

**From:** Helen [REDACTED]  
**Sent:** Tuesday, November 13, 2018 1:25 PM  
**To:** [REDACTED]  
**Subject:** Discussion paper review of the family law system feedback.

I would like to submit feedback on point 42 proposal 3-4.

This refers to an assessment of 'safety and best interests'.

I believe this focus and wording will lead to an increase in false accusations of both domestic violence and child abuse by mothers against men.

The impact of false allegations on whole families who are the recipients of the false allegations and resulting family alienation should be specifically addressed.

Attempted family alienation by one or other parent is common and needs to be explicitly acknowledged.

With regard to 'safety' In the absence of evidence the Family Court seems to take the position of guilt until proven innocent. In the absence of any evidence it is impossible to prove innocence.

The immediate impact of false allegations about the safety of the children in the other parent's care is usually the father's separation from the children and a protracted adversarial legal process which is expensive and emotionally traumatic. It can result in bankruptcy or suicide. There are statistics available that should be taken seriously. Not all men are abusive and not all mothers are nurturing.

There has to be a better way of handling these complex situations outside of the court room.

In a one off Family Assessment (which can take months to arrange) the children can easily be manipulated by (usually) the mother into thinking that they have to choose between one parent and the other. The emotional damage to the children often takes years to become evident and long term outcomes need to be considered.

In the interests of children there should be mandatory family counselling at the time of separation and when conflict arises. The concept of Safety should also include emotional safety, as emotional abuse of children by their mothers doesn't seem to be addressed in this paper.

In the case of alleged physical abuse where there is no physical evidence and the police do not press charges, any serious accusations need to be investigated and dealt with as a matter of urgency, either by specially trained Lawyers or by highly trained Psychologists appointed by the Court.

Currently there is no voice in the Family Court for the individuals involved to speak to the Judge or to a counsellor, and what results is a protracted adversarial argument by lawyers and/or barristers. With respect, it appears that some lawyers promote conflict rather than negotiation and the best interests of children.

Children should never be forced to choose one parent over the other in custody arrangements. As a psychologist working with children I am aware that when parents separate the children are confused and have no understanding of the implications of the separation. They should not be made to feel guilty or responsible for hurting either parent.

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