

Does risk assessment put children at risk?

The Minister for Community Welfare

The State Parliament of Victoria:

Ms Lisa Neville MLA.

A Submission:

The Failure of the Family Courts to Protect Children from Abuse in Custody Disputes: The Inadequate Policies of Child Protection's 'Risk Assessment' Procedures and the Urgent Need for Research on the Impacts of these Procedures on Abused Children and 'Protective Parents'.

By Dr Christine Anne James.

'All that is necessary for the triumph of evil is that good men do nothing'. Edmund Burke

Who am I?

I am a psychotherapist and counsellor in private practice and I have recently launched an online counselling service in response to the increasing number of family conflict and child abuse victims who present for counselling and psychotherapy. I have extensive experience in the issues of family violence and child sexual abuse that dates back to the 1970s. I am currently researching the failure of the Family Courts and Child Protection Services to protect children from family violence, neglect and abuse, especially in custody disputes, for a forthcoming book.

Objectives:

My aim is to draw the government's attention to the inadequacies of the Family Court system and Child Protection Services to properly protect children from incidents of neglect, violence and [sexual] abuse particularly during and/or after custody disputes. It is also my aim to point up the failure of 'risk assessment' procedures used by the Child Protection Service, which includes their failure to act on complaints of child abuse when there is obvious evidence of risk. Further, it is my aim to draw attention to the reluctance of State Governments to properly investigate their statutory agencies when complaints are made against them, in particular when those complaints cite unethical behaviour such as multiple relationships.

A multiple relationship occurs when a psychologist/counsellor/welfare worker/team member or team leader is in a professional role with a person

[1] at the same time is in another role with the same person,

[2] at the same time is in a relationship closely associated with or related to the person with whom the psychologist has a professional relationship, or

[3] promises to enter into another relationship in the future with the person or a person closely associated with or related to the person.[1]

These relationships are common, especially in low population rural areas and they can have a devastating impact on client/professional relationships and concomitant outcomes; they are

also becoming increasingly accepted within the statutory agencies, largely due staff shortages and inadequate training.

Background.

As yet, we do not know the true impacts of the Family Court's dual residency decisions on children and protective parents. There is an acute lack of research on the Family Court experience or the flow-on effects to the Family Court's customers. Not all child abuse cases arise from marriage break-ups. Family violence has increased generally. The focus here moves beyond the status of relationships to the issues of 'risk assessment' carried out by Child Protection and/or the Courts, both of which are deemed inadequate for protecting children from abuse because

- [a] Child Protection Services utilise a minimum intervention standard
- [b] the voice of the child is insufficient to satisfy the legal processes
- [c] while there is one parent perceived able to protect a child, the child is not considered to be at risk. This policy is particularly problematic in relation to Family Court Orders demanding dual residency.

The increasing number of reported abuse cases to the Child Protection Services and the disproportionate number of cases brought to justice prompted this inquiry. To this end, an article by the writer was posted on the National Forum for a response. [The article is included as part of this submission]. The initial responses yielded

- [a] a continual bias towards women seeking protection for their children
- [b] a lack of information regarding the Family Law and Child Protection procedures

[c] a belief that child abuse was adequately dealt with by the authorities, or

[d] figures and incidents of child abuse were manipulated.

Clearly, although this represents a small sector of opinion on a public forum these responses are of concern. They also give credence to similar findings from research carried out overseas.

The Family Court and Dual Residency.

There is strong evidence both in Australia and overseas to demonstrate the inadequacy of the Family Court and the respective statutory agencies to properly protect children against family violence and sexual abuse, especially that taking place in or after custody disputes. In the US the problem is so serious that women are mobilising across the states to lobby governments into changing the laws of dual residency to better protect their children. With the help of the Internet these women are also seeking international support for a problem that has no boundaries. Child abuse is global as is the system that seemingly gives preference to the demands of persuasive adults over and above decisions made in the best interests of the children and 'protective parents'. Australia is the second largest consumer of child pornography in the world[2]. Although child pornography is illegal in Australia and much time and money goes into catching and prosecuting participants; there is no mechanism in place to prevent an alleged child pornographer from having children in a dual residency arrangement. Similarly, violence against children must be proven before children are removed, notwithstanding the risk. One might argue that until proven guilty a parent should not be disenfranchised. However, there is a grey area in law whereby children are left in limbo and placed in extreme risk of being neglected, abused and sometimes killed while due process takes place. The decisions aimed at

sharing child rearing responsibilities are meant to protect children but in fact they are an oxymoron.

