

RCFV Submission

Question One

Are there other goals the RC should consider?

Yes – to support victims survivors of Family violence through the Family Court System –

Assist and support clients to navigate the whole legal process of – Family Relationship Centres for Mediation before Family court Process.

Assist clients to access legal assistance through Victoria Legal aid for those clients that do not have property to fund enormous legal costs

Provide relevant funds for women to get good legal representation – at present it is an amount of approx. \$12,000.00 for child contact issues only – this is barely enough for two court appearances – it is usually eaten up with getting affidavits ready and responding to the ex-partners legal team who follows the pattern of abuse through the legal system on the instructions of the perpetrators. (90% of the cases the partners have control of the money and women are not able to access any money until property settlement)

EDUCATION: Family law Judges barristers and lawyers to have compulsory training of at least three months on What is Family violence, Long term impact of Family violence on women and children – Same training for FRC staff – Report Writers, ICL and Police.

Women from CALD are treated disrespectfully and made to believe it is their culture and not power and control.

One Report writer told a client that she should not attend women's' support group and that if she was not educated she would have accepted the family violence as 'normal in her culture'.

One women told me yesterday that the interim court orders were made last [REDACTED] and her ex-partner has taken the child only for one overnight stay. She said that she offered to let him see the child on her birthday [REDACTED] weeks ago and he had asked her if it is in the court orders. My client had said no but I am offering you to have her for a few hours. The client said he came to the police station with a gift and gave it to the daughter he had no intention of taking her with him. My client said every fortnight she takes the daughter to the police station for change over and her daughter's refuses, to go. I asked why she is refusing to go – my client said 'he pulls faces at her and pulls her pony tail' then [REDACTED] gets upset and refuses to go. This has been going on for over a year. But he keeps sending her emails and text messages that she is not facilitating a good relationship and encouraging her daughter to go with him. My client is unable to go overseas to [REDACTED] as he won't let her take her daughter and he says he can't keep the daughter as the mother has not encouraged child to stay with him. See how he is manipulating the system so that she cannot go to visit her family. He went overseas in [REDACTED] for 6 weeks. The current legal system is allowing him to control her life through the family court.

Judges at Family court tell the client's 'It is better for you two to come to a settlement about contact than a complete stranger make it for you'. It shows a lack of understanding expecting two people who end up in court due to the Family violence – who cannot communicate on an equal platform to suddenly agree on contact.

Judges 98% percent of the time rely on the recommendations of Family Report Writers – I have come across three good Family 'report writers in my [REDACTED] years of experiences. Family Report writers usually have a social work degree or psychology background – interview women for one hour and the partner for hour – watch the children with the partners separately for 30 minutes and then make recommendations that effect the children for life with an abusive father.

Lawyers/Barristers

The first thing a woman is being told by the lawyer is 'you have to be careful you should not come across as a parent who does not want him to have contact – he can get full custody or shared custody' Straight away the woman is on the backfoot and every decision she makes is based on fear. No one listens to the abuse and violence committed on her and the children – women are forced to agree to 'consent orders' by being threatened that if they don't agree it will go to trial and it will cost upto fifty thousand or more.

So what choice does a woman have? When women tell the lawyers to write down the abuse they are being harassed by statements such as 'he cant be that bad – you married hi – you went back to him-“

Lawyers do not inform women about the Magellan listing when physical and sexual abuse is disclosed. In my experience very often it appears that the women's lawyers are being bullied by their partners lawyers and in turn the lawyers then force the women to accept what the other party is offering without representing the lawyer to the best of their ability.

Report Writers are supposed to read all the material affidavits etc presented to them and then make recommendations – the reports are usually based on the interview without them taking any notice of the Family violence listed in the affidavit. Women are accused of coaching the children and being an alienating parent if the children speak about the abuse to the report writer. This shows lack of understanding the report writer is not taking into consideration that the children have lived in an abusive environment and experienced it heard everything and probably being the carer for the mother when she is attacked – 2008 Family violence Prevention act specifically state what is family violence and how it comes under child abuse when a child is a witness, carer, etc – and yet Family Law solicitors judges and report writers don't seem to be adhere to this.

Report writers tend to believe the men's version of events if they see the man first and then question the women on what the man has said. When children disclose information to report writers women are accused of sharing too much information with the children – once again forgetting the fact that these children have lived through the violence and abuse. Some report writers guardedly express soe concerns over the fathers but still grant the regulation contact o f each fortnight half the school holidays etc without any consideration of the safety of the children and the long term impact of emotional psychological abuse the children experience.

