

NO WAY OUT BUT ONE

This is the story of one American mother who fled with her children from her abusive ex-husband after the Family Courts failed to protect them. She and her children were granted asylum by the Dutch government.

This is now a frequent occurrence in Australia where mothers are forced to flee interstate or overseas with their children because they are unable to obtain protection of their children by Australian Family Courts. One Australian mother is currently awaiting trial in Australia after fleeing abroad with her small son, and being hunted down by her ex-husband in a highly publicised cycle tour of Europe. When found, her son was immediately removed from her care and she was imprisoned without charge in Dutch and Australian prisons for over eight months. Other Australian mothers have been imprisoned for considerable periods of time for fleeing interstate and/or have been ordered to pay full Court costs and/or given hefty fines

which have left them penniless and deprived of contact with their children who have been given over to their alleged abusers. The children continue to disclose and complain about abuse but judges then order that such allegations must not be reported to the Child Protection authorities and the children and the children must not be given psychological counselling for the emotional and behavioural disorders they are exhibiting as a consequence of the continuing abuse. Over recent years, NCPA officers have received numerous referrals of children and mothers in such situations and are trying to help them within very limited resources.

In recent weeks Australia and the world have witnessed through the media how 4 Australian sisters and their mother escaped from Italy to Australia from an abusive father. They did so with the active assistance of Australian Embassy officials who offered to purchase one-way tickets for the mother and children and accompanied them to the airport. The

officials secured seats for them on an earlier flight after concerns the father may arrive at the airport and prevent them from leaving. The father had vacillated and equivocated about giving his consent to their leaving but had finally signed a witnessed document to that effect. This witnessed document was not allowed into evidence to the Court.

At the Court Hearing the mother was abandoned by her pro bono lawyers only hours before the Hearing but was denied an adjournment to appoint and instruct other legal representatives and had to present her case pro se' and with no legal knowledge or experience of Court Procedures, against the assembled legal might of the Queensland State government.

Yet the children were ordered back to Italy by the Australian Family Court and were horrendously physically abused in the process in full view of television cameras and journalists.

This was despite findings by the Court that

the father had "subjected the mother to emotional, verbal, and physical violence" (and inherently the children), that the father had a serious psychotic mental disorder, and that he had violently directly assaulted at least one of the children (euphemistically dismissed by the judge as "authoritarian parenting"). The Court also made findings that the father lied under oath to the Court on two occasions and had 'equivocated' in his evidence on other occasions, thereby rendering much of his testimony as at the most, unreliable. Despite letters and a radio interview by the children stating firmly that they did not wish to return to Italy, despite their fleeing again into hiding with their great grandmother to escape the Court rulings, and despite stalwart resistance by the children at being physically dragged from their home by armed Au Federal Police officers and social workers, the Judge was not convinced of the strength of their feelings at being returned to Italy. Dismissing them as a 'no more than a mere preference'.

Serious questions must be raised regarding the current operation of Australia's Family Courts and their failures in protecting children and their mothers from abusive fathers and ex-partners, the safety and protection of Australia's children is far too important to be determined solely by lawyers and the judiciary on stringent legal interpretations with little thought, concern, or compassion for the future care and welfare of the children.

Charles Pragnell

NCPA National Secretary and Chairman