In 2006 the United Nations produced a devastating report on the increasing incidence of child abuse worldwide. It prompted Professor Fiona Stanley to claim that one in five people are unfit to be parents:

'The report does not contain any new or startling revelations. As a community, we have been aware for some time that many children suffer in silence at the hands of people they know and should be able to trust, in the places they should be safe: schools, neighbourhoods and homes... We know the problem affects many more children than are captured in official estimates. This is alarming...' [3].

As Stanley says, we know the problems but fail to act to protect our children.

Child protection is a shared responsibility; it is a Federal, State, Local and Global problem. With this in mind all governments needs to be fully cognoscente of what is happening in their agencies and the impact this has on children, parents and society at large.

Protective parents.

The problems associated with custody disputes and dual residencies are not unique to Australia. The US lobby group calling for change to the dual residency laws is known as *Protective Parents* and their struggle is much the same as that experienced by Australian parents who have difficulties protecting their children from an abusive partner in the context of the Family Court's dual residency and the 'risk assessments' carried out by Child Protection Services. Since the Family Court's decision to impose dual residency on the children of divorced parents there has been a growing increase in the number of child abuse cases reported but not acted on by government agencies. The failure to act is largely due to the 'risk assessment' procedures, which are intended to minimise any government action despite the 'risk' posed to children deemed to be at 'risk'. Women [and men] in Australia have not yet been able to mobilise support at the same rate as their US counterparts and the Federal Government's Discussion Paper on child abuse, *Children Safe and Well*, released in May 2008 - which is expected to lead to a national framework for dealing with child abuse - has not taken into account the particular problems arising from custody disputes. An article written by Dr Chris

James titled *Why is child abuse acceptable in Australia?*, and posted on the *National Forum* on the 22nd October 2008 revealed an alarming complacency on all the issues relating to child abuse as well as a misplaced trust in government agencies to solve the child abuse problems. One comment posted even went as far as suggesting that all children have bad experiences; they simply have to get over it.[4] This is not an uncommon response and it is 'simply' not acceptable. We need to do more to educate the public on what constitutes abuse and we need to ensure we have the proper mechanisms in place to fully protect our children.

It would appear that child custody cases have now become the core business of the Family Court whereby the Court has become an integral part of the child protective services.[5] This in turn has significantly increased the traffic in the Family Court as well as the revenue; but it has left the children of many divorcing couples at risk of being abused and neglected. This situation leads to constant litigation, enormous stress and it often bankrupts the parents. This cannot be good for the children. It is not just a problem for the Courts and parents but also for the community. In a small regional town in Victoria one mother was so desperate to protect her children - having tried all other avenues - she pasted photographs of her children's injuries to the back window of her car and left it parked in the main street. Although the identity of the children was concealed everyone in the community recognised the children by identifying the car. This act put mother and children in obvious danger of a revenge act but when asked about the danger she responded by saying her children were in danger anyway. There was nothing else she could do. The way this mother saw it, saving the life of her children was more important than humiliation. The mother said she has already lost one child to suicide, which she believes was due to an inappropriate departmental decision, and is desperate to make sure it doesn't happen again.

This incident is not unusual, there are case studies being gathered across the Western world on the failure of Family Courts and statutory agencies to protect children. They are available on the Internet and in journals. The topic is now open for public debate.

Why is Child Abuse an Accepted Norm in Australian Society?

Article by Dr Chris James posted to the National Forum October 22nd. 2008.

