested by the primary parent. Or to stick to the recommendations made by Dr. McIntosh and other attachment theory researcher Dr. McIntosh interviews and comments on.

I conclude with this part of the Family Law Act. "findings of fact by a judge are now actual facts" and ask you to consider this in regards to the Family Law Acts over riding principle of "the best interest of the child".

The Family Law Act may call a finding of fact an actual fact.

But.

Such a fact, found by judges altering or removing key evidence,

Or such a fact, found based of incorrect understanding of what Dr McIntosh has written in her research findings,

Or such a fact, found by assigning creditability to the evidence based on who got the child first instead of basing creditability to the parent based on the strength of the evidence,

Or such a fact found on selecting an improper reason for events by judges, based on the judges desired outcome, or application of attachment theory, (example primary parent sleeps with child which might be age inappropriate and impedes the development of resilience means under attachment theory that the greater physical contact produces primary attachment to that parent who got the child first and they should now get significantly more residency in the child's best interest)(secondary parents accused os sexual abuse won't sleep with their kids like the primary parent safely can)

These are not a true factual facts.

It therefore suggests you can never achieve the over riding principle of best interest of a child for levels of contact.

At best, all you can say is had this child truly experienced events as described, or had those events meant what attachment theory says it means, then the contact orders made could have been in the best interest of this child.

But as children are saying once they are old enough to speak freely, they wanted the orders that where really in their best interest, and they wanted another say when they could speak and understand. It's clear the best interests of children can never be met under the current Family Law Act and attachment theory.

(We recognize separation is a complex issue with competing things that need consideration, but this should not suggest we don't address obvious issues in the process for addressing those considerations. Especially when each individual thread appears to give the same outcome despite the Family Law Act saying each presumption should be rebuttable

Ultimately in the hope that what Dr McIntosh has written in her research finding, and submitted to journals, which she says has been miss understood, can be addressed by Dr. McIntosh in a clarification journal article (must be in the legal journals) as this is the only way to protect children from this in the future.

There is also an issue with assigning attachment theory as an explanation for observations.

Ie a primary parent co-sleeps with an older child which psychologically is seen as age inappropriate because it is a form of child abuse which serves to impede development of resilience in children. But they apply attachment theory, it now means the extra physical contact likely produces extra primary parent attachment so it is in the best interest of the child to have significantly more residency with the parent who sleeps with them, especially when the secondary won't co-sleep with the child after being accused of child sexual abuse when the parents separated. Of course ask the child and often they say no sleeping with the parent does not mean they want more sleeps with that parent, or the child never wanted the parent to sleep with them in the first place.

Another ie. Child gets upset on change over at school (this is a typical order for school change over as primary parents report they will leak their anxiety onto the child if they have to see the secondary parent, and in cases where the parents argue in front of the child. Attachment theory is applied and it means the child is not coping with current contact and needs more time with the primary, or the child is suffering primary parent separation anxiety and needs more time with the primary. Evidential investigation however reveals child did not know who would look after her between the morning one parent drops of and the afternoon when the other parent collects them from school. Solution explain to the child up to 12pm this parent after 12pm that parent and the teachers know which parent to call at what time, child is no longer upset, but the attachment theory solution is to give the primary parent more residency.

The no mans land or primary parent separation item issue. This is a common problem where primary parents send a comfort device from the primary parents home to the secondary parents home to "comfort the child and smooth transition for the child between house holds, claiming the primary parent has lost the ability to comfort the child, dispute the secondary parent still being able to comfort the child. This sounds like a nice thing to do and a sensible thing to do so the secondary parent must allow it. The primary parent then says without the comfort device the childish incapable of transition, so its now primary parent separation anxiety evidence, primary parent gets significantly more residency. If the secondary parent demonstrates the child does not need the device when in the presence of the secondary parent so refuses to allow the device to be sent, the parent is deemed to have created a battle front, no mans land between the house holds, primary parent gets significantly more residency. (it need not be a device like toy, teddy or blanket, locket etc. It can be the primary sends a sleep routine, or instructions on what foods to feed the child, the same rules, this can reach the point that the secondary parent has to almost exactly mimic the primary parent household, at which point solicitors start talking about how creepy the secondary parent is acting.)

The last two points to consider.

