

I would like to make a submission to the Royal Commission into Family Violence. I am currently in the position of being a woman and mother speaking out about abuse. Without providing excessive detail about our case, I will use information and examples from our experience to illustrate my concerns and support my broad recommendations. Although I aim to present specific facts, the personal nature of the history compels some of the feelings and emotions of the experience to be conveyed. Following are the main areas of consideration of this submission.

- The process of preparation of reports and recommendations by a Family Psychologist under the Family Law Act
- The dismissive way women are treated during this process
- The lack of support for women speaking out about abuse
- The lack of respect for children's views
- The failure of the current system to make perpetrators accountable for abusive behaviour
- The assumption that contact is always in the interests of the children in spite of abuse
- The emotional and financial impact of the current system on single parents

Context

I lived with an abusive husband. We are now divorced and my ex-husband lives overseas. Life has significantly improved for our ■ children and for me however my ex-husband, from overseas, has commenced legal action against me in the Family Law Court. This matter is currently still in the court system and for that reason there are no files or reports attached to this submission. I feel very strongly though that I must report to the Royal Commission about my experience to date. The process has been immensely stressful, prolonged, and expensive. I feel that my children and I have no protection and no support. I am being punished for speaking out about abuse and there is no hint of my ex-husband being made accountable for his actions.

Current Situation of Children

There are ■ children from the marriage, aged ■ years and ■ years old. Both children are stable, confident, and happy. They are often commented on as nurturing, kind and thoughtful. They are articulate and mature. Both children are excelling academically and are often include in extension and gifted programs. Both children play music at a very high level and are involved in ■ and ■ music groups. Both children speak ■ and one also speaks ■. Both children also play sport, with the older child frequently representing the school for various sports. The children have taken significant leadership roles in their schools. The older child is now on scholarship at a leading Melbourne school.

As will be detailed in this paper, the only time the well-being of these children is threatened is when they are forced to see their father who visits sporadically. The children are rebellious about seeing him and are invariably distressed after these visits. The last one-day visit caused the younger child to have a panic attack that caused me to have a doctor to the house at 2am.

Background of relationship

After we had our first child, my husband became very withdrawn from me. He had no interest in the baby and became very distant from both of us. He never offered any assistance with the baby, refused to ever get up to the baby, and was rarely home. I returned to part-time work when our baby was ■ months old. My husband still refused to help. He would sleep in while I got up, showered with the baby in a bassinet at the shower door, then dressed and got organised with the baby in a pouch. He was rarely home in the evenings. He would mostly come home, eat and leave the house, returning after the baby was asleep. Just before our baby ■, I initiated a conversation raising his lack of care or involvement in our lives. I had attempted to initiate these conversations previously but was ignored. This time I said that I could not continue in the marriage if he did not want to participate in our lives. He commenced seeing a psychologist and was diagnosed as having chronic depression.

He saw the psychologist for a while and things did improve. Our ■ was born. At this stage he become more distant than ever. He also commenced being abusive. He yelled and swore at me frequently and would have angry outbursts. He accused me of having affairs, yelled abuse such as 'I should never have married you!' He had very little to do with the children and took no part in their care. He regularly yelled at them to 'shut up'. The abuse did not stop at home. He would often text abuse to me during the day as well. I became afraid of my phone registering a message as it was so often abuse from him. He also had an affair which resulted in me contracting an STD, however he did not want to accept responsibility for this. One night he flew into an absolute rage, yelling at me, punching our bedroom door until he smashed it, taking a framed photo of mine and slamming it to the ground yelling at me because I had taken the photo before I knew him. I attempted to retreat to ■'s room thinking he wouldn't follow me as ■ was asleep. He did follow me, ranting and

shouting abuse. The behaviour was frightening and unpredictable. He was often remorseful after these outbursts, and continued to see a psychologist. He received further diagnoses of suppressed anger management and Post Traumatic Stress Disorder.

Since Separation

In [REDACTED] he said he wanted a divorce. I sought legal advice and informed him that we required a financial agreement and a parenting plan. The response was 'we've got a plan. You're the fucking parent.' He moved away and left me to take care of the children, work, study (I was completing a degree) and sell the home. He did not assist with any of this. In fact, I had no idea where he was living.

