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Policypuzzles – Just another weblog from an Englishman in Westminster

Norgrove and McIntosh's 'junk science'

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This is the face that broke a million hearts – the face that is sinking a million grandparents hopes.

Left: Jennifer (*call me Jenn*) McIntosh

Jennifer McIntosh's smiling face cannot conceal that her ideological dogma will perpetuate the *orphaning* of children. It cannot disguise the awful misery she is inflicting on generations yet to come - hopeful futures she has dashed. What and why is so important that she has to fly half way round the world to stop it happening ?

She is the *eminence gris* of the Norgrove Report cited to excuse its betrayal of fathers rights and the rights of children to see their fathers.

McIntosh and her Australian cronies are sabotaging British efforts to bring equality to post-divorce settlements. Often this reactionary sabotage takes the form of 'scare tactics', alleging inter-partner domestic violence will increase, but on other occasions it is more subtle.

In an otherwise balanced paper will appear the occasional giveaway remark that "*. . . what we are now discovering is that shared parenting is sometimes being used in a way that is harmful to children.*"

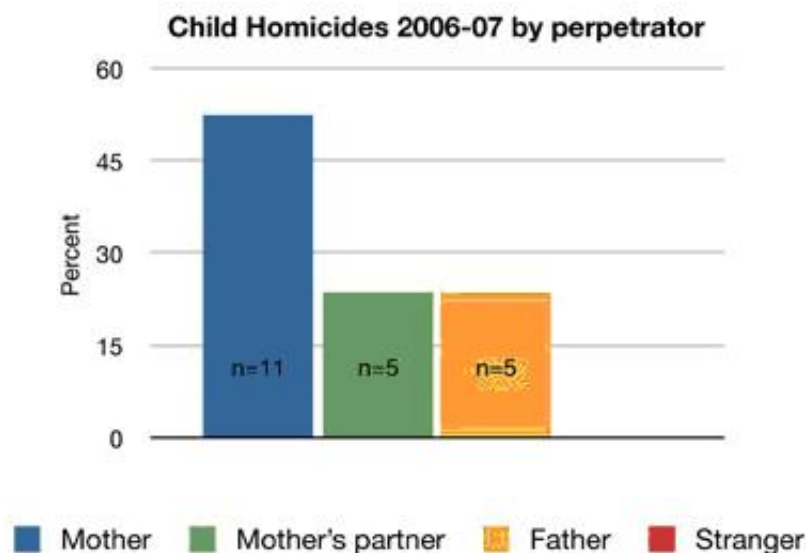
Such women are playing a dangerously weak hand of poker. *Women's Aid* in the UK has, since 2002, tried to lay child murders on to fathers and in particular on to fathers who have been granted a few hours of contact a week by the court. In his 2006 report Lord Justice Wall found no such cases existed and scotched any such myths. Nonetheless *Women's Aid* persisted in keeping the story on their website. [\[1\]](#)

McIntosh and her Australian chums are applying the same sort of psychology inferring men are dangerous. However, the gender divide regarding the abuse of children is counter-intuitive. Although there are many categories of child abuse certain types are predominantly populated by one sex rather than the other. For instance sex offending is a predominantly male offence but neglect starvation and child destruction is a predominantly a female offence.

The Ministry of Justice recently confirmed that their figures showed that fathers accounted for two-thirds of child homicides. But since the term 'father' embraces father-figures, new boyfriends and step-fathers (akin to counting married couples to include cohabiting ones), this term is probably erroneous and the quantity misleading:

- "On average one child aged under 16 died as a result of cruelty or violence each week in England and Wales in 2008/09 – two-thirds of them aged under five. The majority of child homicide victims were killed by their parents. . . . in England & Wales between 1998/99 and 2008/09, mothers were the main suspect in a third of the deaths and fathers in two-thirds; in cases where a stranger was involved, the main suspect was disproportionately likely to be a man (86%)."

Without going into the minutia of the various types of child abuse if one supposes that the murder of a child is the most extreme form of child abuse then the weakness of the hand they are seeking to play is revealed. In the graph below we see that in Australia for 2006- 07, it is mothers, not fathers who pose the greatest danger to children.



What is painfully obvious is that while there is only one category of 'mother' there are several officially recognised categories of 'father' which the Ministry of Justice, quoted above, prefers not to mention. To be of any use statistics have to be specific, well defined and precise. What is happening is an adulteration of precise terminology which allows for a variety of interpretation and presentation.

The *Australian Institute of Criminology* (AIC) has recently had to correct an error in its 'National Homicide Monitoring Program 2006-07 Annual Report.' It significantly under-recorded the number of female murders of children, i.e. mothers. The full report from the AIC website at <http://www.aic.gov.au/publications/mr/01/>.

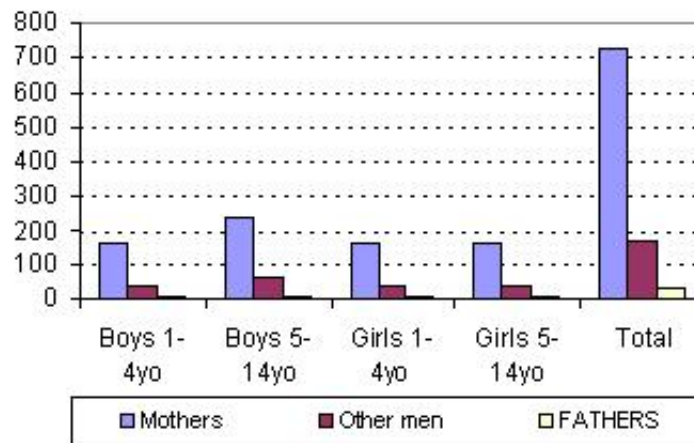
It might be argued that this Australian data is a *rogue year* unfairly portraying mothers in an unwarranted and unduly poor light, but the facts bear out it is a trend – not a spike or aberration.

