

Lobby groups muddy family law

Bettina Arndt

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FAMILY courts have always been known for dirty tricks but recent stories to emerge from Britain show gutter tactics have reached new lows.

A father recently appeared in a UK Family Court, representing himself in a custody dispute.

He made his argument, quoting a judgment sent to him by a well-known fathers' support group.

The opposing barrister pulled him up – claiming the case he had mentioned had never appeared in the law reports. The father was made to look a fool and a conman, and the angry judge warned him he could face up to \$20,000 in court costs.

But when the source of the offending email quoting the forged case was finally traced, it turned out to have been sent by the wife's barrister – who is now scheduled for a court appearance for perverting the course of justice.

Then there was the misleading 2004 document produced by a UK feminist support group for victims of violence – Women's Aid federation of England – which suggested that in the previous 10 years, 29 children had been killed by their fathers as a result of court-ordered contact arrangements.

The so-called research made a huge media splash, leading to the paper being used as ammunition by lawyers arguing against child contact with men with any history of violence.

Appeal judge Nicholas Wall has now released a report investigating the real circumstances of those 29 tragic homicides.

In 18 of the cases, the families had nothing to do with the family court while in another eight cases court proceedings gave no forewarning of the violence. He found only three cases which gave rise to concern but Wall concluded that even here, from the evidence presented, the judges had good reason to allow contact

Yes, we should be very concerned about the risks of violence to children of separated parents.

However, it is disgraceful the way the violence card is played to try to frighten politicians and the public from making proper decisions about the care of children after divorce.

Last year in Australia, amendments were made to family law to support children's rights to contact with both parents after divorce, changes which included extra protection for children from violence. Yet these welcome changes are under attack from women's groups afraid the new laws will undermine the licence given to mothers to shut fathers out of children's lives.

The cries of alarm began long before the changes made it into law. Look at the National Council of Single Mothers and Their Children, which makes clear its position on the irrelevance of fathers with its insulting slogan – "Half the couple, twice the parent".

NCSMC executive officer Elspeth McInnes's reaction to the legal changes was to express horror this would mean "more children will be required to live in two households and families fleeing violence will face new risks and penalties", adding 100 mothers and children were "killed every year by partners and fathers around family breakdown".

Sound familiar? The British homicide tactic rides again.

Many women's groups are very nervous about new Family Relationship Centres set up particularly to deal with children's matters.

The Government has rightly concluded that caring for children after divorce is a relationship issue, not a legal one and that the previous adversarial system was disastrous for children.

But that legal system served the interests of the punitive mother very well since it failed so dismally to enforce contact orders and allowed allegations of violence to be used to deny fathers contact with their children.

Remember the 1999 magistrate's survey which found 90 per cent of magistrates believed false AVOs were used as a tactic in family law cases "to deprive partners access to children"?

Be prepared for more dirty tricks as lobby groups do their best to discredit the FRCs – aided by nervous lawyers who rightly fear that if the centres are successful, fewer divorcing families will use lawyers to fight over children.

Bettina Arndt is a writer and social commentator

<http://www.news.com.au/couriermail/story/0,23739,21154529-27197,00.html>