Early in 2008 the Australian Government embarked on the task of creating a NATIONAL FRAMEWORK FOR PROTECTING AUSTRALIA'S CHILDREN. The government's discussion paper Australia's Children Safe and Well was released in May 2008[6]. This followed public outrage over the growing number of child abuse cases that included the rape of a 4 year old girl in Perth by a babysitter;[7] a father who was accused of drowning his children by driving them into a dam in Victoria[8] and numerous accusations of sexual abuse carried out against students in religious schools by clergy across Australia, some resulting in convictions. Teachers in states schools have also been prosecuted for sexual misconduct. Then there was the case of a 2 year old girl found to have a sexually transmitted infection as reported by the ABC on the 17th July 2008[9]. This is not even the tip of the iceberg. Almost every week the media seem to report another horrific case of child abuse, murder or neglect. It is impossible to accurately pinpoint the number of child abuse cases in Australia. Moreover, what is generally considered to be child abuse is sometimes culturally bound and viewed as normal behaviour. The only information about 'the incidence or prevalence of child abuse in Australia is usually collected via a large survey of the population... 'Prevalence' refers to the total number of children who have experienced abuse or neglect at some point in their childhood. 'Incidence' refers to the total number of children who experienced abuse or neglect during a specified time period' [10]. The most accurate indicators of child abuse and neglect in Australia are said to be those statistics compiled by the Institute of Health and Welfare, which refers to the number of reports of suspected child abuse and neglect that are made to the statutory Child Protection Departments. In the past five years these figures have risen by an estimated fifty percent from 198,355 in 2002-03 to 309,517 in the period 2006-07. Out of this number only 58,563 reported cases were deemed serious enough to warrant statutory intervention[11]. This staggering difference between reports to Child Protection and action from Child Protection has raised a number of questions.

From a community perspective, what appears so shocking is the increasing number of cases where children die and the fact that Child Protection, state-wide, have been forced to

acknowledge that they knew the abuse was happening but had not acted to remove the children. The public, understandably, want to know why. What is Child Protection doing? The Howard Government acted to intervene in the lives of Aboriginal children in the Northern Territory but they failed to call white families who abused their children to account. Is this meant to infer that white people do not abuse children? Or is the abuse simply to be treated as acceptable? Do white people have rights over their children that Aboriginal people are not entitled to?

Family Unity and Family Law.

Child abuse issues are complex. Accusations and definitions of child abuse take place in a climate of uncertainty. When claims of child abuse are made assessments and decisions seem to straddle a wide and varying system of values. Against this backdrop many people feel that a conservative backlash has left their children vulnerable. Conservative politics prioritise family unity regardless of whether there is parental conflict or how this might impact on children. This view is underscored by the Family Court decision to order dual residency for children when their parents divorce. Whether dual residency is aimed at giving both parents equal access to their children or whether it is a way of minimising the welfare budget is open to question; but it does appear to have brought distress to a number of children, especially when there is ongoing disagreement between parents. One American Psychiatrist puts it this way:

'Up until recently, custody of a child was determined by a legal doctrine which made its key issue the "best interests of the child." However, since the advent of joint custody statutes, courts have been forced to award "custody" jointly to both parents in divorces. These joint custody statutes came about as divorced fathers began agitating to have a say in their children's lives, to fight their children's being cut out of their lives by ex-wives. Unfortunately, these statutes did not fit reality very well: children still remained mostly in the home of one or another parent. So family courts began recognising "physical" and "legal" custody. Unfortunately, there is a legal parallel for this. It's called real estate law. In real estate one can have a legal title to a piece of property while someone else has a legal right to use the property. Examples include landlords who may not evict tenants as long as the tenants are paying rent and banks who may not foreclose while the home-"owner" is keeping the mortgage paid up. Persons are said to

have “legal title” (it’s technically their property) or “equitable title” (they have a right to use the property). In family law, there is “legal custody” and “physical custody.” [12]

Children as Property.

