

MEDIATION CENTRES IGNORE DV.

Mediators have a job to perform. That is to get the parties to mediate, to work out their differences and to settle. It seems that this is being done by underhanded tactics in some cases. In one instance a mediator locked the door and said if the mother did not sign final orders for 50/50 share residency - they would think he was doing a bad job - he would lose his memory and say she was unreasonable and unwilling to foster a meaningful relationship with the father, about whom, the mother had genuine fears due to ongoing domestic violence towards her and the children of the marriage.

This is not far removed from the a situation where a protective parent was placed in a conference room at the Family Court and threatened with the withdrawal of legal aid and the prospect of losing residency of their child then and there unless they signed 'consent orders' allowing liberal contact with the alleged abuser. This sort of pressure is not uncommon.

It seems that pressure is being brought to bear on protective parents to co-operate in order to obtain a satisfactory result, satisfaction being determined as with any government agency as outcomes that suit current expectations at minimal cost. Legal aid is not granted to a parent who does not 'co-operate' or is seen as being obstructive, regardless of the reasons.

With the bent now being firmly towards shared parenting, this insistence on 'co-operation' or risk being labelled as unreasonable and thus losing residency altogether, will be used to further strengthen claims that all claims of abuse are false. Therefore by default the notion that abuse allegations have always been false, used as a tool by mothers to maintain residency, will be strengthened and the ability of a protective mother to keep her child safe will be further eroded.

Unfortunately, as can easily be seen by the statistics that are gathered from adults who come forth to various agencies, abuse does happen and most frequently happens in the home. It is also noteworthy that when child abusers are actually prosecuted, their victims are often now adults, able to bear up to the strain of a court hearing. The same acceptance of abuse towards children is also easily accepted by judges and welfare workers when people seek to mitigate crimes and misdemeanours by claiming childhood sexual abuse. It seems impossible to reconcile the current view of the Family Court, its Child Representatives, mediators and other 'professionals' that abuse does not happen with the increasing number of people who report instances of interfamilial abuse, once they are independent of the abusers influence.

My concern is the sudden increase in the number of cases with a share residency end result, even where there are allegations of abuse and violence - will be taken to mean that abuse allegations were always false. This will further erode any hope that a protective parent will have of keeping their child safe.

The Family Courts inability to investigate claims of abuse is well documented. Of even more concern is that mediation centres have an even further reduced ability for investigation of violence and abuse claims, even though it is expected that centres will also be dealing with cases that include domestic violence. There is no comfort in the promise that where the presence of family violence exists parties are to be exempt from

mediation process. Agencies at this moment ignore domestic violence and child abuse claims once the matter is embroiled in the Family Court arena, stating that the claims cannot be substantiated, or simply a ploy by a parent to exclude the other. If there is no recognition of violence, then the parties must attend mediation. The mediation centres, due to monetary pressures, and lack of investigatory powers or special funding for such work, will no doubt quickly follow the standard path, giving no options for protective parents than to agree to shared parenting, regardless of violence issues, and then should they fail to enforce contact by a reluctant child face the very real prospect of jail time.