There was one four year old child disclosing to mother very clearly about sexual abuse from the father – no one believed her and she was told that unless her son disclosed they could not do anything. This child was groomed by the father not to tell anything not to go to the doctor etc – Childcare reported concerning highly sexualized behavior reported to DHS RCH was involved and still the father continues to

have unsupervised contact and there are two younger twin girls too. I have asked this client to submit to RCFV.

Education is necessary for these disciplines to understand and work within the guidelines – very often personal beliefs and judgements are made on the women.. FV minimized and 99.9 % women are told when they go to Family court ‘This is not about you and him this is about the father having the right to see the children – take the family violence out of the equation’.

Independent Children’s’ Lawyers

Very similar to Report Writers – these ICLs sometimes never talk to the children or follow up with the teachers counsellors etc – they tend to go along with the Report Writers recommendations – ICL are court ordered to see to the children’s needs and safety but it is not always followed.

Current System

Our current family court system is totally focused on the father having contact with the children – the mothers are compelled to follow court orders and send the children for contact even when the children do not want to or are in fear of the father – the mothers are made to be complicit in advocating contact with the abusive father thereby losing the trust of the child as they cannot understand why the mother is forcing them to go and see the abusive father. The mother is always threatened by contravention of orders where as if the father does not turn up for contact he does not have any consequences.

What the Family Court is not understanding is allowing the children to have contact with the father continues to expose the children to his abusive behavior – it also allows the father to control the mother through the children – the power and control pattern continues - when the children complain to the mother –and she follows up she is accused of not fostering a good relationship

Family court orders recommend both partners attend Parenting after Separation program – these programs do not provide reports and do not accept or validate the family violence. Once again it is to ensure that contact takes place.

What the court is forgetting or not taking into consideration is the behavior of the abusive Father – Because it has not taken FV into the equation and concentrates on the contact – they continue to put the children in unsafe and unhealthy relationships.

Family Relationship Centre- mediation

FRCs are supposed to assess both parties independently and make a decision to see if they are suitable for mediation – my understanding of the process is that when FV has been disclosed they are to be given a certificate stating not suitable for mediation hereby allowing the matter to progress to

This does happen very infrequently – women are forced to attend mediation even if an IO is in place and the women’s safety concerns for the children are not taken into account. Clients are told they can have a support person present – the clients report back that usually the mediators bow down to the pressure of the ex-partner and try and force women to agree to parenting plan which is not suitable for the safety of the children.- How can you mediate with a couple when there is a imbalance of power – the man is used to controlling the system and he continues to abuse her and the children through the legal system which at present allows the man to do it.

POLICE EDUCATION CULTURE – all the well-meant reforms and parliamentary actions for police protocols and process goes out of the window as most Police members do not follow the procedures - Women are fobbed off by statements such as ‘this is not a breach this is about contact he has a right to see the children’ Women give wrong advice by Police to accept undertakings when applying for Intervention Orders or women told to accept cross applications against themselves on the advice that ‘you are not going anywhere near him it does not matter you accept the cross application’ and later on women find themselves defending and responding to made up allegations by her ex and unfortunately in my ■ years of experiences in the FV sector police seem to respond to complaints made against women sooner than when women complain against their partners. One client told me when her ex had abused her in front of her two ■ and ■ years old and then took her car and tried to kill himself in front of their house and he hit a lamp post. The client said the Police member from ■ Police told her ‘take this uniform off me and I am just like him I have just come through a messy divorce so I am not going to charge him but escort him to hospital to get attention’. The client tried to find the members name and was fobbed off by ■ Police. This was ■ years ago.

Police attention to detail comes from the views of the Senior Sgt and FV Liaison officer – if they have a good understanding you find the members provide a better service. ■ Police had ■ in charge and we had excellent results working with the FV team – We would get referrals from the police and we could send women to ■ Police knowing they will be treated with respect and proper procedure. ■ came to ■ and is in charge currently – we have no referrals from the ■ police – clients are not treated with respect to get a response we need to personally intervene to get some attention or action for the women. One of our clients was arrested charged and bailed on the accusations made by her ex without any evidence – this was ■ months ago.