The family represents the foundations of human society. This relationship between parents, children, and the state is arguably the most enduring even though it changes its form over time; this core dynamic remains the bedrock of society. However, the family is deeply embedded in the values and norms of the society and these are not always conducive to children’s interests if there is a dispute.

Until quite recently the operations of the family have taken place in private. Family conflict was resolved by the family head; the male breadwinner. Children were the legal property of their fathers until it was realised that it was women who passed on the moral values. The state was then forced to consider giving aid to the poor but respectable mother[s] in order to keep their children from going astray and thus undermining the very fabric of society. This gave birth to the modern welfare state and in particular the child welfare system. What followed in the judicial custody disputes was an unwritten law that gave preference to the mother’s established role. After a divorce it became almost universally accepted that mothers were the best carers of children. However, as we all know, and as the authorities soon discovered, there are good and bad mothers just as there good and bad fathers.

Around the mid 1970s there was a major shift in thinking and custody laws sharply reversed the mother’s full time custodianship and introduced dual custody. Child abuse figures rose, there were many more cases of neglect. Offences were often carried out by non-biological parents. There were also other social factors precipitating abuse. Social and moral mores were relaxed. There was an increase in leisure time, whereby the media and various forms of entertainments all contributed to changing values, as did the use of alcohol and drugs.

As the problems increased so did the need for social workers and behavioural scientists. Demand outweighed supply and educational requirements for these professionals were also relaxed. Scientific testing was introduced so too was the notion of ‘risk assessment’, which sees children remaining in the care of abusive parents.

Policy before Prevention.

The tendency to keep children in the care of abusive parents suggests we have not moved from the old adage that children are the property of their parents and the owners of property have every right to do with that property what they wish.

The chances are if you, as a citizen, doctor, nurse, teacher, child-care worker, or parent are reporting a case of child abuse you will come up against a policy of 'risk assessment'. 'Risk assessment' effectively determines the level of 'risk' to the child on the basis of whether there is an active, protective person able to minimise or placate the 'risk'. Having a protective person who might minimise or placate the 'risk' is seen as more applicable to the preservation of family life, than removing the 'risk'. It is referred to as 'minimal intervention'.

In this way, 'risk assessment' frequently sees one parent weighted against the other in terms of who poses the 'risk' and who will placate or minimise the 'risk' and offer 'protection'. The problem with this is the protective person is not always there to protect the children. What then? Further, the danger to the children is likely to be exacerbated because the system has set up a duality whereby the more the protective parent protects, the more the abuser is likely to abuse. Over time, the intensity of this conflict causes each party to become obsessed with their role. This obsessive-compulsive behaviour can get played out with tragic circumstances.

This policy of 'risk assessment' and 'minimal intervention' can be put down to two aspects of bureaucratic operations; a methodology that preferences expediency on the one hand and a lack of understanding of the issues of child abuse on the other; the latter being due to poor education and little or no experience. It can also be put down to the acceptance of certain levels of violence within our community and our culture.

When is Violence Acceptable?

When is violence against a child acceptable? When a child is punched in the stomach and the professional says, 'that's not much of a bruise'. The child reacts immediately to such a statement with feelings of low value [worthlessness]. In reality, the child may have experienced similar bruises over a period of years. The child has almost certainly been terrified of being hurt by the abuser. The child is probably suffering insecurity and post-traumatic stress - but if the severity of the injuries do not overtly appear as life threatening and/or there is a protective parent [other] waiting in the wings - the child is not deemed to be at 'risk'.

In their submission titled *From Partial Analyses and Fragmented Services to Comprehensive Analysis and Coordinated Outcomes: Responding to Child Abuse and Neglect in Australia*, the Australian Childhood Foundation [ACF] raised questions about the difference between the Department's assessment of child abuse and what was actually required to keep children 'safe and well'.

'Every child has a right to live in an environment that fosters his or her physical emotional, social and spiritual development, from a child protection perspective this entails stopping abuse and neglect when it has occurred and preventing future abuse and neglect from occurring. This also entails ensuring that every child is provided with a sense of security and attachment and the basic essentials including education and suitable accommodation'[13].