First other than an appeal before the full court (three other judges) with the inherent inability of many to access, there is no other way for parents to bring to light what judges are upto.

There should be an independent audit system of judges assignment of what the evidence means. An audit of the evidence the judges has either discounted or removed from the trial, and the auditor must be independent.

In fact there needs to be a step between the reason for judgement written up by judges and the appeal process called a right of response by parents to the Judge about his reasons. This allows without paying thousands of dollars, for judges to reconsider their assignment of what events might mean, and to look at evidence which only became necessary to show after the judge gave their reasons.

The other important issue is the children's anger at long term final orders. The legal and psychological idea behind childhood long final orders without significant change of circumstances is to stop the parental conflict they say hurts children, but many children want one of the parents to keep fighting for more time and despite what attachment theory says about children preferring to be with the parent who first grabbed the child and kept them most away from the secondary parent,

many children actually want more time with the secondary parent. The children do not believe they will be mentally damaged by spending more time with the parent they want to spend more time. Despite what attachment theory says.

Therefore final orders needs to be removed from the Family Law Act, in cases of unsubstantiated secondary parental child abuse, and be replaced with maximum 3 year contact orders. This will mean non abusive secondary parents won't be broken emotionally or become violent in many cases because every three years they can apply for increased contact.

For primary parents if the child is suffering they can apply to reduce contact.

For children they do not have to be scared of being seen as happy or sad, they don't have to be scared of choosing the wrong level of care, or of saying the wrong thing to the family consultant because if they don't like the orders in three years they can apply for a change. And if they are to young to understand at the first 3 year order they need only wait form the second 3year order. Or if they were tricked or pressured by a parent the next 3 year order may reveal that.

We need to put a stop to what is happening to children. Children should not be telling how their secondary parent who was not quick enough to grab them first committed suicide and now they are upset by the loss, or how the primary parents response is get over it.

In summary, Dr. McIntosh says there is no benefit only neurological danger to a child having contact with a secondary parent above the minimum needed for a meaningful relationship, unless the primary parent wants to share better.

The Attorney General George Brandis knows all this.

Yours truly

Sabian Mison-Popow

Tas Family Compassion

1. Take the object of ‘Best interest of the child’ and amend it to be ‘Best interests of the child with in standardised expectations’.

1.a. Expressively remove attachment theory from use in determining the best interest of children.

(Law should never say that the more you harm a child the more it’s in the best interest of the child to increase your contact if you’re the first parent to get the child and so long as you’re not too extreme.

- Remember the acts amendments to elevate protection of children from harm as a priority is not defined as protection from harm caused by a parent as the source or by the potentially abusive parent as you would expect. This means it is interpreted by family court judges as protection from all forms of risk allowing risk from different sources to be evaluated: This allows Judges to say you can protect a child from harm caused by the first parent to get the child by increasing the first parents contact so they won’t harm the child any more. Also allows judges to say you compare the harm caused by the first parent and measure it against the harm discovered by research by Dr. McIntosh “best practice” according to the attorney general’s office, so if the harm caused by the parent is equal to or less than the child’s brain not developing its in the best interest to remain more in the care of the parent that got the child first. Or if child cries a little at secondary parent but they can comfort the child, and suffers lots more in the first parent to get the child’s presence you can improve the first parents capacity to read the child’s needs by increasing reducing the contact with the secondary parent and giving that time to the first parent to get the child.

Or something the children strenuously object to that if they say they love both parents the same it no longer gets interpreted as meaning the child wants to spend significantly more time with the parent who got them first. When they say they love both parents the same it means they want to see both parents the same amount of time.

It will also remove things like how if the parent with greater possession can create discord or refuse to communicate or co-operate with the other parent during interim orders that it makes it in the best interest of the child for the primary parent to end up with greater time after trial or the child’s brain wont develop.)

1.b. Clearly specify that the starting level of care for what is in the best interest of children is equal time.

(This will remove two problems, first the ability to say as equal and near equal time is of no value to children we can never begin consideration with equal time under the Family Law Act as it can therefor never be in the best interest of the child, as emphasised by the wording “to the maximum extent that is in the best interest of the child. Those words mean that if the level of care is just as good in both houses there is no difference between houses and the definition of the word best is never achieved so you start consideration at the level put in place by the first parent to get the child and don’t consider equal time as the first option.