Men call the police on their partners and police seem to take their word for it. One client who had a ■ and was forced to have oral sex pushed the man’s hand away – she said she had a pen in her hand and pushed the pen into his hand – he called the police the police accused her of assault took her out of the house – given bad legal advice she accepted IO not knowing the children were on it who were ■ and ■ years old. She lost her ■ to the father he was allowed to take the boys to ■ – she has no contact with them the elder son is 18 now. The only time she saw the children was when she was going through family court and the report writer. Court order says she can have once a month contact with the children – but they don’t respond. They can’t respond they are with the abusive parent and he controls them too. This woman is ■

■ Magistrate’s Court

There is one Family Violence trained magistrate ■ and we all hope to have her when supporting clients at ■ There is an IO support Legal service provided for applicants and a legal representations for the Respondents through Legal Aid. ■ is the solicitor for respondents – ■ is known to bully partners of her clients she is representing and threatens them with cross applications and also tries to get child contact times negotiated. The Court staff is aware of her behavior as she has been there for a number of years. ■ also tries and intimidates the new solicitors on the IO support program for applicants.

DHS Child Protection Unit – is totally under staffed under funded – Very young graduates straight from University are taken in who has no life experience or understanding of family violence – it has to be a very serious physical or sexual incident for them to investigate – I have made reports and being told by workers ‘it looks like they have different styles of parenting’ when reporting physical abuse from the father to the children.

I feel they should be mandated to be specialist trained and maybe mature people given the jobs – Their work should be on a shift work and also maybe four day week to avoid burnout and support for the workers. Some workers are so burnt out they leave – there is a high turnover of staff.

Contact Centre

Education and specialist trained positions where they are able to give accurate reports of the supervised contact. The underlying fact that applies to all reports is that the father should see the child.

Mothers blamed for not fostering good relationship if the child is reluctant to go to see the father – the child’s voice is completely ignored – all services completely forget that these children have lived in the abusive relationship and witnessed, experienced and lived in fear. The irony is that the family court orders then state parents not to discuss or denigrate each other in the child’s presence! Who is going to monitor this.

■■■■■ Care

Once again court ordered to attend and nor reports given but the women are bullied into agreeing to contact – they talk to the children and force the children to meet with the father when the kids are old enough o understand. One ■■■ year old and ■■■ year old asked the counselor don’t you understand I don’t want to see him – I have told you what he did and you haven’t heard a single word I said. One time they tried to get the ■■■ year old daughter to do supervise visits with the younger children – thereby causing conflict between the mother and older daughter.

Solution for all of the above

There should be a guide Called '**How to navigate the legal system after leaving an abusive relationship - Women's and children's rights'**

It should contain the Role of each service provider the woman has to see i.e. Explain process - what the woman can get from this service her rights. it should be written in simple language that everyone can understand not legal jargon – it should be in all languages.

Police

Magistrate Courts

Mediation Centre

Lawyers

Family Court

Doctors

Teachers

Contact Centers

Mediators

Counsellors

All of the above agencies and Community health centers kindergartens etc should have copies of this guide to hand to women – there should be a process laid out in detail if women don't get the service they should there is a process for them to complain. At present lack of knowledge of their rights is causing them great hardship emotional abuse and loss of money fighting the legal system.

What we have to realize is when you are in an abusive relationship you are isolated and you do not know your rights and entitlements. At present we have booklets from legal aid about how to apply for an Intervention Order – Police minimize breaches as minor or its just wanting to have contact with the children. Examples of breaches should be given. After a breach is reported it can take a few months for the man to be charged and another six months before he goes to court – its like punishing a child after the event. Usually it is a slap on the wrist , good behavior bond or fine –

Perpetrators should be held accountable and responsible immediately – legal system should understand that the women have gone through abuse for a long period before it comes to the attention of the police – it is also an explosion of the ongoing violence that it is reported – it is not the day in and day out verbal abuse and women and children walking on egg shells that is reported. When Police attend it has to be taken seriously and consequences should be immediate – 'not just a domestic' no woman likes to call the

police on the father of their children it is done because they are in fear of their lives. Police don't seem to understand that. Police ask women and children to leave the home – not the perpetrator – the women and children have to leave their homes schools etc rental property is not easily accessible women do not have the money to rent – the vicious circle continues and women are forced to go back to the perpetrator.

I have worked in the sector for [REDACTED] years providing ongoing long term post crisis support. There is no funding for long term post crisis support Focus is always on Crisis and Refuge sector. Refuge system provides support on an average of six months once again due to funding levels. Family court process takes at least two to three years and the women once again are abused by the legal system. I have supported and seen many women who have been humiliated disrespected and abused by the legal system Women from CALD background suffer the most as once again they are told its their culture.

Children are not given a voice at all – but we are told the family court process is in the best interest of the child – lets be honest and lets focus on the safety of the child lets listen to the children and the mothers who only want to protect them.

[REDACTED]
Moible [REDACTED] Mondays and Thursdays