It will require a paradigm shift to bring this about. Have we as a nation the will to truly protect our children? In the meantime, should we assume that either parent applying for custody is going to be a good parent? Should mother's have more rights over very young children? At what point should the state intervene? Finally, as the Courts will almost certainly relinquish their role in family disputes in favour of the scientific methods of testing, how will the public know if the best interests of their children are being served?'

Comments.

Comments posted on the National Forum site are anonymous. However, it is obvious that many of the posts that came in response to the above article were from disgruntled males who believed their rights were being undermined. However, both men and women can be hampered from properly protecting their children under the 'risk assessment' policies currently in place. It can be much harder for men to ask for help in these circumstances because society still engages in gender stereotypes. From the women who participated in the forum there were clear pleas for help to save children from an abusive parent. The mothers were typical of those who enter into lengthy and debilitating battles with the Courts and Child Protective Services in order to protect their children. One of the features of this kind of lobbying for justice is that it presents as obsessive/compulsive behaviour. This is a natural response to fears. The desire to protect the children becomes so overwhelming that it consumes every aspect of a person's life. This is not good for the parent and not good for the children, amongst other things it can lead to severe forms of anxiety based depression. Given that we are dealing with depression in epidemic proportions, and while the evidence is sketchy, it is not unusual to find clients who have triggered their diagnosis in circumstances that involve the Family Court or Child Protection Services. Neither of these agencies are equipped to diagnose such a problem, neither are they nurturing or perceptive of the consequences that might occur.

The US Experience.

At present every Australian woman [or man] going through the 'protective parent' dilemma is a lone voice. This is not the case in the US.

This is the Home Page of *Protective Parents* in California and we should expect a similar response here if the laws are not changed soon:

'If you are a mother who has lost her child to an abuser in a ruinous custody battle, I am so sorry. I understand the pain and trauma you're going through'.

'You aren't alone. A group of women in Northern California founded California Protective Parents Association in 1998. Since that time we have received up to 10 phone calls per day. Nearly all our calls are from desperate women struggling against the family court, unable to protect their children. Once in a while we receive a call from a father trying to protect his child from abuse. While men in a similar circumstance are rarely attacked by the courts, they are also unable to protect their children. However, the court responds to women attempting to protect their children from an abusive father with a knee-jerk reaction, assigning gender-biased labels to women to minimize or ignore the abuse in a reckless disregard of the safety of the child'.

'California law mandates that parents and professionals charged with the duty of child protection report and properly investigate child abuse allegations. When a mother reports abuse as mandated by law, the system turns on her and her child, violating its own laws and betraying the child. If the mother fails to report the abuse, she may be criminally prosecuted for "failure to protect." This creates an intolerable situation for a child at risk and the parent with the duty to protect'.

'There are those who say family law court is broken. I disagree. I believe that family court is working exactly as it is intended to work: as a multi-billion dollar "industry". Those working in family court whose livelihood depends on litigation lose their economic base when litigation ceases. This creates a perverse financial incentive to create ongoing litigation, rather than to resolve a case for the safety of a child. The phenomenon of fit mothers losing custody to an abuser occurs because the court capitalizes on the innate instinct of a mother to protect her child. Her ongoing fight to rescue the child creates litigation that pays the salaries of all those involved in the litigation.

A lot of Australian parents will identify with this post from the US. The post goes on to detail some of the strategies being taken to bring about changes:

*'**Expose**, The Failure of Family Courts to Protect Children from Abuse in Custody Disputes is a publication describing this escalating national tragedy. The opening chapter is written by Louisiana attorney Richard DuCote. He states, "After twenty years in family law courtrooms throughout the country, I confidently say that no woman, despite very abundant evidence that*

her child has been sexually molested by her ex-husband or that she has been repeatedly pummelled by the violent father of her child, can safely walk into any family court in the country and not face a grave risk of losing custody to the abuser for the sole reason that she dared to present the evidence to the judge and ask that the child be protected.” (page 11) Expose can be ordered through Our Children Our Future Charitable Foundation at ocofco@aol.com’

You may be told that you have to “accept” the court’s decision when your child is placed with the identified abuser. No moral citizen should be expected to accept what is wholly unacceptable: the wilful sacrifice of a child to a life of rape and/or battery.