In the first [REDACTED] years after separation he spent 2 hours with the children. He sought work interstate and then overseas. After [REDACTED] years he decided he wanted to see the children. We sought mediation through Relationships Australia. Some visits were organised. Each visit left the children distressed. At one stage I was called in by teachers from [REDACTED] schools and referred for counselling. I attempted to explain to my ex husband the impact of certain behaviours. I requested he do or not do certain things because of how [REDACTED] respond. He refused to listen to anything I said and responded with comments such as "I'll do what I want. You don't control me'. He visited only very sporadically when it suited his travel plans. If I didn't make girls available on demand I was abused. Comments such as "go fuck yourself, forget I fucking exist" became normal. From very early after separation I informed him that I would have no longer speak with him without a third party present as I was not putting up with his constant verbal abuse.

He frequently went for periods of up to [REDACTED] months with no contact at all. Although he negotiated things such as a fortnightly [REDACTED] when he was visiting [REDACTED] for work, a year went past without even one dinner. He negotiated a fortnightly [REDACTED] calls occurred and then he never called again. He was utterly unreliable in his contact and certainly never attempted to build a relationship. [REDACTED] came to dread every visit and are utterly rebellious about seeing him.

We did attempt, through negotiations with Relationships Australia, [REDACTED] overnight visits. Both were disastrous. He walked in on one child in the shower. One child said she needed Mum and was told 'Cut it!'. There were many tears on return home. [REDACTED] started having nightmares. They plotted escape plans in case he kidnapped them. I have every visit documented, including the children's resistance to the visit, their reports of visits, and their ensuing distress. I commenced seeing a psychologist with [REDACTED], firstly so they could express their views, and secondly to get some support with dealing with their distress.

Legal Process to Date

█ ago my ex-husband commenced legal proceedings, seeking orders to take the children overseas every school holidays. He has forced the matter into the court system although my lawyer has advised me that this would have been his own decision rather than being based on legal advice.

I asked him to speak with the psychologist the children have been seeing to gain some insight into the children's feelings. He refused as he was 'suspicious' of our psychologist. My lawyer informed me that if he sought court orders to force me to see another psychologist, that this would be ordered. So I was forced take the children to another psychologist selected by his lawyer. The children were forced to go and discuss the father they don't want to see with a complete stranger.

I see this inequity as very problematic in the current system. The inequity causes enormous distress to the parent doing the parenting and to the children. Given the fact that I am the only parent doing any parenting, I would like to pose the following questions.

- Why do I have no say about the psychologist?
- Why does the current system allow the views of a psychologist who sees the children for approximately an hour take priority over someone the children have consulted for months?
- Given that the children are already distressed, why are they forced into further distress by being interviewed by a complete stranger about their father?
- Why does a parent who doesn't even live in the country have the power to determine how this process unfolds?

The system of Family Reports

In spite of the children having consulted with psychologist for some months, I took them to see the psychologist selected by my ex-husband's lawyer.

My lawyer instructed me to provide a detailed written report outlining the history of our case to the psychologist prior to the meeting. I included extremely specific details including dates, copies of emails and quotes of text messages. This was also copied to my ex husband. In [REDACTED] this year we spent a few hours with the psychologist after which she wrote a Family Report.

Following is the process I experienced.

- I provided a written history of relationship and children prior to the meeting. This written history was also copied to my ex husband.
- The psychologist spoke with me for approximately an hour.
- She then gave me an online questionnaire to complete.
- Whilst I did the questionnaire, she spoke with both children individually.
- She then observed the children and I 'playing' together for an hour.
- She then observed the children with their father for an hour.
- She then spoke with the father, presumably for approximately an hour.
- The father then completed the online questionnaire.

Out of this process we have a report full of mistakes, omissions and assumptions. My ex-husband, after reading the information I had provided to the psychologist, came prepared to with lies to deny and counteract the story. Because he did not supply anything in writing, I had no knowledge of all the lies he told until after the report was completed. There is no way of checking for understanding, or verifying different versions of the story. I believe that the report is so incorrect that it becomes meaningless. This has also significantly added to my distress during the process.

Most of the information I provided was not acknowledged in the family report. I am not even sure that the psychologist read the document I provided to her. Many basic facts were incorrect, such as ages of children, the name of my employer etc. Much of the information I provided was utterly misrepresented. I provided examples of the father's lack of responsibility even with one hour of contact and this is not addressed. I supplied examples bringing the children to him for [REDACTED] for lunch, with one child having [REDACTED] in non water-proof casts. Although I delivered them in raincoats with strict instructions to keep out of the rain, he took them to a sodden park to play football in the rain. All of these details are ignored. This must call into question the capability of the psychologist writing the report.