In the 10 years between July 1989 to June 1999, Jenny Mouzos, an AIC researcher found that of the 316 child murders of children under 15 there were 287 *identified offenders* and that 35% were mothers – and about the

same proportion as stepfathers, new boyfriends and *de facto* Dads – and biological fathers accounted for ‘only’ 29%.

But even this level (35% v 29%) is suspect given US and UK data. American data shown below could not be clearer in showing that mothers have a propensity, when they murder, to choose male children (see Graph 2).

Graph 2. Murder in Families, (perpetrators by quantity) (US) [2] Source : US Dept of Justice, NCJ 143498 <http://www.ojp.usdoj.gov/bjs/abstract/mif.htm>



If other countries were as comprehensive in their analysis of child murders as American data reveals, our understanding would be so much greater.

Radical Feminists like McIntosh *buck the trend* in finding that shared parenting does not have the merits and ‘positive outcome’ that other researchers have found, for example the internationally acclaimed Bauserman study, Warren Farrell, Stephen Baskerville, Professor Warshak or Sanford Braver (Arizona State University). [3]

From this same feminist quadrant of society come the advocates insisting that single mothers are not a bad thing and that they are perfectly well-equipped to raise children on their own. Feminist dogma has to ignore the findings proven over and over again that:

- “Even after controlling for low incomes, children growing up with never-married lone mothers are especially disadvantaged according to standard scales of deprivation.”
- “A major longitudinal study of 1,400 American families found that 20% – 25% of children of divorce showed lasting signs of depression, impulsivity (risk-taking), irresponsibility, or antisocial behaviour compared with 10% of children in intact two-parent families.” – *Experiments in Living: the Fatherless Family*. [4]

‘High conflict’ families are used by the anti-shared parenting lobby to dismiss the need for shared parenting but if the married family gives rise to only 10% of depression, impulsivity (risk-taking), or anti-social behaviour while children of unmarried and divorced couples account for 25% why should we assume that there is any link between shared parenting and divorce ?

McIntosh *et al* maintains that children in shared time arrangements reported higher levels of parental conflict than other children. That might be true in a small minority of cases and even if true, how does it compare with the tensions found in unmarried mothers households – this we are not told. Children from shared parenting households are more confident and have higher self-esteem – could this be interpreted as *risk taking* when compared with the more introverted children of single parent households ?

McIntosh *et al* maintains that children in shared time arrangements reported *higher levels of parental conflict than other children*. That might be true in a small minority of cases but as her sample was a). small and b). related to families which were undergoing special assessment, it cannot be said to be surprising. McIntosh *et al* doesn't compare and contrast in her study SMH or differentiate non-spousal unions. It is therefore of limited use. Even if it were true, how should we compare with the normal 'tensions' found in married households versus unmarried mother/cohabiting households – this we are not told.

If 'outcomes' are regarded as 'poor' in those families with *high conflict* how much poorer must they be (see 25% and 10 % above) in single mother households which feminists are proud to advocate ?

The anti-shared parenting lobby relies on flimsy data taken from small sample sizes of between 100 and 200. They also exaggerate what cannot be true and distort the extraordinary as commonplace. For example, the exceptional *Collu & Rinaldo* case where a 4 year-old child had to travel between Sydney and Dubai. [5]

For some children it can be argued and accepted that the arrangements made for them are not to their liking or that they feel intimidated into ostracising one parent to gain favour with the other. This is commonly referred to as PAS (*parental alienation syndrome*) and one or two countries are accepting the phenomenon, e.g. Portugal. [6]

- 'They were more likely to report feeling caught in the middle. Across this high conflict sample, children in shared time arrangements were least happy with their parenting arrangements and most likely to want to change them.'

Hence we find that the Australian 2006 shared parenting reforms have allegedly had the 'unfortunate' effect of:

- "... encouraging separated parents to share care and responsibility for their children more equally. . . " [7]

In the mind of Prof. Belinda Fehlberg, Melbourne University's Law School, this is something approaching *a fate worse than death* since, in reality, it means that:

- "... shared care lead to more time for children with fathers, which is not instinctively a bad thing."

Money is the real driver

Surely it is not too obtuse even for a professor of law to acknowledge the will of the people ?

The old system was not working – the old system was unfair. Everyone accepted one or both of those descriptions. We are supposed to be living in an age where 'unfairness' is everywhere being addressed.

From the feminists perspective it clear that a dangerous idea is abroad in the public's mind, namely, that children should spend equal time with each parent. This, the feminists maintain is a mistaken assumption and the wrong starting point. Further to alarm them, lawyers are reporting that fathers feel entitled to 50-50 care and believe the reforms have favoured them to that end. Feminists adamantly refute this notion.

In their view the current 'misconception' of a father's parental right to equal time has led some fathers apparently having the temerity to seek more time with their children. This is discounted by *Fahlberg & Co* as a mere ploy by fathers to reduce their child maintenance payments. However, if Ms Fahlberg looked a little closer at the mechanics, the marginal advantage is so small in most cases that the idea is worthless. [8]

We have to remind ourselves that for many feminist writers 'shared parenting' is already attained when children are allowed to sleep over at their father's house occasionally. Often this is fixed at 52 nights of each year and is seen as very generous by courts and feminists (see '*Children Beyond Dispute*' by Jennifer McIntosh, 2009). However, 52 nights equates to little more than 10% spent with their father ($52 / 365 = 14\%$).

On page 59 of "*Children beyond dispute*" McIntosh reports, somewhat uniquely, that: [9]

- "Children who had resided steadily in a shared parenting arrangement since mediation (i.e. more than three years continuously in a substantially shared schedule) were significantly more likely to want a different living arrangement than were children in steady care patterns of less than a 5:9 ratio, regardless of the intervention group."

This is so out of step with other findings that one has to question the methodology or wonder whether PAS is playing an active role in these reporting's of what children say they want.