On our website you will find information, case histories, articles, resources, research and links to other websites. You will also find ideas, a growing community of protective parents, friendships, and a glimmer of hope in this dark world in which you find yourself [Anderson 2008][14].

The website is www.protectiveparents.com

Limited research.

In 2003 Alison Hay of *Child Consultant Relationships WA* wrote a paper for the *Child Sexual Abuse: Justice Response or Alternative Resolution Conference* convened by the *Australian Institute of Criminology*, Adelaide, in which she points to the increase in child abuse reports following the dual residency decision of the Family Court. Hay begins by highlighting some of the difficulties facing the Family Court in relation to detecting and acting on family violence and child sexual abuse: *‘Cases before the Family Court involving allegations of domestic violence and child abuse are often difficult to determine. Often they may not have been substantiated but this does not mean that the abuse has not occurred. Frequently discussed in the literature is the inherent difficulty in discovering the truth where allegations are contested and where it is very difficult to obtain corroborative evidence that can support the allegations of the parent or the purported disclosure of the child... Domestic violence and abuse are by their very nature maintained through secrecy... Problems in relation to child sexual abuse make it harder to prove than any other crime. Cases involving young children are especially problematic because they do not have the linguistic skills or knowledge to articulate precisely what happened in an adult like way that is often expected by the evidentiary standards of the legal system’[15]*

The lack of skills Hay speaks of can apply equally to intellectually disabled children [children with autism and other developmental/learning difficulties] and indeed, to many children who are suffering from post traumatic [di]stress: A distress often exacerbated by Court and statutory departmental procedures. In most cases there is no clinical evidence of abuse but even when there is visible evidence and corroborated reporting it seems impossible to get anyone to act to protect these children. What is more, Child Protection are seemingly not required to act to protect children under their current 'risk assessment' procedures. In recent times it has been left to the media to highlight the plight of abused children. What are Child Protection Services doing? Are they there to make people believe they have rights, which in reality they do not have?

Family Court Procedures.

There are two methods by which children participate in Court and residency decisions, the first is where the children can be separately represented [SR] and this often happens in cases where abuse is alleged. Importantly, as Hay tells us the Representative 'is not bound to advocate for the child's wishes in the same way a lawyer is bound to follow the wishes of an adult client.[16] Hence, we have to ask is this really representation or is it a farce? The second method for children to gain representation is through family reports usually carried out by a Court designated 'expert'. Again, this usually occurs when there are allegations of abuse and there is no guarantee the 'expert' will not bring to the task his or her own bias. For example, is it appropriate for a male 'expert' to interview a girl child on issues of male inflicted child [sexual] abuse? What impact does this have on the child? Notwithstanding, given the limited options the latter option is the most likely option for an outcome in the child's best interests. It is not a great recommendation for children's justice.

What is lacking is any sound research on these outcomes. The question needs to be asked; Do these 'experts' who assess in the context of the stressful environs of the Family Court add to the trauma the child has already suffered. Moreover, what impact do they have on the children's best interests? Further, is the voice of the children and parents really heard?

Hay outlines some of the question needing to be explored in Family Court disputes. They are as follows:

- The experiences of children and their protective parents in being assessed for Family Court cases where there are allegations of abuse.
- The ways in which Family Law supports and conflicts between the rights of parents and children to have access to each other; and 'in the best' interests of the children.
- The way in which Professionals understanding of, and attitudes towards family violence impact on the child and protective parent.
- The way in which the Family court assessment process silences and/ or makes space for the voices of children to be spoken, heard and acknowledged.
- The perceptions of children and protective parents regarding the effectiveness of child Separate Representatives and court Experts as mechanisms for children to participate and have a voice in Family Court proceedings in Western Australia[17].