Although I authorised the family psychologist to consult with the psychologist the girls have been seeing for a year, she 'lost' the consent form and so never consulted our psychologist. This is not only careless and incompetent, but shows a lack of interest in the children or me.

Family Psychologist Response to Me

The report prepared by the Family psychologist has many mistakes and omissions. Enormous assumptions have been made about me by a psychologist who spent approximately an hour with me. Following are some of the errors.

- My reports about abuse and abusive language are dismissed.
- The incident I described where he punched the bedroom door till he broke it is misrepresented in the report as him breaking a plate.
- My concerns about the effect of this behaviour and language on children are not acknowledged.
- Factual evidence I supplied about every single contact point since separation is ignored.
- The sporadic nature of any contact is not acknowledged.
- The fact the father has done no parenting from birth is omitted.
- The lack of ability to understand the most basic care of children is not addressed.
- My efforts to facilitate contact once demanded by the father are not acknowledged.
- The history of the distress of the girls after visits is dismissed. Only the last incident is mentioned in the report and is downplayed.
- The report labels me as intense, hostile and self righteous. After asking a woman to explain the history of an abusive and neglectful marriage, how should she sound? Are we expecting women to tell these stories sounding calm and happy? Should we sound loving when describing someone swearing at us, shouting at us and threatening us?

After spending 1 -2 hours with me, this psychologist has decided that perhaps I have a long-term personality disorder. None of the history of the case has been considered. These are not the children of a hostile, intense parent with a personality disorder. In this process, which has now been going on for a year, there is no respect for the achievements of me as a parent. Instead I have been portrayed negatively, and am left to defend myself against lies and incorrect assumptions. There is no common sense in the process.

Family Psychologist Response to Father

- The father claims that I stopped him seeing the children and this is presented as the truth. The fact was that he moved interstate and then overseas. I cannot have legally stopped him seeing the children. He chose not to see them. There is no common sense in the assessment of the situation. I am assumed guilty and he is not being questioned about being accountable for abandoning the children.
- Whilst the facts I provided were mostly ignored, the anecdotal lies put forward by my ex husband are presented as truth.
- My ex husband denied any diagnoses of mental health issues and this has been presented as truth.
- He denied any abuse which has been put forward as truth.

- He created outrageous lies about me assaulting him which certainly never occurred. Again, this is presented as truth. Even common sense should cause this claim to be questioned. I am [REDACTED] and weigh [REDACTED] kilos. He is [REDACTED], weighs [REDACTED] kilos, is and ex [REDACTED] and has been diagnosed with suppressed anger management.
- He also made up a lie about me having post-natal depression. I certainly never had any post-natal depression or any mental health issues. This fabrication however is presented as truth in this report. In fact, given that post-natal depression is such a normal part of life, why is it even being discussed? I did not have post-natal depression but am being accused of this normal difficulty in order to disguise what was actually going on.
- He makes statements about things I say to the children. These comments are put forward as truth. Even a little thought should cause this to be queried as he is not privy to my conversations with the children. How could he possibly report on what I say to the children when we have not ever been together for [REDACTED] years?

In this particular case, the father has read my written history and arrived ready to dismantle the story and provide premeditated responses. He has been taken at face value. The fact that he did not walk in, yell at the psychologist, swear, throw things, break things and walk out again does not mean he did not do this to his family.

Family Psychologist Response to Children

The children were individually interviewed. They gave their very clear views about why they do not want to spend time with their father. They explained why they do not feel safe. They complained about the way he talks to them. They reported that he used to yell at them to shut up. They reported being called names. They reported him humiliating them by telling stories about toileting accidents as babies. In spite of observing their maturity, the psychologist has disregarded their views, drawing the conclusion that they could not have such mature views at their age and that I have clearly influenced them. She describes them as self-righteous.

During the interview, both children were asked what would happen if they were forced to go overseas to visit their father. The older child ([REDACTED] years old) started shaking and crying. This was described by the psychologist as 'melodramatic', 'unconvincing, pretending to shake with fear'. What right does a psychologist have to make an assumption like this without even knowing a child. It is terrifying that a psychologist could be so dismissive of the fear of a child.

The psychologist goes on to state that the child has been exposed to an adult perspective. This is in spite of the psychologist having commented previously about the very advanced language of a child who seems older than her chronological age. If children discuss their fears and feelings about their father at home, they have the right to be heard and to have the matter discussed. In our situation this has been interpreted as manipulation. It is not manipulation. It is parenting, however I have been severely criticised for this.