SDQ, or *Strength and Difficulties Questionnaire* (a standardised and proprietary brand for posing questions) also turns up some unusual findings. Apparently, on page 76, SDQ results show, "*Current high father acrimony toward mother*" [but no mother equivalent category - RW] and "*Child no longer wishes for parents to reunite.*"

This is diametrically opposed to all the findings over the past 20 years, eg Tripp, namely that it is the initial separating, the breaking-up of the parents, not seeing one parent as per normal, that is hardest for children to come to terms with and their parents not reuniting when that is what children secretly want but dare not say. Page 224 perhaps gives us an insight into why 185 pages earlier we were told that a "*child no longer wishes for parents to reunite*" when we read that:

- "Across this **high conflict sample**, [*emphasis added*] children in shared time arrangements were least happy with their parenting arrangements and most likely to want to change them."

What really lies at the heart of the campaign to roll back the 2006 reforms is the admission that ex-wives are now receiving less in "family property" settlements than they did in the pre-2006 era – so the whole *kafuffle* is not about children but money – as usual.

Fahlberg's Feb 2010 article pulls no punches:

- “. . . Separated mothers are receiving less . . . worsening their more disadvantaged financial position.”

Sue Price of the *Men's Rights Agency* in Australia and long a champion for equality has described the planned rollback by the Rudd government as the “most sustained and concerted attack” on shared parenting that she has seen in 15 years.[\[10\]](#)

The epithet of “most sustained” is thoroughly justified when one considers that one not two but six government sponsored Inquiries are being funded into the shared parenting laws. [\[11\]](#) All 6 are headed by *personalities* who are known to be antagonistic towards shared parenting. Can there be any doubt what the 6 reports will recommend ?

They just don't get it

Attention is quickly deflected away from money and towards ‘parents who litigate’, i.e. go to court to settle custody rights. Somehow this is interpreted as malicious, dangerous, and a cause for concern.

Why, anti-shared parenting lobbyists ask, should we allow shared care for parents who litigate ? Their belief is that:

- “. . . litigating parents often aren't good at managing day-to-day negotiations and interactions needed for successful shared care.”

How can you generalise so sweepingly about litigating parents ? The possibility, indeed the distinct probability, that ‘the deal’ available to the father is so bad that he is forced to go to court seems to completely elude such commentators. Instead they are worried that shared parenting has risen from 2% to 13% – not of all divorce cases but of all litigated cases. In itself this demonstrates that men were not getting a fair deal in court prior to 2006.

For his part, the shadow attorney-general George Brandis (of the party that enacted the 2006 reforms) claimed there was no need for the Rudd administration to seek more reforms. Based on the AIFS (*Australian Institute of Family Studies*) broad conclusion that in general the 2006 reforms are working well. He also suggested that the AIFS' findings were inconsistent with the Chisholm Report co-authored by McIntosh. [\[12\]](#)

Bad news always makes for better headlines and we find excerpts of a positive nature overlooked by the Media and Norgrove. One father quoted by McIntosh in her report said:

- “*Working with shared care has been really positive for us – we both get to do the good and the hard stuff with our son. Time has made lots of things easier.*” Father, (in a child inclusive (CI) group).

Equally, the argument that 50/50 sharing ‘will not work’ is neutralised by Para 3.1.3.3 “*Shared parenting arrangements*”

- The full data from this study relevant to shared parenting will be presented in a separate forthcoming report. The data are reported here in terms of intervention group differences.

- Four years after mediation, 46% of all children who had contact with both parents (n = 219 children) were living in a substantively shared parenting arrangement (i.e. 5:9 days per fortnight ratio or greater).
- In the fourth wave there was no difference between the intervention groups on the numbers of children currently living in substantially shared arrangements.

A ratio of 5 to 9 in 14 days is equivalent to 35% of the child's time spent with the other parent – in all probability the father. Compared with normal custody arrangement, where 40% of children lose contact with their fathers within the first 3 years, this group – or at least 46% of them – were still in contact with their fathers 4 years after the separation.

Written in 2007 hardly a year after the enactment the Chisholm Report was highly critical of shared parenting. It will only work said McIntosh where both parents are prepared to cooperate: [\[13\]](#)

- Where parents cannot co-operate and remain hostile towards each other, shared-parenting arrangements can result in a higher-than-normal rate of clinical anxiety in the children, the research found.

Sadly, this is both true and ridiculous. Parents who are hostile towards each other obviously cannot 'make a go of' shared-parenting but they are to quote Norgrove "a tiny minority." Equally, parents who cannot co-operate in a sole custody parenting arrangement cannot 'make a go of' it either. So this assertion advances the debate by not one inch.

The penny has not dropped with these university ladies that for a tiny minority of parents no arrangements yet to be devised will satisfy them and it is pointless trying to devise such schemes.

Therefore, the subsequent claims that shared-parenting is somehow related to children's substance abuse and/or mental health issues and/or concerns for their safety is misplaced at best and fictitious at worst.

Equally the 'evidence' of emotional and psychological harm can be dismissed out of hand because it relates only to that tiny percentage deemed "high-conflict" families. It is not surprising to find that post 2006: "*Shared care is not working well for this group*" – one would be very surprised if it did.

The supposed ". . . risks to children arising from constant disruption, parental neglect, violence, mental health or substance misuse issues" appears unique to the work of Australian feminists and has not been worthy of note in previous research.

Chisholm

Chisholm' report, mentioned above, began work in 2007(12 months after the 2006 legislation) and miraculously appeared 24 months later in 2009 with firm conclusions. That it should be able, in so short a time, to define the reform as a mistake, identify where it was wrong and competently label it as "unworkable" beggar's belief.

McIntosh may have been paid a research grant of \$150,000 but that does not mean that her tiny sample is representative of all of Australia.

What we can and should learn from the *Chisholm Report* is the subtlety of language. Chisholm suggests that 'equal parental responsibility' needs to be distinguished from 'shared time.'

- Fathers already have "equal parental responsibility" and it has got them nowhere.
- Fathers are not interested in having an expansion of equal parental responsibility.
- What fathers want is 'shared time' and then 'more shared time'. Nothing else will do.

Diverting fathers into 'thinking about available options' and the 'child's best interests' no longer carries any currency.

