

Broken bonds: catalysts for family disputes

HELEN GREGORY

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THE now instantly recognisable photo of smiling, impish Kyla Rogers pushing a pint-sized trolley does not allude to her untimely fate.

In a horrific crime that shocked the country, five-year-old Kyla died in a triple murder and suicide two weeks ago at the hands of her father.

Unfortunately, her tragic story is not the first of its kind.

Darcey Freeman and the three Farquharson brothers will also forever be remembered as children whose lives were cut short by their estranged fathers.

A judge concluded that Arthur Freeman threw four-year-old Darcey from Melbourne's West Gate Bridge on January 29, 2009, in an attempt to hurt his former wife "as profoundly as possible".

He was jailed for life in April with a non-parole period of 32 years and is appealing against his sentence.

Robert Farquharson was jailed for a minimum of 33 years for driving his car into a dam and drowning his three sons near Geelong on Father's Day, September 4, 2005.

The judge said Farquharson had resented that his estranged wife had started a new relationship.

But the theory of parents killing their children out of revenge or to punish a former partner is not always appropriate, according to Newcastle psychologist and board director of Calm Solutions, Dave Nagle.

He said the main reason behind child homicide was a build-up of prolonged stress.

"The catalyst is absolute helplessness, that there is no way out," he said.

"If mental health deteriorates and they don't seek help, they think themselves or others will be better off dead than going through the stress or pain of what they are going through."

Interrelate director and family therapist Dr Jonathan Toussaint agreed.

"They just reach the end of the line, the end of their tether in sheer desperation," he said.

"They act out on their frustrations."

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EWCASTLE barrister Carl Boyd has 23 years experience in family law and suggests that parents who kill their children often feel a lack of control over their circumstances.

Boyd said many child homicides occurred within six months to a year of separation and at a time when a father had access to a child.

"But the access doesn't happen at their whim, it's mother or court-directed," he said.

"These people doing the tragic things fight to see the kids and suddenly they discover it's not the pattern they want.

"It's not going to change for years and they're not going to put up with it.

"So it's about a loss of control, not a court order.

"After a Family Court order they realise they are no longer in control."

But to focus solely on men who kill their children would be only half the story.

The Child Homicide in NSW 1991-2005 report, which was published in the Medical Journal of Australia 2009, categorised child homicides as retaliatory killings, homicide during psychotic illness, deaths arising from child abuse, fatal sexual assault, teenage homicide, infant homicide and other child homicides.

From 1991 to 2005 there were 30 child homicides that seem to have been motivated by some form of retaliation. Ten men and seven women were responsible for the 30 deaths.

Men's Health Australia researcher Greg Andresen said the difference of three was "not statistically significant" and showed women were almost as likely to kill their children out of retaliation as men.

Gabriela Garcia, 35, jumped off the West Gate Bridge with her 22-month-old son Oliver strapped to her chest on June 4, 2008, six months before Darcey died in the same place. Garcia said in suicide notes that she feared losing custody of her son, although Oliver's father denied any intention to seek custody.

Former Gosford resident Allyson McConnell was charged in February last year with murdering her two sons in Canada and will stand trial in a Canadian court next year. She was involved in custody proceedings with the father of her children at the time of their deaths.

“There's a deeply held and cherished belief that mothers are caring, intelligent human beings that would never hurt their kids,” Andresen said.

“By and large that's true, but it's also true of fathers. Exposing cases of mothers killing their kids threatens that belief.”

Nagle said men committing child homicides received more media attention because they were usually more violent in nature.

“So the cause of death or injury is something quite extreme,” he said.

“Whereas women might be more passive in their killing and a mother may smother a child, it's different to a father throwing a child off a bridge or driving into water.”

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Despite the wide coverage of these tragic incidents, child homicides are rare.

The very small number of separated parents who kill their children lie at the extreme end of the spectrum.

But what about the rest, who don't harm their children and live with their anguish every day?

Researcher Andresen said men often suffered worse outcomes than women after relationship breakdowns. Not only were they less likely to receive custody or have access to their children, they were more likely to have difficulty in talking about what they were going through.