The children's views have been disregarded in the process. Their reports have been downplayed or ignored. Based on the couple of hours we spent together, the psychologist made the assumption that there are no concerns with my ex husband. As a parent I feel utterly distressed that we have a system which allows psychologists to ignore women and children. We are facilitating men to abuse women, abandon children and then demand whatever they want. To not even raise concern about the history of mental health issues and abuse is astounding.

Rather than properly considering the issues the children and I have reported, the family psychologist has decided I must see a psychiatrist as based on the hour she spent with me, she thinks I may have a personality disorder. Again, more time off work, further distress and further expense. These thriving, happy and highly accomplished children are not the product of a mad mother with a personality disorder. The family psychologist has not acknowledged any of the strength I have shown in working full-time and guiding the children to such outstanding skills and accomplishments. Again, there is no common sense in the entire process. I am being punished and there is no accountability required of the abusive party.

My Response to Family Report

The report is so dramatically wrong that it is difficult to imagine it is about our family. I have therefore had to respond, point by point to every mistake in the report. This has now all been compiled as an affidavit lodged in the court with enormous time commitment and expense. I am rewriting, yet again, the details of abuse and neglect. I am having to respond to the fact that I haven't been heard. My concerns have been ignored, downplayed or dismissed. The children's concerns have been disregarded. They have been accused of acting. The father has told terrific lies, irrespective of the facts I have provided, and this has been accepted.

Following are overall concerns addressed in my affidavit.

- The report fails to address past abuse.
- The report fails to address the neglect of the father.
- The report fails to address mental health issues including anger management issues.
- The report fails to address gaps in any parenting knowledge in someone who has done no parenting.
- The report fails to address the reluctance of the children to see their father.
- The report fails to address the particular and extreme distress of the children after contact with their father.
- The report fails to address the long term impact of this on children's well-being.

Following are some of the documents I have had to subpoena and Affidavits I have collected to prove my case.

- My medical and mental health history
- Psychiatric report when I want to visit a psychiatrist to ask whether my ex husband could ever become a functional parent given the anger management issues
- Psychology reports with all the anger management and depressive diagnoses for my ex husband
- An Apprehended Violence Order taken out against my ex husband

This all requires enormous time commitment and expense. It is also very distressing. I have been treated as the guilty party having to defend myself and there seems to be no protection for the children or me. We are sent from psychologist to psychiatrist with no regard for the time, expense and distress caused.

Recommendation

I would like to recommend that significant changes need to occur in this process of Family Reports. I have 2 principal recommendations.

Firstly, there must be some equity around access to knowledge. In our case, I was forced to provide a written history to my ex husband prior to the meeting. He simply used this information to counteract the story. He had a litany of lies prepared to alter the story. There is no cross-checking and no consultation. He has had the right to comment on all factual information I have provided. I have no access to anything he has said at all, except as presented in a final report and recommendations. There are 2 options to counteract this.

1. Parties should be able to provide a written submission prior if they choose without it being released to the other party prior. The family psychologist can still check facts with both parties, however it prevents one party using the information to prepare lies and responses.
2. If one party is privy to a written report detailing the history of the case, the other party should be privy to the same details. If this were the case, both parties could comment on each other's version of events.

Secondly, a more consultative process is required so that parties can comment on each other's version of events before it is put into a finalised report. In our case, anecdotal tales have been told about me and I have no right to response. This is like running a trial where the accused is not even informed of what they are accused of before the final decision is handed down. **Each party in this process must have access to what is being said about them and must have the right to respond before final recommendations about their lives and children are put forward to the court.**

The Non-Contact Mother

Throughout this process, I have heard much talk about 'non-contact mothers'.

In our case there is no acknowledgement that the father left the children and did not see them for a few years. He effectively made himself a stranger to the children. Now each contact point causes distress.

There are two significant issues here. The first is that if mothers make the contact happen and the children are distressed, then the distress needs to be addressed. In my experience of the process, my concerns and the children's fears are being ignored. Our family report has no hint of any recommendations to address the children's reluctance and then distress. And for raising the issue, an assumption has been made that it is my fault, I am stopping the access and unduly influencing the children. Why has the father who abandoned them not been asked why he walked away for years? Why has he not been asked why his children might not want to see him?

Secondly, if contact is causing ongoing distress to children, perhaps contact is not always in their interests. During our process, I have never said that I think no contact is the best solution. I have attempted to draw attention to the distress of the children. I have attempted to suggest that the father needs to understand the emotional needs of the children. I have been criticised for these statements.