We can do no better than quote from an Australian blogsite: [\[14\]](#)

- This distinction – between 'equal parental responsibility' and shared time – is significant, with the 'equal parental responsibility' essentially just another set of code words for default/presumptive maternal custody.
- The USA has long recognised it as the difference between 'joint legal custody' (shared parental responsibility) and 'joint physical custody' (shared parental custody or 'shared time').
- Joint legal custody, and supposed 'equal parental responsibility', are just another set of words to describe mother custody and fatherless children.

Numbers speak

It was anticipated that the majority of custody cases would be settled 'amicably', i.e. without court intervention. It was foreseen that only the more 'intractable of cases' would reach court.

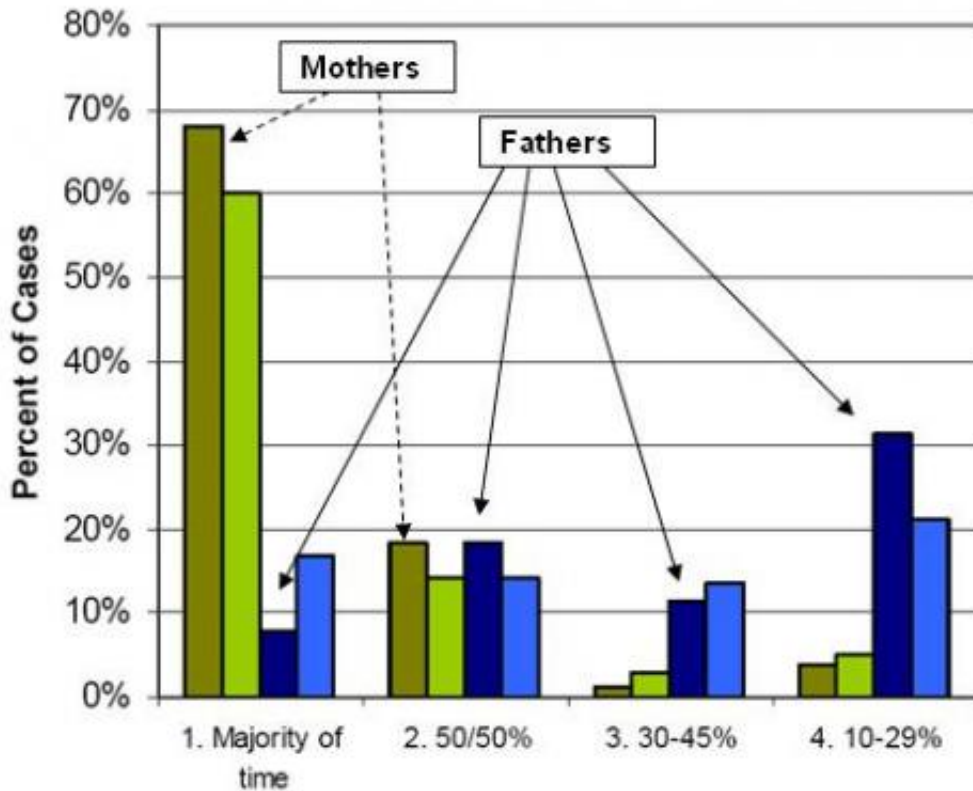
The implication of this is that whereas previously '*the shadow of the court*' promoted sole custody arrangements with men unlikely to challenge for better custody arrangements, the reforms of 2006 meant that equal and shared parenting was likely to expand, both through court awards and by *off-balance-sheet* arrangements.

The panic that engulfed the feminist lobby was palpable. However, as the graphs and tables below show their concerns were wholly unfounded.

The first graph shows the results of the case that were litigated i.e. went to court. It is an abridged version showing only the main 4 category, namely a). majority of time; b). 50/50 split; c). 30% – 45% split; d). 10% – 29% split. [\[15\]](#)

In almost 70% of instances where the "majority of time" was awarded to one parent it was still awarded to mothers in well over 60% of cases (shown in brown and green). Fathers had less than 10% and 20% of the "majority of time" (shown in dark blue and light blue).

Fig 1. Amount of time with category



What is abundantly clear, despite the feiminist panic, is that mother still “win” almost 70% of custody cases (see left-most column). Father gain sole custody in only 7% to 17% of cases. This is, admittedly, more than previously but it is a marginal change.

Where a 50/50 split was ordered (second column from the left) mothers did as well as fathers. It could be argued that the 60%+ of sole custody and

the 19% of shared paretning gives women an overall total of approx 80% which is not far from the custody level under the previous regime.

Fathers only gained noticeably when the split was lowered to ‘30% – 45%’ (third column from the left), and ‘10% – 29%.’ It is here where the numbers for women suffers most – and it is illuninating to see why. It could be argued that in this category are the *mentally unstable* and *substance abusing* parents who in the pre-2006 era would have been given custody of infants and slightly older chikdren as thre following tables and graphs show. The 2006 reforms allows children a higher level of protection

The preferred layout used by Australian Staticsn can be a little confusing so the following is intended to clarify what is shown in the bar chart above.

Starting with the left-most column; “Majority of Time”

A/. Cases Where Mothers Received a Majority of Time (Green)

- In 60% of litigated cases, the Family Court made orders that the children spend more than 50% of time with their mother.
- Where parents came to an early agreement, it was agreed in 68% of cases that the child spend more than 50% of time with their mother.

A/1. Cases Where fathers Received a Majority of Time (Blue)

- In 17% of litigated cases, the Family Court made orders that the children spend more than 50% of time with their father.

- Where parents came to an early agreement, it was agreed in 8% of cases that children spend more than 50% of time with their father.

B/. Cases Where 50/50 Time Was Awarded

- In 15% of litigated cases, the Family Court made orders for 50/50 care between parents.
- Where parents came to an early agreement, the parents agreed on a 50/50 care arrangement in 18% of cases.

Second from right we come to the bar table showing awards of between 30% and 45%.

