

My Voice- [REDACTED] Family Violence and the Family Court...

A Child's Perspective

Introduction

Firstly I want to take the time to honour Luke Batty who indirectly gave his life so that issues of violence are discussed and hopefully many changes are made as a result. In particular, changes need to be made as it relates to children. Not only changes but also Family Court judgements need to be reviewed, so that children who live in fear now are helped now!

I am writing to the Royal Commission because I need you to know what happens to children in the Family Court. Our concerns when we experience family violence are not taken seriously. I need you to change Family Court processes for children who experience violence, like me. Children should be able to live a life without fear. We should be allowed to speak freely without fear of retribution. We need to have our views heard and be taken seriously. Unfortunately this doesn't happen. My life has been turned upside down because no one values my opinion.

If possible, help me to have a voice, for my [REDACTED] and myself. If the court really acknowledged the violence then they would never have made the change of custody to a violent man I haven't seen in [REDACTED] years.

I have No Voice in the Family Court

Adults have a voice right? Well, why can't kids?

I know what you're thinking:

"Of course we have a voice [REDACTED] We use it every day!"

Not *that* kind of voice.

This is a different voice. A voice I'm sure at least one child or person you know has been deprived of.

This is the voice of justice.

What is justice?

The Wikipedia definition of justice is as follows:

“Justice, in its broadest context, includes both the attainment of that which is just and the philosophical discussion of that which is just.”

So, actually, it's down to perception.

I'm sure that if someone had the desire to rob a bank and it was decreed that this was justified, that would mean that no repercussions would follow this action, therefore it was a 'just' act.

We all know if we robbed a bank in our country we would have done ourselves a great inconvenience. We all know if someone was hit or hurt in public the Police would charge the person who caused violence, but what about a child in the home? What about robbing children from a nurturing environment? How are children heard and believed?

My Story:

My name is [REDACTED] I was born in [REDACTED] in [REDACTED]. I lived with my abusive father for [REDACTED] years and this is my story.

I have seen and experienced domestic violence from a young age. These acts of violence were perpetrated by my father. I personally experienced a Dad who would be nice one minute and enraged the next.

During these phases of anger he has thrown my [REDACTED] across the room for knocking over one of his figurines. He has also pressed my mother against a wall and partially strangled her. Another incident was when he placed a kitchen knife to Mum's throat and joked about how easy it would be to kill her. All these acts were unprovoked. My [REDACTED] and I both witnessed this.

The family pets also fell victim to his moods. He would lock my cat in the dryer and watch me cry and plead to let it out. He has let us know the family animals are dead, but has told the court they are alive and 'with a friend'. I think he has killed them and someone needs to investigate this. His behaviour was cruel and had me never wanting to be alone with him without my Mum around.

He would make jokes about us in public that would often make my [REDACTED] and I cry. I stood up for my mother who was almost always the butt of these jokes.

He also would never allow family or friends to visit. If anyone did visit, he made them feel very unwelcome and uncomfortable.

My father would also fail to bathe and would dress in the same clothes for days on end and never clean up after himself. He left mess *everywhere*. On a daily basis he would complain that he was sick and would want everyone to run after him. He even said he had a brain tumour from the electric waves his phone emitted.

His moods and this environment made me physically sick. It affected my [REDACTED] as well. [REDACTED] hardly spoke and [REDACTED] grades fell. [REDACTED] was also crying a lot. Every night I would experience what my Mum and I dubbed 'tremors'. I had lots of time off school because I just couldn't cope.

My Dad would play me off against my [REDACTED] and would give me a sadistic smile when he was making me feel bad. I called this the 'evil smile'.

The point is, the court has failed to recognize my suffering. It has failed to acknowledge my wishes and my desire to live without fear. What is the point of living if you're constantly watching your back?

Family court is scary but it doesn't need to be

My experiences in the Family Court have all been unpleasant. I have been told that I have no choice even though I have been frightened and suffered from panic attacks as well as anxiety. The court were going to place me in a room with my abusive father just to see how I react. Before this ruling, I had made my views known to the court but they ignored my statement. One of my greatest fears is that no one takes my concerns seriously nor do they really think my views are important. That is truly terrifying as I have no choice but to consider other options for myself. I won't go back to what I had experienced before with my father. It is a fundamental human right that people do not live in fear. I have been researching this as the court experience doesn't make sense to me. The Family Court has no intention of complying with this fundamental human right, as the outcome of my case demonstrates.