It should be noted that the Family Court in Western Australia, where Hay's study took place, is separate from the Family Court of Australia; it operates independently although there are many similarities. There are also some findings that are universal in character. For example, Hay found that the right of the child to feel safe was missing in the Family Court procedures because the 'protective parent' was over ruled by Court Orders; 'the children not only had to deal with the abuse of a more powerful parent but the abuse of a more powerful system'. [18] Hay concludes the primary customers of the Family Court in relation to residency and contact are the children; yet, the decisions seemed to be based on adult perceptions of what is best for the children. The Family Court was not set up as a child protection agency but increasingly people look towards to Court to fulfil this role. An inherent difficulty relates to the legal process and 'the translation of personal histories of violence into a legal discourse'[19].

Conclusion.

It would be quite reasonable to assume that the Family Court system is overwhelmed and breaking down, that the child Protection Service have constant staffing problems that stand in the way of excellence; that Federal matters should not be the work of State Governments; that fathers and mothers should have equal rights despite the damage caused to their children, so on and so forth. There is no justification for the climate of abuse that is inherent in the Australian

system. It is not new. It is not the result of a changing socialisation as the use of family statistics would have us believe. Violence is inherent in the patriarchal nuclear family. This means there are a multitude of problems associated with protecting children but the fundamental one presented here is the nature of 'risk assessment'. What is meant by 'risk'? If a child is at 'risk' then the 'risk' should be immediately removed for the sake of the child's welfare. Not removing the risk is not in the child's best interests. This is not protecting the child. Therefore the entire concept of Child Protection Services is a misnomer. This is very misleading to the public at large. Such anomalies do not inspire public confidence in government and therefore they need to be urgently addressed.

[1] American Psychological Association www.apa.org Accessed 22nd October, 2008.

[2] Coalition Against the Trafficking of Women.

[3] Fiona Stanley <http://www.abc.net.au/am/content/2006/s1764121.htm> Accessed 22nd October, 2008.

[4] James C *Why is child abuse acceptable in Australia* posted on the National Forum 22nd October, 2008, see 'Comments'.

[5] Brown T, Fredirico M, Hewitt L Sheehan R [1998] Violence in Families Report No. 1 The Management of child abuse allegations and access in custody disputes before the Family court of Australia Monash University Australia p101.

[6] *Australia's Children Safe and Well* <https://fac.dhs.vic.gov.au/home.aspx?tabid=11&newsid=387> Accessed 14th October, 2008.

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Published by the Australian Institute of Family Studies

ISSN 1448-9112 (Online) <http://www.aifs.gov.au/nch/pubs/sheets/rs1/rs1.html> Accessed 14th October, 2008

[11] C Goddard et al *Children's Sense of Safety* Australian Childhood Foundation
p13. www.childhood.org.au Accessed 14th October, 2008.

[12] Edward S Hume M.D. J.D. http://www.pshrink.com/chinadopt/Children_As_Property.html

[13] C Goddard et al *From Partial Analyses and Fragmented Services to Comprehensive Analysis and Coordinated Outcomes: Responding to Child Abuse and Neglect in Australia*, the Australian Childhood Foundation www.childhood.org.au Accessed 14th October, 2008.

[14] Anderson K Protective Parents California director@protectiveparents.com

[15] Hay A 2003 *Child Sexual Abuse: Justice Response or Alternative Resolution Conference* convened by the *Australian Institute of Criminology*, Adelaide, p2.

[16] Chisolm 1998 *Children's Participation in Litigation*. Paper presented to the third National Family court conference Melbourne, p 5

[17] Hay A 2003 *Child Sexual Abuse: Justice Response or Alternative Resolution Conference* convened by the *Australian Institute of Criminology*, Adelaide, p2.

[18] Ibid.

[19] Ibid.