Second it will remove the principle that so long as the first parent to get the child is not doing too much harm or if both parents are equal or near equal in parental skill there is no need to move the level of care from the starting consideration which is not equal time or near equal

time but whatever the first parent put in place. And further that you can not shift towards equal or near equal care only towards the level of care under the Family Law Act of substantial and significant being the minimum needed for a meaningful secondary parental relationship.)

1.c clearly specify that the best interest of children in determining the move towards spending more time, and/or the move towards equal or near equal time is assessed on a positive for positive negative to negative principle with regards to the condition of the child while actually in the care of the parent in question.

(This will remove two problems, First the ability under the Family Law Act to say if the child is displaying signs of trauma while in the primary parents care that the child needs to have more time with the primary parent as that is the only way for primary parents to meet the needs of the child, while if the child is displaying trauma signs in the care of the secondary parents care you reduce the child's level of care with the secondary parent because they must be missing the primary parent.

Second it will remove the ability to say it's in the best interest to leave the child significantly more with the primary parent and offer only substantial time with the secondary parent if the secondary parent is better able to meet the child's emotional needs or any other need such as developmental needs because the happy child in the secondary parents care indicates that the Family Law Act's objective of allowing a meaningful secondary relationship

has been achieved and no further increase in contact needs to be considered making stability of residency the new focus of what is needed to establish the child's best interest.)

2. Expressly prohibit the use of the terms primary parent and secondary parent by both the courts and the auxiliary services to the courts such as at mediation centres and change over centres.

(This will remove two things. It will stop those parents with initial possession from telling their community and the children, other parent, and courts that they are neurologically more important to the child than the other parent.

Secondly it will also remind the judges, psychologists, court family consultants, and mediators that their reports, assessments and decisions are not to be based on the notion that the needs of the parent initiating with greater possession is more important to the child's best interests.)

3. Include in the Family Law Act that after consideration of equal time – in a non-biased belief that equal time is possible even if the primary parent does not want it, and even if the parents don't get along, that the next level of care the judges have to consider is near equal contact if the level of care the parents provide is similar. This needs to be given genuine consideration not applying attachment theory which says near equal time is a worthless to children as equal time when the parents can't co-operate or communicate.

4. Change the order of assessment of parent and witness creditability and evidence weighting so that instead of determining creditability and applying it to the weighting of evidence you determine the creditability of evidence and apply it to the weighting of parental creditability.

(This will stop the judges saying things like because the first parent to get the child is seeking they have more time proves under attachment theory that they are doing what is essential to the child's neurological development so the child will stop screaming in the primary parents care, but the secondary parent is seeking something of no value to the child neurologically because the child is usually always happy in the secondary parents care, the primary parent and their witnesses must be more creditable than the secondary parent and their witnesses so you have to take that into account when weighing the importance or accuracy of the evidence such as reports prepared by the single expert witness.)

5. Include in the Family Law Act that while the child's rights remain paramount that parents also have the following three rights.

5.a. Included that Parents have the right to apply for whatever level of care they believe is in the best interest of the child without criticism.

(this will remove the problem that under the current Family Law Act secondary parents are not allowed to apply for primary care, near equal or equal time, as to do so proves under attachment theory that they are not acting in the child's best interest or that they must lack insight into the needs of their children.)

5.b. include that Parents have the right to fair and equitable evaluation of evidence in a non-biased environment.

(This remove biased evaluations such as things like judges saying you can present your case but you are going to have to work extremely hard to prove to me that increasing the child's time with a secondary parent when they clearly can't communicate or co-operate.

And it will remove things like judges being able to remove entire assessments by single expert witnesses or refusing to allow secondary parents to present witnesses only allowing primary parent witnesses, and it will stop judges from only allowing half of a report like the courts family consultants reports and dismissing the half that supports the secondary parent.)

5.c. That evaluation of dismissal of a judge on the grounds of bias be not made by the judge accused of being biased.

5.c.i include bias against a principle expressed with in the Family Law Act as grounds for dismissal of a judge.

(thus means a judge can no longer say they are non biased as to the parents but biased against equal time as a poor model of how a separated family should look and function in the best interest of children if they need a judge to resolve how much time a child spends with each parent)

5.d. Amend so that judges are deemed to be real people when acting in the role of judge.