C/. Cases Where the Father Received Between 30% and 45% of Time (this can be found second from right in the above bar chart)

- In 15% of litigated cases, the Family Court made orders that the children spend between 30% to 45% of time with their father.
- Where parents came to an early agreement, it was agreed in 13% of cases that the children spend between 30% to 45% of time with their father.
- In 3% of litigated cases, the Family Court made orders that the children spend between 30% to 45% of time with the mother.
- Where parents came to an early agreement, it was agreed in 1% of cases that the children spend between 30% to 45% of time with their mother.

D/. Cases Where the Time Awarded Was Between 10% and 29% (i.e. less than 30%).

This is where the analysis becomes involved. even with the use of pie charts. The official commentary for this category is complex and so is explained at length in the text below.

For the sake of clarity, or at least to lessen possible confusion, pie charts are used for Category D (ie "*Cases Where the Time Awarded Was Between 10% and 29%*").

The Australian statistical report states that in Category D cases:

- In a third of litigated cases, the Family Court ordered that children spend 30% or less time with their father (there is also a separate category where court ordered that mothers spend 30% or less with their children).
- Of the 100% of **this** category, the **main reasons** for the order included (see below).

Because the analysis becomes very involved at this point – even with the use of pie charts – it would be wiser to deal in a little more depth with Category C, i.e. where father's received between 30% and 45% of time

This is the one area that has seen a significant change for fathers over the pre-2006 regime of custody. It is the one area closest to how minimum levels of shared parenting should operate Whereas 2% to 5% of fathers might have formerly expected to have received awards which allowed them over 10% (or more accurately 14%, see '52

nights' and 14% above), well over 20% of fathers in this graph received up to 29% of parent-child time.

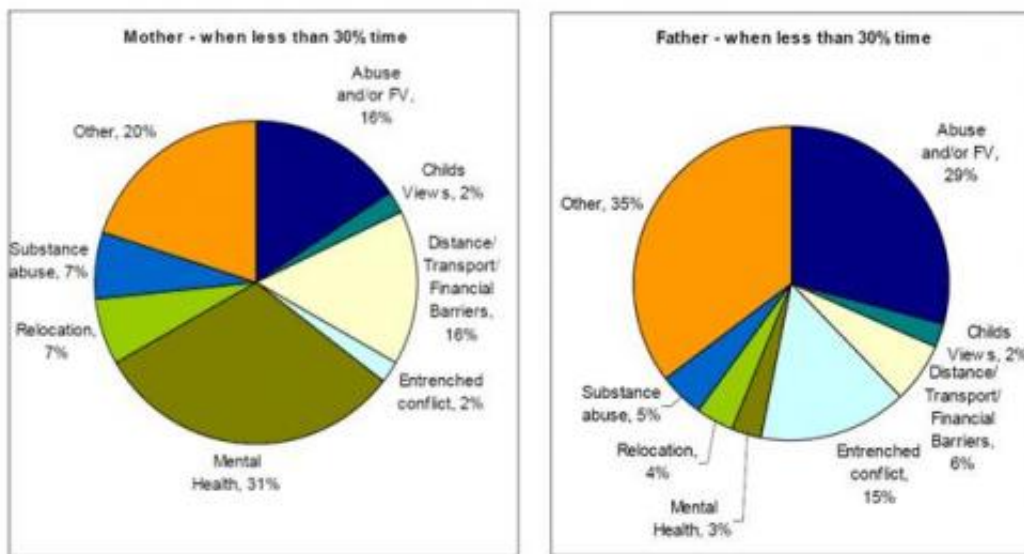
The bar chart above shows how much some fathers have gained under the post-2006 legal changes and how much 'marginal' mothers (ie potentially dangerous) have lost – a scenario better laid out below in "Special dangers."

As with any *joint custody* regime mothers must expect to lose their monopoly and in the process lose their 100% control of time with their children. This is as true in Australia in 2011 as it was in Britain in 1987 when in the Midlands and South of England between 30% and 50% of custody awards were 'joint.' (RW ref).

Special dangers

Section D has to be singled out for special attention because of the hitherto undisclosed danger of mental health and instability issues prevalent among mothers but not fathers. Section D deals with custody awards to either parent of between **10% and 29%**.

On the left is the pie chart for **fathers** and on the right that for **mothers**. "Mental health" is the most significant variation between the two sexes as 3% and 31% respectively.



As one would expect allegations of Abuse account for a large section – among fathers it is 29% but perhaps surprisingly it is 16% among mothers.

Allegations against fathers are unspectacularly 'normal' regardless of country or regime. They can be considered facts or opinions however since the level of child abuse is not reflected in the allegations they can be overlooked (they are, after all, allegations not findings of fact).

The slice of the pie allocated to 'Substance abuse' is about equal between both parents at 9% v 7% and perhaps tells us a lot about the parent types placed under the study's microscope.

At 3 times the rate for fathers (6% v 16%) one has to wonder if the 'Distance, Transport & Financial Barriers'

which of the 3 is the most serious or primary reason for complaint. Is it overwhelmingly financial or a combination of the cost of travelling ?

“Relocation” to thwart a father’s contact is much more common among mothers than for fathers to move address and thwart a mother’s contact – and the figures bear this out (at 7% mothers vs 4% fathers).

The supreme irony is that the ‘*Child’s view*’ (which is always stated to be the primary concern) is recorded as accounting for only 2% in both the father analysis and mother analysis.

Since “*Entrenched conflict*” is arguably a two-way street and open to interpretation depending on one’s opinion beforehand it can be discounted as a meaningful gauge.

However, it is the *mental health* facet that is deserving of far more attention not only because it receives none in most reports but also because of its connection (some would say linkage), with child abuse neglect and homicides. It is an overlooked nuance that can be traced back as far as a Regents Park conference in Nov 2001 and before.

Regents Park link

At the *Regents Park Conference* (9th Nov 2001) Dame Butler Sloss, head of the Family Division courts, said:

- “It is clear from the body of mental health and social work research and a long line of authority that the protection of the primary carer for the benefit of the child is of primary importance.”

If the wording is reassembled the meaning becomes a little clearer, i.e. the primary carer (not the child) is of prime importance and protecting and safeguarding the primary carer from mental anguish/instability is the judiciary’s primary role.