Nagle said it was common for men to experience depression after a separation.

“For a father that male behaviour of not seeking help exacerbates that depression,” he said.

“There is a risk of self isolating or using alcohol as a form of medication.

“It's the same as men not seeking a GP for their own medical health, the same goes for men not seeing a psychologist or GP for mental health support.

“It's a cultural thing for men being able to care for their own needs and a social development that men who seek mental or psychological support are seen as weak.”

While a woman may have a wide network of friends in whom she could confide, a man may only be able to speak on a deep, emotional and personal level with their partner.

Interrelate director Toussaint said the traditional male code of not showing feelings and keeping a stiff upper lip was still very much in existence.

“They're pretty good at covering up their feelings, but deep down it can be really painful,” he said.

“Men are human and they have emotions, even if they may not show them as readily as women.”

Interrelate hosted a three-day workshop at its Newcastle office from May 17 to train 20 counsellors, psychologists, contact centre workers, men's group leaders and mediators about how to engage better with men by changing the words they use and through activity.

Dads In Distress Support Services chief executive Barry Guidera said most fathers suffered silently after a relationship breakdown, in desperate need of someone to listen.

In reality, most fathers did not harm their children but instead harmed themselves and contemplated suicide.

“They've done everything in some cases,” Guidera said. “They've gone through anger, frustration, desperation and depression – which can lead to suicidal tendencies. It does get too much and if they can't see their kids they feel there's no longer a reason to live. If we can intervene we can show them the main reason to stay alive is for their kids.”

Toussaint said a man's identity was often very much intertwined with his role as a father and husband.

“So [after separation] there is a loss of role, a loss of identity, disenfranchised grief and a loss of intimacy,” he said.

“They're issues that often drive a man to take extreme measures.”

This can include demonstrations such as former soldier Michael Fox's protest this month on the Sydney Harbour Bridge, which forced the closure of the Coathanger and caused major traffic delays.

Just before 5am on May 13, Fox pulled up in a hired truck and used a ladder to climb over the security fence. He then scaled the bridge to unfurl two hand-written banners reading Plz help my kids and Kids first.

It is understood Fox's marriage had broken down and his three children are in their mother's custody. He had last seen them 70 days before his protest.

"This is not the act of a desperate man; this is the act of a determined man," Fox told the court.

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ACCORDING to the Australian Bureau of Statistics, there were 47,963 divorces granted in 2007, with 49.3 per cent affecting children under the age of 18. There were 44,371 children affected by divorce in 2007.

Barrister Carl Boyd said some dads felt they faced a losing battle for custody of their children even before they stepped into a court room.

A mother may make false allegations of child abuse or take out an apprehended violence order. In other cases, feelings of helplessness may start with not being entitled to legal aid and facing legal bills that could run into thousands of dollars.

Boyd said this hit men who were the "working poor", with no assets or property, particularly hard.

"They've been breadwinners during the whole relationship and that makes it hard for them to say 'I was contributing equally to the nurturing of the children'," he said.

Boyd said an inability to continue to fund a fight through the court – which can take more than a year – was just one reason why 90 per cent of contested applications were settled by consent out of court.

Boyd said that in some cases involving what he called "a campaign of alienation" by a parent, men had to make a decision to walk away from the process and hope their children wanted to contact them later in life.

"It's very brave and very tough and often the best thing to do," Boyd conceded.

"I think it's naive to think parents will apply the question of the welfare of the children absent of animosity of the other parent."

Couples are required to engage in dispute resolution with a government-funded agency before Family Law Court proceedings begin. Fathers may be told at mediation that their circumstances – for example, a long history as a shift worker – do not count in their favour.

Inside the courtroom, the independent children's lawyer might indicate they are going to support the mother.

A judge or magistrate might hear the evidence of a court-appointed expert including a psychologist or psychiatrist first, instead of last.

For many of these reasons, fathers may decide they don't have a hope of winning a case and bow out.

Boyd said of the 10 per cent of cases that did go to trial and a final hearing, the rulings generally divided custody time equally between mothers and fathers.