(this will allow other legal bodies such as the commissioner for anti discrimination to take action also on the grounds of discrimination due to parental status)

6. Include in the Family Law Act that after the reason for judgement is written up by the judge that the secondary parent has a right of response and a right to expect the judge to counter respond.

6.1 that in this right of reply the parent may include evidence that has been

a. poorly weighted

b. had inappropriate meaning attached to it by the judge or report writer

c. new evidence that gained significance after the Judge raised an issue in their reasons for judgement.

6.2 that the right of response and the judges counter response including any evidence presented with them be permissible in an appeal before the full court.

6.3 That the Judge has the right to amend his orders if it alters their opinion on the matter.

(The inclusion of this new section in the Family Law Act, will address many problems including things like, first it stops judges from removing key evidence that is no longer able to be used in appeals which is often essential for a successful appeal.

Secondly it will prevent judges from raising new reasons for the orders that the secondary parent's solicitor never realised was relevant and so did not raise the counter argument and evidence during the trial.

Thirdly it will increase the likely hood that judges will think twice about making outrageous comments or connections with evidence as they will know that it will be clearly presented for observation by other people. Because at present these only show up in the system if the secondary parent can afford a full appeal.

Fourth, it will allow judges the opportunity to reconsider their performance on the bench and allow them to adjust their performance mid trial without criticism, if they feel they had made an honest mistake.

Fifth it will save the courts and the parents thousands of dollars as you can divert the requirement for appeals as errors can be raised prior to going to a full court of appeal.

Sixth it will reduce the use of parental poverty as a way for judges to prevent the judgements ever being evaluated by a full court of appeal as it might not require an appeal if the judges feel they were in error and amend their ruling, but even if judges don't change any inappropriate behavior can be raised and audited or reviewed without the appeal process.

7. Amend the Law so that Legal Aid for appeals is not granted on the basis of whether or not you can win, but rather that it be paid on an evaluation of the strength of the evidence and on the merit of the argument.

(At present many impoverished parent as a result of legal costs are not able to have appeals raised so judges know they are likely to not be corrected through an appeal process)

8. Amend the Family Law Act that instead of having to apply at the time of appeal for the cost of transcripts to be covered by the courts which is insanely expensive at $1800 per day over 7 days for a half trial or 14 days over a full trial, Which if refused results in loss of the appeal and having to pay the primary parents legal costs.

8.1 Change the Family Law Act so that the auditory recording of the trial must be admissible for used in an appeal free of charge with relevant time stamps identified prior to the appeal trial. Instead of only allowing total paid written transcripts.

9. Increase the time to prepare an appeal to 6 months as appeals are far more technically difficult especially for those who can't afford solicitors as a result of the cost of trial.

10. Remove the section of the Family Law Act that awards legal cost at appeal so that the loser does not have to pay the winners cost.

(As this is a grave injustice because it scares people of from appealing bad decisions which ruin the emotional aspect of children.)

11. Remove the concept of Final Orders

11.1 Replace final orders with 3 yearly review orders.

(This will address several issues. Firstly the idea that children need stability of time for the entirety of child hood unless there is a significant change of circumstances which almost never eventuates in an appropriate timely manner. Even when attachment theorists say as a child grows older they can spend time with someone with initial possession does not like without neurological failure to develop, family law says a change in the child's age is not a significant change of circumstances as all children go through this process. This three years insures the child will have stability of time over several years. – We also have issue with the idea that stability is a factor of keeping the primary parent with more time than the other parent for years on end after one parent has unilaterally imposed contact restrictions, and feel that the stability of a child's life is better measured by the environment of stability with in each parents home that each parent can individually provide. There for if the secondary parent provides a more stable life reversal of initial contact levels should be possible.

Second it will address the stress on both children and parents of having limited contact with children until the child is about sixteen and able to run away from home under the current Family Law Act as if there is a mistake or biased judge in three years there is hope this can be corrected. (of course the Family Law Act must change to insure appropriate behaviour at the review time) This is the issue that angers and upsets children the most. Children hate that they might have been tricked into saying something to a family consultant when they were too young to understand how the courts family consultant will use that in the report after applying attachment theory. Children hate that if they change as they grow up that the primary parent can ignore the child's wishes until the child can "vote with their feet" which they say is scary. They hate that they are not allowed to have a say about their living arrangements. With the replacement of final orders with three yearly orders they like that they will be able to correct or amend the orders as they get older and their voice can be heard once again.