The current assumption seems to be that it is always better for the children to have contact regardless of their wishes and regardless of any distress. I believe this needs serious consideration.

The current system is designed to make women silent. I outlined my concerns about our children's long-term well being given the disruptive and damaging effects contact is causing. Why should childhood holiday memories be about being forced to spend time with someone who shows so little interest in them? I would have thought that if a mother did not discuss issues which are significantly distressing the children, the mother would be negligent. My experience during this process has taught me that women are supposed to be silent and accommodate the demands of abusive and negligent partners.

Accountability

In a situation like ours, I feel that I am being blamed and punished. It has not been acknowledged that the father chose to absent himself from the children for years. It has not been acknowledged that contact has been sporadic with no contact for months at a time. It has not been acknowledged that he negotiated contact and didn't follow through. The way he speaks to the children has not been addressed. His language to me and the children has not been addressed. The father's absence is being blamed on me. I have spoken out about the children's distress to be punished. The current system is supporting abusive and neglectful parents.

Time and Financial Considerations

In addition to the stress of this process, there are time and financial considerations.

As a single parent, working full-time, I have been forced to take significant time off work. I have had to take time off for court, to see psychologists and soon a psychiatrist. I have had to take off to gather affidavits and to assist with subpoenaing medical records etc. This greatly increases the amount of stress I am under. It is also very inconvenient to my employer. Whilst I have a very supportive employer, my ongoing employment will be threatened if I become too unreliable. This of course adds a further level of stress to the situation.

The financial impact of this process will change our lives forever. Since separation, I have been exceptionally careful to manage our financial situation so that I can afford to provide the children with an outstanding education. With legal fees, court fees, psychologist fees and psychiatrist fees, this is all under threat and we may even lose our home. How can this possibly be in the interests of these children? There is no protection for me as a single parent or for the children. And this is being forced on us by a father who is not even wanting to do any parenting, but simply force overseas holiday time against the will of the children. The current situation allows abusive and negligent parents to force the family into serious financial hardship.

Recommendations

Given the immense cost of protecting children, I would like to suggest there be some consideration as to how the single parent and family can be financially protected. In our case, I was absolutely capable of managing our finances including excellent education for the children. Their education, as well as our family home is now at risk. It is vital that we investigate the protection of responsible parents and their children. When there is a clear case that one parent is doing 100% of parenting, consideration could be given to awarding costs to protect the family.

Support Organisations

I rang Legal Aid about the situation, including my concern about the financial impact. They were very supportive, however really could offer no suggestions or support. The message was very much that this is just how it works in the Family Law Court.

I also spoke with the Domestic Violence Resource Centre Victoria. Staff were very supportive. They spoke with me about how the perpetrators are often very convincing and the woman is left to prove her story. They are interested in using our story for their website. However again, they really have no suggestions or support to manage the situation. My lawyer informs me that at this stage I cannot even provide them with any of the documents or reports relating to our

case as it is still before the court. It seems wrong that women cannot provide information to relevant bodies at the time they most need support.

I have also contacted the Luke Batty Foundation via their website, but have not heard back from anyone.

I do believe there is a need for support for single parents going through this process.

Summary

The process of preparation of reports by a family psychologist needs review. Spending a couple of hours with a family does not provide nearly enough information to provide recommendations about the future of the family and particularly the children. In our experience, the assessment of our family has been flippant. Following are changes I believe vital to protect families.

- The history of each case must be considered seriously.
- If there is a sole parent, they must be allowed more input into the process of assessment.
- If there is a sole parent who has sought independent professional guidance such as counselling or psychological assistance, this must be considered in the process.
- Parents who have been abusive or neglectful should not have so much power in how these cases are resolved.
- Parents who have abandoned their children should not have the right to force serious financial hardship on their family.
- The concept of the 'non contact mother' needs review.
- The assumption that contact is always in the children's interest needs review. Sometimes it is clearly negative for the children.

I would like to see changes to the system so that single parents are protected. Some common sense needs to enter the equation. In our case, the children are thriving in every way. I have told the story of abuse. The children have clearly spoken out about fear of their father. As assessment of the situation should take into account the success of the children with the parent who is taking care of them.

I have a well-documented history of our case details of every contact point. I have the history I provided to the Family Psychologist and the report prepared by the psychologist. I have many other supporting documents. If the details of our case are of interest to the Royal Commission, I will ask my lawyer to apply for permission from the Family Court to release documents to you. Please let me know if this is useful to you.