There is no such thing as an Independent Children's Lawyer

I was excited initially that I would get a lawyer because I thought I would have someone who would speak up for me. This didn't happen. My Mum said there would be a meeting for my [REDACTED] and I where we can talk about our issues and make a plan together that included our wishes. Our ICL, [REDACTED] never contacted my Mum, [REDACTED] or myself. We met her briefly during the meeting with the Family Consultant. I wasn't aware she was going to attend so I was unprepared. She did not seem interested in our opinions or even ask about our situation. I believed this was an incredible waste of time. These people need to start asking the child's opinion instead of assuming what the child wants, regardless of age.

Evaluation Process

I am unsure why I explained my experiences to the Family Consultant, as my fears and suicidal thoughts were not taken seriously. On the day of the Family Consultant meeting, I requested not see my father and this request was granted because of my fear of his behaviour. What I can't understand is why the Family Court decides, without my knowledge, to hand me to my father who I hadn't seen for [redacted] years. Considering what I have been through and what I know has been supported by statements from friends of the family and family members, this *cannot* be right. This court case stated I was to have no contact with my mother whatsoever. This goes against what I researched regarding the Rights of the Child! Why couldn't I go to such a hearing that was so important to my wellbeing and state my views? This is not justice! This is not an honest management of the rights of children, especially children my age. This is not respecting my views at all! I can trust no one in the court system. The court process is just that, a process and children's' views and experiences are not respected.

There's no protection for victims

I am a victim of Domestic Violence, where is my *real* protection? My voice is ignored. My requests are ignored. My doctor and psychologist wrote to the court for me and they were ignored. I spoke to so many people but they have been ignored. How can this be good for children? This has to change for children like me to be safe. My father would record conversations and video us secretly often, on his phone, that I would delete but what do I do to protect myself from this? What rights do I have?

Empowerment of children in the Family Court

Our parents are going to court to fight each other for us children. Yet we are the ones shoved into a different part of the building unaware of what is being discussed and how this impacts us. We aren't even able to see what is written about us! Why not? I feel that this is because there are untrue statements written about the child within these documents. Having the 'child' out of the way and oblivious to what happens within the court room must be extremely convenient, especially if they can't object untrue statements. Also, children should have the right to the information contained within these documents to make the correct decision, especially in cases of family violence. The age of 'seen and not heard' is over. Children should be empowered to make their own choices instead of having a court decide for them. There would be less suicides, run-aways and self-harm if only adults took our feelings and solutions seriously...

Empower Children as stated in the United Nations Rights of the Child

1. I'd like to be part of a process, maybe a conference, to empower children. In particular, to provide them with written material they can easily understand as part of the family court process. This would've helped me a lot. Children are not stupid and we need to be informed.
2. We need a Children's Assembly from all over Australia who have experienced violence from different communities to come together to form a board of decision makers. These children can develop and keep improving solutions to domestic violence for children. Family focus meetings that includes the ideas of adults and children would be beneficial.

Other Recommendations

Below is a list of recommendations that would help children, and parents, in the Family Court system feel safer and more comfortable in a challenging time.

1. A halfway-house would be an excellent solution for children feeling uncomfortable in a court building. A business or school would be ideal.
2. A children's social worker that is not part of the court, to talk to if they wish.
3. People need to take children's statements seriously, and if they don't, explain to the child why.
4. Better education around family violence. Lots of people my age probably don't see this kind of violence as a serious crime.
5. Publicize it! Domestic violence is a growing problem in our community. Surely the government can afford to place some advertisements on TV.
6. We need to make court material accessible to children. The language of the court is not easy to translate without research. Accessible material to children of all ages will help a great deal when figuring out what is happening around them. This should be provided with the opening of a case.
7. This age is full of technology. A lot of children shy away from the court and are afraid to say what they think. Having children Skype in evidence would be awesome compared to the fearful tactics classically used.
8. After court, it would be beneficial to have a secondary evaluation process to make sure that this is the best decision for the child. If not they can re-evaluate the court's ruling.
9. The government should have support groups or online forums so children going through similar situations within the court can discuss their experience. I would have loved to chat to some people my age about my time in the Family Court.
10. Clearly define an age where children can say who they want to be with and how often. I think it is important to have choice and be free of fear.

Conclusion

Just because I am a child doesn't mean I am lesser than you, only that I have more to learn. Please take my submission seriously. Children's' lives are at risk and you have a fantastic opportunity to make some important changes.

Regards,

A black rectangular redaction box covering the signature area.