Thirdly the current Family Law Act has lowered the stress of considering time as a priority but has had negative repercussion, as now Judges are not giving it much consideration at all. This removal of final orders and replacement with three yearly revision orders will also remove the stress of time as a consideration for parents and children but leave the opportunity still as an important consideration for the judges.

12. Children want an inclusion in the law that relocation away from the secondary parent is not allowed until the child is about 8 years old and old enough to understand and clearly voice if they wish to go or stay by swapping to living with the other parent, because after the primary parent "had to relocate and take them away" the opportunity to bond enough with the secondary parent for them to feel comfortable changing primary carers and home location disappears until they are teenagers and less scared.

12.1 And that the determination of relocation in the best interest of children is not based on the primary parent having always retained primary possession of the child's time.

12.2 Or prevent granting relocation on the basis that the now primary parent is lacking the ability to look after the child and needing to relocate closer to other family supports when the secondary parent can cope.

(if the primary parent still can't cope, after winning primary care on the bases that only primary care will allow them to comfort the child, then primary care should have gone to the other parent who could comfort the child and could cope in the first place)

13. When children turn 18 that all material from the trials including the transcript recordings and including evidence the judges removed from trial be forwarded to them free of charge. They don't want it to be something they have to apply for first.

(First some children think they won't care but they prefer having the choice to review it or not.

Second this will become a small incentive for parents and judges to act with greater honesty as they know the truth will be available to the children when they grow up.

Thirdly several child victims of family law when they grew older felt that being able to verify what the secondary parent said may have helped speed up the healing process after the parental alienation inflicted on them by the primary parents and the courts. – (realise now the term parental alienation which involved turning the child against the other parent so they are incapable of spending more time with the other parent, has become unpopular in the court system as being a bad thing to do to your children and not acting in the child's best interest. It has now been replaced by the term primary parent attachment which involves destroying the child's resilience and retarding the child's development so that the child is incapable of spend more time with the secondary parent, and is deemed to be a good thing to do to your children and acting in the child's best interest.)

14. Include in the Family Law Act that the Independent Children's Lawyer must make recommendations for residency levels based on what the evidence shows where the child is happiest and is developing best prior to judges handling of the evidence.

14.1 And that the ICL is not to make recommendations for residency based on prioritising their appearance of neutrality.

(This removes what is currently happening where ICL's are just choosing a level of contact which is somewhere between what the primary parent seeks, mostly in their care and what the secondary parent seeks, often equal or near equal care. Or defaulting to what attachment theory says is the minimum level of contact a child needs to maintain a secondary relationship. If the evidence demonstrates that a child is better of primarily in the secondary parents care, or with equal time then the child has a right to have that recommendation put forward by their independent children's lawyer.)

15. Reduce the emphasis on what the child says in determining the child's wishes when they are under the age of 8 years old

15.1.1 replace this with increased emphasis on what the child expresses as being the child's wishes once the child has turned 8

15.1.2 And continue to increase the importance of what the child says is the child's wishes for each three year revisionary cycle due to the increase age and capacity of the child to reason, capacity to express themselves, and make informed decisions.

15.2 remove the application of attachment theory in determining the child's wishes and replace it with evaluation of the child's level of happiness at each parent's house but being directly related to that parent as per recommendation 1.c.

15.3 remove the application of "creative interpretation" of determining the child's wishes and replace it with evaluation of the child's level of happiness at each parent's house but being directly related to that parent as per recommendation 1.c.

16. Include in the Family Law Act that siblings can spend the same number of nights with secondary parents, and that those nights can be together regardless of the attachment theory that says younger children must always have less time with a secondary parent than older children once both children begin primary school.

17. in cases of sever child abuse amend the orders so that if the primary parent engages in sever child abuse that

17.1 increasing the child's contact with the secondary parent be given priority as the best interest of the child, and if not immediately possible

17.2 That the intervener must be someone supportive of the secondary parent.

(This will address what is happening now as at present if the secondary parent engages in extreme abuse you reduce secondary parent contact to protect the child and increase primary parent contact, but if the primary parent engages in child abuse you reduce primary parent contact to protect the child, but because of the best interest of children principle in the Family Law Act you can't increase secondary parent contact because the child's brain won't develop if the child spends time with someone the primary parent doesn't like according to attachment theory. So they are giving the child to someone who supports the primary parent allowing the

primary to retain control over the child through the proxy primary caregiver who acts to interfere with the increasing of child contact with the secondary parent.