The *primary carer* in this context is, of course, the mother and here we have Dame Butler Sloss, president of the Family Division, telling a conference of professionals that *their primary concern* must be the welfare, not of the child, but of the mother so that she will be better placed to look after the child.

The unwritten assumption is that if left alone the mother’s *natural instincts* will take over and she will be able to cope. But what happens to the child if that primary carer is subject to *violent mood swings*, is vindictive and has a history of *mental instability* ? This probability does not enter the consciousness of Butler Sloss and so is not discussed. If Butler Sloss is unaware of the danger then so too must all the professionals charged with child safety.

The past 30 years have seen 30 national Inquiries into horrific child deaths. In the last decade alone the death of Victoria Climbié at the hands of her deranged aunt is known to almost everyone.

(<http://robertwhiston.wordpress.com/2008/05/26/10/>). But what of lesser known cases ? For instance, the schizophrenic Vivian Garror or Iyhya Hahe’a mothers who 6 years after found guilty of her child’s death is still appealing her murder conviction.



Vivian Gamble, a schizophrenic who murdered her 2 children



Khyra Ishaq's mother still appealing, in 2011, her murder conviction



Victoria Climbié's aunt



Tracey Connelly, sadistic step father (Baby P case)



Kimberley Harte, 23 Samuel Duncan, 26



Claire Morton & Gary Allen (low IQ + history of abuse)



The top row are all women with mental health problems. The second row are women with either low IQs and or non-existent mothering skills (*natural instincts*). See Appendix A for more detail. Awarding custody to a mother on a certain day is not the end of the matter. There is no *fire and forget* missile available.

These women often go on to have a series of disastrous relationships with live-in-lovers or boyfriends. None of these men are checked as regards their previous abusive or violent past. A suggestion to that effect made in 2002 to the Whitehall PSA-8 committee on behalf of Men's Groups was sneered at and *kicked onto the long grass* by the all women seated around the table. Obviously they didn't want divorced women or single mothers to be held to account for the fate of children. Had they treated it seriously the 'Baby P' saga would not have happened.

Despite the preferential status given to mothers/women by the judiciary it has not made them immune from attacks from dissent women's groups (see *Women's Aid* and Lord Justice Wall Report above).

Despite feminist howls to the contrary, the British judiciary have shown themselves competent enough to avoid placing vulnerable children with obviously abusive parents and parents likely to be violent (ref. Lord Justice Wall Report).

What they were not able to identify and therefore were unable to avoid was placing a child with a person with mental health problems – latent or otherwise.

As is plain from the Australian experience that single aspect can be improved by the adoption of shared parenting and the kind of statistics that the Austalians have inaugurated.

When Courts Order 'No Time'

This would be an unbalanced article if the situation where a court orders that a father or a mother should spend no time with the children. Such fathers and mothers do exist – but we should understand the proportions and not be ruled by such exceptional cases.

Firstly, we will look at fathers and secondly mothers who are ordered to spend no time with their children:

*** Cases Where the Father Spent No Time with the Children**

- In 6% of litigated cases, the father was ordered to spend no time with the children.
- Where the parents came to an early agreement, it was agreed in less than 1% of cases that the father have no contact with the children.

Reasons - no time ordered (fathers)	Percent of cases
Other	42%
Abuse and family violence	38%
Entrenched Conflict	10%
Relocation	2%
Mental Health Issues	2%
Distance / Transport / Financial Barrier	0%

What should also concern us is not simply the gender which gains custody but the risk and danger to children by that 'gendered' award.

Surprisingly, in this category 'Distance Transport Financial Barrier' and 'Relocation' hardly figure as issues. 'Entrenched Conflict' has fallen (to 10%) and 'Mental Health Issues'

account for less, at 2%.

*** Cases Where the Mother Spent No Time with the Children**

- In 1% of litigated cases, the mother was ordered to have no contact with the children.
- The main reasons for the orders banning mothers from seeing their children are put in the table below.

Reasons - no time ordered (Mothers)	Percent of cases
Other	31%
Abuse and family violence	15%
Entrenched Conflict	0%
Relocation	8%
Mental Health Issues	31%
Distance / Transport / Financial Barrier	8%

Direct comparisons can be made between "Others" and "Abuse / family violence" (31% vs 15%). The latter might be regarded by some as hardly altering from 16% in the earlier category.

Mental illness among women is still at 31% and is only prevented by assuming first place by 'Others' at 31%.

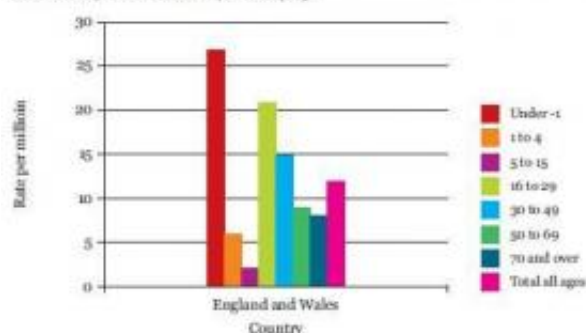
Child Homicides

The murder of children is most prevalent when they are less than 12 months old, i.e. newly born and infants (see bar chart below). This was confirmed only last year (2010) in 'How Fair is Britain? Equality, Human Rights and Good Relations in 2010'. The homicidal characteristic is revealed in all countries that maintain statistics. The reasons are very obvious and are related to female hormonal imbalance leading to actions that are not only tragic for the child but which are later deeply regretted by the mother.

The number and the rate (per 100,000) of child murders 'by parents' is initially high but quickly tapers off at 16 to 18 years of age. A 'spike' in homicides at 1 year, followed by a trough is then followed by another sharp spike at 16 to 20 years old.

In addressing previously abusive behaviour of parents, as a means of reducing child homicides, the equally numerous murders by the mentally unstable are ignored. Inadvertently this jeopardises children's lives.