The 2006 amendments to the Family Law Act of 1975 intended to give a child equal time with both parents if it was in their best interests and where parents already shared parental responsibility for important decisions.

But Boyd said the amendments to the act created some problematic side effects.

Some fathers assumed they would automatically be awarded equal time to spend with their children, while their circumstances might dictate otherwise.

In other cases children were fed up with the arrangements after four or five years and wanted a base to keep their property and a more stable routine. If their parents lived far apart, spending a week with their mother and a week with their father might lead to disruptions at school, in friendship groups and with sporting commitments.

Boyd said the presumption of equally shared care where children were able to move happily between households required such a level of co-operation and co-parenting that the parents who reached that level didn't end up in Family Court in the first place.

"What's more likely to happen [in Family Court cases] is there is a level of parent conflict, a different approach to parenting," he said.

"Particularly in contested cases, it is rarely in the best interests of the children to have equal time."

Boyd said that even when shared custody had been awarded, sometimes a child was kept away from visiting one of their parents, often due to jealousy over a new partner. This situation caused anguish for all parties involved and could extend beyond a family

and into a community, he said.

LIFELINE Newcastle and Hunter received 5218 calls from January to mid-May, with 1273 categorised as relating to family and relationship issues.

A Lifeline spokeswoman could not say how many were from men, but said counsellors were noticing calls were becoming longer, now lasting for an average of 40 minutes.

They were also more “intense and emotional” in nature.

The Dads In Distress Support Services helpline receives 5000 calls every year and is operated by fathers who have gone through separation or divorce. The peer support model is also implemented in meetings across the country that attract 120 people a week.

The Newcastle branch meets at Tighes Hill Public School on Wednesdays and is the strongest in Australia.

Guidera said the job of its volunteers was first to listen and to offer support, advice and guidance.

While the name of the organisation appears to be centred around helping men through separation or divorce, Guidera said the focus was the health, safety and well-being of every member of the family.

It sees this as the best way forward and encourages fathers to try to keep in contact with the children and to continue with emotional and financial support of their families for the sake of their children.

“We have the kids’ best interests at heart, they need to be first and foremost,” Guidera said.

“Then you can have a win-win for everybody involved, if it goes the other way the only winner is the lawyer.

“Being a custodial parent does not give you a reason to abuse the father or take the children away from the father, because every child deserves to have a father in their lives.”

University of Newcastle senior lecturer Dr Richard Fletcher agreed, saying research showed that children not only deserved to have a father, they benefited from having a father.

Fletcher leads the Fathers and Families Research Program in the Family Action Centre within the University of Newcastle’s Faculty of Health.

His research is not based on fathers’ rights or gender equity, but on child welfare.

“From our point of view, fathers are important because children turn out better [when a father is involved],” he said.

Fletcher said fathers brought something unique. They had more varied levels of excitement when playing with their children and a different role in introducing risk-taking to their children.

Fathers also offered children a man’s perspective on the world.

While it used to be thought that it was important for mothers to form a bond with their children and for the father to simply support this, new research shows it is just as important for fathers to do the same.

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HOSE at the coalface say there are many ways to support men’s health after separation and divorce and to encourage them to seek help.

Experts say more funding for male-oriented support services and a media campaign about men’s health similar to those targeting non-smoking and breast cancer would be a good start.

Nagle suggested taking a case management approach and encouraging a father going through the Family Law Court system to seek help alongside his partner and children could also be beneficial.

“They can then see it in the context of their family and that can take away a lot of the anger, because then everyone gets heard,” he said.

“Men are more likely to access services if it will support their children or benefit the environment around them, instead of just for their own health.”

Interrelate director Toussaint said everyone had a responsibility to look out for signs of irrational behaviour, depression, an inability to communicate clearly or a change in mood among the men in their lives and to encourage them to seek help.

But ultimately, according to Andresen, society needs to change its definition of masculinity and the way it raises sons.

“Men have been raised to be told to be a man means you have to be strong, independent, resourceful, take it on the chin and never be weak or wimpy,” Andresen said.

“We actually need to encourage them that asking for help is a sign of masculine strength.

“Let them know it’s OK to ask for help, it doesn’t make them any less of a man.”

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