18..1 even if this requires the younger child to increase level of secondary parent contact faster than the 1 night per year specified by attachment theory as the maximum a child can cope with without the brain failing to develop.

19. Introduce an external audit of judge's application of evidence that is independent of government and independent of family law judges. Make it mandatory for a yearly report of the audit findings be submitted to both the chief justice and, with powers to make recommendations to the Federal Attorney General

(the independents will maintain the requirement for the legislative arm of the law to be separate from the judicial arm of government while removing the current situation where the only review process possible is an appeal sat upon by three other family law judges all engaged in the same decision making process.)

20- Introduce a process where by Judges who act with dishonour, act with a lack of integrity, or prove incompetent can be removed from the bench and no-longer be allowed to preside over the determination of the best interests of children.

21. Find some way to legislate and address the insane charges of solicitors at trial and at preparation of trial. It is unethical and immoral that it should cost upward of $70,000 to defend a child's rights to be safe from a parent or spend the time with a skilled and loving parent that the child is capable of.

22. Introduce that the conduct of the parent must be measured over the course of the litigation and not only at or near the trial.

(this will remove how at the moment if a parent changes their behaviour just before trial or at trial or under the shadow of impending trial drop their allegations of the other parent being abusive that they are deemed the more creditable witnesses because they have suddenly had an epiphany)

23. Introduce transitional orders.

23.1 And make transitional orders extendable time periods.

(This will remove what is currently happening where it is unconstitutional to make court orders greater than 6 months into the future because you can't see what the child's needs or circumstance will be after that, coupled with the attachment theory that children can only increase secondary contact by 1 night per year and it's impossible to transition slowly more into the other parents care.

The introduction or extendable transition orders means you can increase contact, review it at 3 months – not using attachment theory where a child screaming with the primary parent means the primary parent needs more contact but rather assessing it at the secondary parents care so if the child is happy with the secondary parent the child can cope with stepping up to the next level of contact with the other parent.)

24. Amend the Family Law Act so that Secondary parents are also allowed to use after school care or child care and not just the primary parent.

(remove the best interest of the child argument that a child only derives benefit from secondary parent while physically by their side)

25. Amend the Family Law Act so that if a primary parent is engaging in minor child abuse or misconduct and the secondary parent is not. That the best interest of the child is not measured against the harm caused by the child being with someone the primary parent does not like. so minor forms of child abuse will strengthen the argument that increasing time with the secondary parent could be in the best interest of the child.

(currently if the primary parent is engaged in low level child abuse such as making the child sick with medication the harm of being sick all the time is measured against the harm attachment theory says spending time with someone who the primary parent won't support, which is failure to develop neurologically according to attachment theory so it is in the best interest of the child to remain significantly in the care of the primary parent and be subjected to low level abuse for the duration of child hood.

Similarly currently if a secondary parent goes to court and gets court orders preventing the primary parent from engaging in minor child abuse this has the legal effect under the Family Law Act of the secondary parent having made it acceptable for the primary parent to retain significantly more, leaving the child more in the care of the parent who was engaged in low level child abuse.

Note that if a secondary parent engages in low level child abuse it is in the best interest of the child to spend less time with the abusive secondary parent and increase the primary parents contact.)

26. In the past Family Law Act amendments have carried the clause that the amendments don't count as a significant change of circumstances. However these amendments must constitute a significant change of circumstances and this must be specified as a part of the amendments to the Family Law Act.

(because when judges altered the evidence or relied upon attachment theory research findings from research completely lacking sufficient empirical evidence they back at the trial created the significant change of circumstances way back then)

27. Courts to collect and make available statistics on the number of times the parent leading into trial with more time with the child leaves trial with more time.

27.1 courts to separate 6/8 night splits from 7/7 night splits and stop calling near equal rulings as equal rulings.

28. Strengthen the access rights of children with secondary grand parents to match that of the primary grandparents.

(at present grandparents on the primary parents side are deemed more important to a child than grandparents on the secondary parents side because primary parents will often approve

of and allow their own parents more contact so no risk of neurological harm so primary grandparents get better contact orders awarded.