Figure 6.5.4 Homicide rates per million population by victim age in England and Wales,⁶⁴ and Scotland,⁶⁵ 2008/09



At the beginning of this article attention was drawn to the UK data showing that; "On average one child aged under 16 died as a result of cruelty or violence each week in England & Wales in 2008 – 09."

Two-thirds of these deaths, i.e. 66%, occur in the under 5 age group (page 105, Chp 6 *How Fair is Britain? Equality, Human Rights and Good Relations in 2010*) [16]

The majority of child homicide victims, as shown for Australian the graphs above, were killed by their parents. In England & Wales, between 1998/99 and 2008/09, mothers were the single biggest suspect category accounting for a third of child murders – very similar to Australian data.

The per million homicide rate for children, shown in Fig 6.5.4 is surprisingly high at approx. half that of adults in their 50s.

Homicides currently recorded where victim aged under 10 Years.
England & Wales, 1997-98 to 2006-07

Year offence initially recorded	Number of homicides
1997 - 98	61
1998 - 99	70
1999 - 2000	56
2000 - 01	81
2001 - 02	49
2002 - 03	73
2003 - 04	53
2004 - 05	48
2005 - 06	38
2006 - 07	49

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The table shown to the left ("*Homicides currently recorded where victim aged under 10 years*") will contain preventable deaths caused by a parent with a "mental health issue".

From 2004 to 2007 there have been at least 4 highly publicised 'horror' murders of children per annum and probably an equal or greater number of plain murders than have not merited headlines coverage. It is likely there fore that approx 20% of the children listed as murdered in the table above could have been saved (average 45 per annum x 10% = 4.5 x 2 [20%] = 9 pa).

"Criminal neglect" alone accounted for 10% of child deaths aged 1 or under according to Australian Institute of Criminology in their report 'Homicidal Encounters' (see also Mouzos 1999). [17] We should not expect a very different figure for England & Wales.

Group think syndrome

“*Making Contact Work*” was a consultation paper of 10 years ago (2001) which recognised that the present custody/contact regime needed upgrading. It was failing both children and fathers. The upshot was PSA-8 which was meant to find ways to increase the father-child time spent together. Nothing came of this either.

In the past 20 years there have been several attempts to remedy the situation so it is curious why women academics don't want to see change. Why are they “in denial” ?

Groupthink occurs when a homogenous highly cohesive group is so concerned with maintaining unanimity that they fail to evaluate all their alternatives.

In a letter to the DCSF Joan Hunt of the *Oxford Centre for Family Law and Policy*, went out of her way to denigrate the efforts of FNF (Families Need Fathers). [18] She picked on them as the only fathers organisation with concerns about custody, unfairness and wanting shared parenting. She totally ignored the fact that FNF had “*produced three sets of guidelines*” when in any balanced society that role of advancing tentative guidelines would have fallen to academia – but academics interested in this field were fully pre-occupied in maintaining the opposite front. [19] Not content with a letter to the DCSF, a fuller version of her criticisms appeared in the Sept issue of “Family Law.”

Joan Hunt and her coterie cannot escape the *group think* in always reverting to *high conflict* families that they are impotent to prevent it influencing their thinking. She also has a rather high opinion of her own work which by most people's standards is ‘average’ and certainly not *cutting edge* (a term best reserved for researchers like Terrie Moffitt and Avshalom Caspi).

- “As academics with considerable experience of researching post-separation contact, particularly in high conflict, litigating families, we have grave concerns about the guidelines, particularly those for Cafcass, concerns which we understand to be shared by other academics as well as practitioners.”

The ‘academics’ she refers to is herself and Liz Trinder. Both have a pedigree which should debar them from public office and from passing opinions on anything other than feminist dogma.

It is sad to realise that the quality of academic is slowly, surely and terminally in decline. In her criticism of FNF idea of introducing shared parenting she cites the 2006 *Children and Adoption Act* when Parliament under a barrage of lobbying by Barnados, NSPCC etc, rejected proposals to introduce a presumption of a 50/50 division of the child's time. This will always happen until such time as ‘private law’ custody gets its on Act of parliament

Joan Hunt and Liz Trinder should stick with what they think they know best – not sally forth into matters where they look ridiculous. The *Children and Adoption Act* was exactly that, a public law issue, not private law (that's what Barnados and the NSPCC handle).

Joan Hunt then goes on to *hang herself out to dry* by commenting on the lack of research evidence, stating:

- All three sets of guidelines make extensive reference to research to support or justify the case for shared parenting. However the account of the evidence base in the guidelines is incomplete, inaccurate and deeply misleading.

To be kind to her, that is often the case and as has been shown in the passages above McIntosh's work certainly falls into that category. However, if we are to accept Hunt's comments that there is no robust research studies we would have to discard 30 years of accredited work from across the world much of it setting new benchmarks. She then deftly if not disingenuously qualifies that remark by saying:

- There are, in fact, no robust research studies that find that children in *high conflict* or litigating populations benefit from 50/50 type arrangements.

Of course not. Not for a moment has anyone said that should be the case when deciding shared parenting. Again, it is another case of personal bigotry and prejudice obscuring the content of the paper produced by FNF.

From her other comments it seems Ms Hunt is slightly offended at having "unfounded methodological criticisms" levelled at her pals, Janet Johnston Carol Smart and Jenn McIntosh. Whatever happened to 'intellectual rigour' ?

Hunt has the temerity to suggest that either FNF "withdraw" the paper or a second edition produced which:

- "... accurately reflects the law; uses research correctly; includes a more balanced analysis of the factors to be considered; and focuses on the interests of children.

Criticise FNF for being too moderate if you must, but as for not knowing the law relevant to contact and custody, think again Ms Hunt ! And as for "using research correctly and a more balanced analysis people in glass house should not throw stones – where is your balance, Ms Hunt ?

