

FAMILY LAW — A LOW PROFILE BUT HARD WORK

Stephen Simpson reports from Sydney

WHEN six year old Demetrious Tsambouris was found and reunited with his mother at Sydney Airport in late February, it was front page news. The television cameras showed a rather apprehensive little boy, hand in hand with one of our officers while he waited for his mother. It was good public relations for the AFP and for our Family

Law Units in particular, who had been searching for the boy since early February when his father took him away from his home and mother in Cairns.

In general though, our role in family law matters does not receive a great deal of public recognition.

Family law is a difficult area of work for AFP officers. They are invariably

dealing with people who are in a highly emotional state, people whose lives have been turned upside down by domestic crisis. Mostly these people are not criminals but are ordinary law abiding citizens. Dealing with them requires particular skills and personal qualities which not every AFP officer may have.

The *Family Law Act 1985* empowers the Family Court to issue writs and make orders concerning marital disputes. The main areas of involvement for the AFP are child custody and family maintenance payments, which in terms of workload are split about half and half. Warrants issued by the Family Court direct Marshalls of the Court or Constables to do certain things and are generally referred to the AFP for execution, although in New South Wales warrants are addressed to both New South Wales and Federal Police.

The Family Law Units, which operate within the General Duties Branches of the AFP, are specialised units whose members require certain skills and qualities. Working in such an emotionally charged area obviously requires great understanding and patience, and some sympathy for those concerned, particularly the children. An officer needs also to be able to make, as far as it is possible, judgements about people's characters, but at the same time remain sensitive to their fears and feelings. Which needs diplomacy and the ability to mediate and communicate.

Many of the people involved in the Family Law Court believe they have had a raw deal from the Court system. They find it difficult to accept decisions made by the Court which invariably affect their relationships to their children or affect their property or income. This is particularly so with new Australian men, according to a member of the Family Law Unit. In their native country they have usually enjoyed a far more dominant position in the family and in society than is held by men in Australia.

Some have suggested that one reason for the antagonism is the more informal structure of the Family Court. Family Court judges, less the judicial wig and robe, sit with the people involved and generally take a more personal involvement in their adjudication than in other Courts. It is said that in other

Mrs Lee Tsambouris greets her son after he was found by AFP officers. Photo by Michael Amendolia of the Daily Telegraph.



Courts decisions are seen as being made impartially by the Crown, through the judge, and not by the judge himself.

Such hostility towards the Family Court can produce intransigence which does not make the AFP officer's job any easier.

Other people are ignorant of the law and require careful and patient explanation of their rights and obligations by our officers. Even so, they can act in unpredictable and occasionally violent ways. Sometimes in spite, a parent will obtain custody of a child when they do not really want custody or will, for the same reason, take the child from its custodian parent. In other cases, in the heat of a confrontation with their former spouse, a parent will obtain a Family Court warrant concerning child custody only to later ask an AFP officer for it to be withdrawn when they have cooled down.

For AFP officers, the *Family Law Act* is different from most other laws they deal with in that it directs them to do certain things by way of warrant. For example, the wishes of a child over the age of 14 involved in any warrant must be taken into account by the officer. This requires the officer to make sensitive

judgements. The same judgements have to be made in the execution of warrants in situations when the officer is confronted with allegations of various kinds by an emotional person against the former spouse. This is quite common.

In some cases a parent has taken a child, and Family Law Unit officers have been directed to return the child to the custodian parent, only to discover that the child is returning to a far less satisfactory environment. This is a stressful situation for the officer who has the welfare of the child uppermost in mind. Indeed any matter involving the dislocation of children is stressful to an officer.

The Family Law Unit in Sydney has a good success rate in the return of children to custodian parents. It located and returned to the parents 90 of the 105 children the subject of warrants it received last year. Some of those missing children received considerable media attention, which disturbs some members of the Family Law Unit.

The Family Law Court usually does not allow any publicity to be given to any matters before it, but it has allowed publicity to be given to cases of missing children where most avenues of inves-

tigation by the AFP have been exhausted.

The publicity in the Tsambouris case may well have been responsible for the information the AFP received which led to Demetrious being located. In another publicised case the opposite may be true. The television program '60 Minutes' ran a segment on the missing Quintano children whose mother is denying access to the children's father. Family Law Unit members believe the publicity has driven the mother and children underground and made their location extremely difficult.

Is it real investigatory work? Members of the Family Law Unit strongly assert that it is. They point to the great difficulties in locating many of the missing children, or locating parents or maintenance defaulters. Often little or nothing is known about the current lifestyle of a former spouse who is being sought.

Is it rewarding work? Another Unit member said that he had about 60 cases where he had located and returned missing children, and only two or three parents had ever thanked him for his efforts.

It does take a special kind of officer to work in family law. ●

MEDIA HELP FAMILY LAW CASE

by Philip Castle

FOR Senior Constable Graham Blay and his partner First Constable Susan Anderson of the Family Law Squad working in Melbourne's Southern Region chasing abducted children can lead them almost anywhere in Australia and sometimes to the most unusual places. Often they face hostile friends and relatives who seek to protect absconded parents and the abducted child. Officers work long and variable hours.

It's a job where they need lots of patience and plenty of tender loving care when dealing with the children, Senior Constable Blay said recently in Melbourne. He had just been describing one of the longest inquiries involving a family law warrant that he had been involved in: the location of Nicole Dianne Need and her father David Need near Newcastle earlier this year. The case was interesting because it was solved primarily through the national publicity given by the Willessee TV program 'Day by Day'. Senior Constable Blay has been with the AFP for nine years and working with the squad for four years.

He said that the squad handled about ten cases of abducted children at any one

time. The Family Law Court Judge could lift the general media ban on reporting on individual cases and this was quite often applied for by the aggrieved parent. Searching for these children was an AFP responsibility and once the warrant was issued gave very wide powers of search. This meant attempting to locate both fathers and mothers and sometimes going to some pretty unattractive places such as some of the refuges. Often other State-type offences were discovered and they had to call in their State colleagues. But on the family law court matters they were the only Police Officers carrying out this work.

'It's a real eye-opener and sometimes quite sad to see young girls with very young children living in pretty desperate circumstances,' First Constable Anderson said. She is single and has been working in the squad for almost two years. 'We sometimes come across children who are unfed and a mother with no income... I have been to places that I would never have believed existed. We work in pretty closely with the Victoria Police community officers, but they leave the abduction cases to us, but of course will often help particularly in the out-of-the-way places. When we find children

we have to talk to them and reduce the possible trauma because they often don't understand what is going on.

'It can either be the mother or the father who has taken off. Sometimes they haven't properly understood the court's ruling. In nine cases out of ten where the father is accused it is alleged that he has interfered sexually with the child. With mothers it is nearly always alleged that she is an alcoholic.'

Senior Constable Blay said the important thing to realise when dealing with the runaway parent was that they were not your common criminal. They were parents with strong feelings about their children and their future.

'The parent cannot accept the court's ruling and takes off sometimes without thinking about the consequences,' he said. He is married and said individual cases make him stop and think and work at his own marriage. Sometimes at the point of apprehension there is the real possibility of violence but this has only happened once. Great care is needed though. Of the 70 cases he has dealt with, some involving many months of tracking down, he and First Constable Anderson have only been thanked twice. They often feel very sorry for the parents and