It is not uncommon for primary grand parents to be deemed more important than the secondary biologics parent as primary parents allow their own family greater access even than they allow the biological secondary parent. Under the significant substantial part of the Family Law Act primary grand parents often get the two days a fortnight taken from the secondary parent resulting in a split of 7 nights primary parent 5 nights secondary parent 2 nights primary grand parents.

Or interim orders of primary grandparents having greater nights than secondary parents.

29. The Family Law Act needs separate the determination of shared care, near equal, equal or reversal of primary care from the decision to award shared parental decision making.

At the moment the judges are usually happy awarding shared decision making as they have many other options under the Family Law Act to justify the preferred model of how a separated family should look in the best interest of a child. (It also sounds good for judges to say hey we are allowing shared care be happy that is most important and dodge the option of equal or near equal time)(Keep in mind with shared parental decision making if the secondary will not comply with the first parent to get the child no matter how inappropriate the demands of the primary, then due to conflict it is in the best interest of the child to have more time with who ever got the child first according to judges based on attachment theory, thereby negating shared parental decision making)

But if these loop holes in the Family Law Act are closed then judges can simply stop awarding shared parental decision making thereby no longer having to consider shared care. We are already seeing this happening when primary parents go to jail, with shared parental decision making being suspended and sole parental decision making being awarded to the first parent to get the child so they can decide which of their friends have the child, an option not awarded to secondary parents who go to jail.

Final thoughts

The concern of the courts and federal parliament is that the legislative part of government cannot amend court orders because of how judges make orders. So that forever more, future children must be left to suffer.

The standard message is federal legislators cant comment, which does not help address the issue.

There are mechanisms such as appeals and independent children’s solicitors, but this does not recognise how those mechanisms don’t help children.

And by invoking the words in the best interest of the child, the best interest of the children is achieved for children. Which given the power the Family Law Act grants judges to say anything almost is in the best interest of the child also does not help.

We suggest ignore what judges are doing, and ignore if they are doing anything wrong, but acknowledge that the interpretation of the Family Law Act can be understood in the terms highlighted by this and other reports made by Tas Family Compassion, continuing education material produced and other social groups in Australia.

And on the basis that this alternative interpretation was never intended to be how the Family Law Act was to guide judges from the legislative body. Then you have not only the ability but an obligation to amend the Family Law Act to give clearer guidance to the courts and help rebuild the faith that has been lost.

If the best interest of children must be paramount under the Family Law Act, and we continue with the assumption that Attachment theory is accurate and best practice, then when the theory says there is no evidence of primary parent attachment once they can talk. The best interest of children given Attachment theory is that that once they are old enough they need to spend more time with the parent who all other evidence shows is better able to meet the child's needs. The fact that this is not possible under the Family Law Act shows the Family Law Act is no longer able to follow that over riding objective.

Consider the impact these amendments might have on reducing domestic violence on separation and improving mental health. Any form of domestic abuse should be illegal (even mild, moderate, or sever deliberate child abuse by primary parents). This Family Law Act contributes to, and elevates the secondary parents reactions as any human being will get pressured and potentially lose control when the first parent to get the child (with the courts help) say because they got the child first you lose contact to 30% or below for the rest of childhood, as your contact is of only limited value to the child and you should be happy with needlessly limited contact and only a meaningful relationships. And a lesser relationship at that, than the more important essential other parents relationship. Surely this is also something the legislative body is responsible for given it's their Act of parliament and the research they tendered out?

The Family Law Act in regards to primary parents incentivises domestic abuse because the more abuse (Up to the level of harm equal to a child's brain not developing) increases the level or residence that is in the best interest of the child.

Given how every single time there is a gap in the Family Law Act, you will find an assumption made by Dr Jennifer McIntosh's Attachment theory papers that will exploit those gaps in the Family Law Act, it is highly in appropriate for Judges and Family Consultants of the court to apply the theory and even worse for their application of the theory to over ride the far more qualified application of the theory by psychologist and psychiatrists.

We call upon all federal members of parliament to look deeply at their own values and ethics and not stand by and allow this to go un addressed simply because the Family Law Act currently has no way to be amended.

Please our nation's children deserve better.

Our victims of domestic abuse deserve better.