To cap of her whingeing, Hunt then complains of a *failure to consult*. Apparently it is acceptable for women groups to consult without reference to other stakeholders, the judiciary, childrens charities, men's groups and researchers but not for men's and fathers' groups. Churlishly she believes the "*failure to consult may account for some of the inaccuracies and problems with the document*" without realising this is the pot calling the kettle black. Even the BBC programme "*More or Less*" (2009) has cottoned on to the misuse of simple arithmetic by womens groups. [\[20\]](#)

Syndrome / disorder

Ten years ago we stood appalled as academics Sturge & Glaser bungled the definition of PAS in 'Making Contact Work.' They completely confused it with 'implacable hostility' and *malicious mother syndrome*.

Today, we are witnessing with Hunt and McIntosh a re-enactment of that high level of incompetence by academic who see themselves as *considerably experienced* and highly practiced in *researching post-separation*.

McIntosh, Hunt and their like-minded cabal are happy to throw the baby out with the bath water. To paraphrase

John Bowlby, writing many years ago, they are prepared to sacrifice an entire generation:

- “We often speak of preserving family values, but even disintegrated [divorced] nuclear families have values and rights which must be preserved and respected to prevent further disintegration and total collapse. To do less is to sacrifice entire generations of children on the altar of alienation, condemning them to familial maladjustment and inflicting on them lifelong parental loss”. – *“Separation, Anxiety, and Anger:”*

Some academics, it would appear, are too proud to learn from the past.

END

Appendix A

1st row (from left to right)

1. Vivian Gamor, a schizophrenic, killed her 2 children aged 10 and 3 (2007)
2. Mother of Khyra Ishaq, aged 7, starved to death (2008)
3. Victoria Climbié her aunt, Marie-Therese Kouao, tortured and starved her (2003)

2nd row

1. Tracey Connelly, i.e. Baby P case (2007)
2. Kimberley Harte, 23 and Samuel Duncan, 26, tortured child to death (2007)

3rd row

1. Claire Morton and Gary Allen, Alisha Allen aged 5 months, shaken to death (2007)

Footnotes:

[1] Women’s Aid Federation of England (aka Women’s Aid) published a “report” entitled “Twenty-Nine Child Homicides: Lessons Still to be Leant on Domestic Violence and Child Protection” March 2006

http://www.dca.gov.uk/judicial/judges/report_childhomicides.pdf

[2] See also <http://robertwhiston.wordpress.com/2008/05/26/10/>

[3] “Divorced Dads: Shattering the Myths”, study by Sanford Braver.

[4] Civitas – ‘Experiments in Living: the Fatherless Family’ by Rebecca O’Neill (Sept 2002)

<http://www.civitas.org.uk/pubs/experiments.php>

[5] “Collu & Rinaldo” (his father lived in Sydney and his mother lived Dubai) <http://www.fathers4equality-australia.org/equalparenting/FiDBlog.nsf/dx/dishonest-reporting-on-australias-shared-parenting-laws->

[starting-to-wear-thin-000](#)

[6] There is a tacit acceptance of the condition (PAS) by most countries, including the UK, but the stumbling block has been the acceptance of the condition as a syndrome.

[7] "Reports show shared care needs fixing", Belinda Fahlberg, Feb 3rd 2010
<http://www.theage.com.au/opinion/politics/reports-show-shared-care-needs-fixing-20100203-nd7a.html> See also <http://www.theage.com.au/opinion/politics/reports-show-shared-care-needs-fixing-20100203-nd7a.html#ixzz1eUCAH1fi>

[8] Certainly in the UK situation, the number of nights spent with the fathers would have to be well in excess of 40% to make any inroads. The current average of 14% nights brings no advantage.

[9] "Children Beyond Dispute" McIntosh, 2009
[http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/\(3A6790B96C927794AF1031D9395C5C20\)~FLB+-+McIntosh+Children+Beyond+Dispute+Final+report+4th+wave+April+09.pdf/\\$file/FLB+-+McIntosh+Children+Beyond+Dispute+Final+report+4th+wave+April+09.pdf](http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/(3A6790B96C927794AF1031D9395C5C20)~FLB+-+McIntosh+Children+Beyond+Dispute+Final+report+4th+wave+April+09.pdf/$file/FLB+-+McIntosh+Children+Beyond+Dispute+Final+report+4th+wave+April+09.pdf)

[10] Rudd was soon after ousted as PM by a woman within his cabinet, Julia Gillard, in 2010.

[11] 'Shared parenting laws on way out' Caroline Overington, The Australian, October 19, 2009
<http://www.theaustralian.news.com.au/story/0,25197,26228074-5013404,00.html>

[12] An anti-father / family Family Court judge, Richard Chisholm, retires and is almost immediately made a Professor at a university (?) and asked to write a report on legislation he does not like.

[13] "McIntosh & Chisholm Report Critical of Shared Parenting" 21 Dec. 2007
<http://www.familylawwebguide.com.au/spca/pg/news/view/235> See also <http://www.theage.com.au/opinion/politics/reports-show-shared-care-needs-fixing-20100203-nd7a.html#ixzz1eUCAH1fi>

[14] <http://australianmisandry.blogspot.com/2010/03/professor-belinda-fehlberg-just-another.html#!/2010/03/professor-belinda-fehlberg-just-another.html>

[15] The two categories for mothers are: 'Mother consent cases' and 'Mother final order cases.' The two categories for fathers are: 'Father consent cases' and 'Father final order cases.'

[16] *How Fair is Britain*
http://www.equalityhumanrights.com/uploaded_files/triennial_review/how_fair_is_britain_ch6.pdf

[17] For the UK see page 15 of 'Homicides, Firearm Offences and Intimate Violence 2006/07' which gives child homicides by age.

[18] Joan Hunt is a former 'social worker' and even though she has moved into academia she doesn't seem to

have lost the chip on her shoulder that is *de riguerre* for social workers.

[19] The FNF guidelines on Shared Parenting were intended for use by Cafcass, Surestart and Schools and Teachers. <http://www.fnf.org.uk/publications-and-policy/shared-parenting-shared-benefits>

[20] 'Worldwide domestic violence is the biggest cause of deaths among women' – no, its AIDS and TB and in the UK it is cancer, DV deaths don't even make the Top 10.

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